City of Gainesville
Department of Doing
Planning Division

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: May 24, 2018
ITEM NO: 2
PROJECT NAME AND NUMBER: Walnut Creek PD Amendment; PB-18-37 PDA
RECOMMENDATION: Approve Petition PB-18-37

CITY PROJECT CONTACT: Megan Echols, Planner

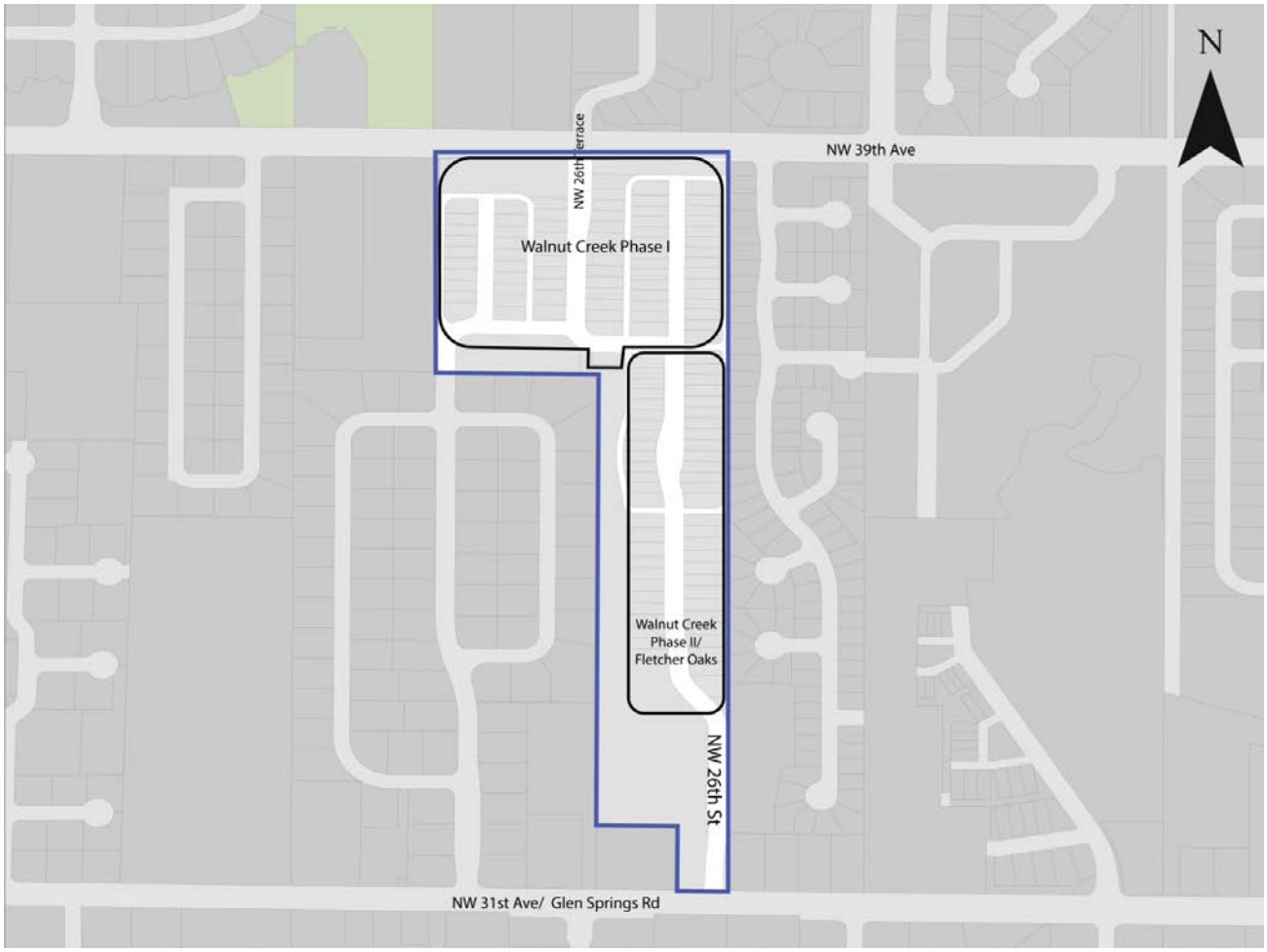


Figure 1: Location Map

APPLICATION INFORMATION:

Agent/Applicant: R.E. Arnold Construction and Double H Construction

Property Owner(s): R.E. Arnold Construction and Double H Construction (multiple property owners)

Related Petition(s): N/A

Legislative History: Legistar # 110339B; Ordinance #991267 (Original PD Ordinance), Ordinance #020948 (Extension of time period for conditional/final plat Phase I, 2003), Ordinance #071066 (Design Plat Review for Walnut Creek Phase II, 2008-2009), Ordinance #100762 (Time extension for plat approval Phase II, 2011)

Neighborhood Workshop: 4/19/2018

SITE INFORMATION:

Address: NW 26th Street, South of NW 36th Place and North of NW 31st Avenue

Parcel Number(s): 06091-030-113, 06091-030-112, 06091-030-111, 06091-030-110, 06091-030-109, 06091-030-108, 06091-030-108, 06091-030-107, 06091-030-106, 06091-030-105, 06091-030-104, 06091-030-103, 06091-030-102, 06091-030-101, 06091-030-100, 06091-030-099, 06091-030-098, 06091-030-097, 06091-030-096, 06091-030-095, 06091-030-094, 06091-030-093, 06091-030-092, 06091-030-091, 06091-030-090, 06091-030-089, 06091-030-088

Existing Use(s): Single Family Residential

Land Use Designation(s): SF: Single Family

Zoning Designation(s): Planned Development

Overlay District(s): N/A

Transportation Mobility Program Area (TMPA): Area B

Code Violations: There are currently no cases open with code enforcement.

ADJACENT PROPERTY CHARACTERISTICS:

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
North	**Single Family**	**Single Family**	**Planned Development**
South	**Single Family**	**Single Family**	**RSF-1**
East	**Single Family**	**Single Family**	**RSF-4**
West	**Single Family**	**Single Family**	**RSF-1**

PURPOSE AND DESCRIPTION:

- Amend Planned Development Ordinance for the southernmost lots in Walnut Creek/Fletcher Oaks that do not have alleyways to permit construction of structures that fit the lot dimensions while still providing vehicular and garage access
- Retroactively make structures with garages in the front of the structure in compliance with design conditions within the Planned Development.

STAFF ANALYSIS AND RECOMMENDATION:

ANALYSIS
The initial petition (Ordinance 991267, see appendix D) by Legacy Property Development, Inc. was approved and designated the area in Figure 1 as a Planned Development in October of 2000. Conditions and regulations of the Planned Development were included in Ordinance 991267. Between 2000 and 2015, there were multiple ordinances created with the purpose of extending the submittal time for final platting of Walnut Creek Phase I and Walnut Creek Phase II.

Within the conditions in Ordinance 991267 there is a requirement that garages be accessed from the rear of the property or that those accessed from the front be 20 feet behind the front porch or the front façade of the house (See below).

13. The planned development shall be governed by the following design requirements:

    a. At least seventy percent of the homes shall have front porches. Front porches shall be a minimum of 8 feet in depth.

    b. Garages, which are accessed from the front, shall set back a minimum of 20 feet to the rear of the front porch or the front facade of the house, whichever is closer to the street. All other garages shall be accessed from the alley.

    c. Houses shall be of a traditional design, with gabled roof, or hip roof. Windows and window subdivisions (lights) shall be rectangular with vertical proportion. Additionally, windows may be circular, rounded top or hexagonal.

    d. Homes will have brick, stone, wood, stucco, textured concrete, fiber cement, or cement-impregnated siding on exteriors walls.

When the final plat of Phase II was approved in 2014, the southern portion of Phase II (commonly known and labeled as Fletcher Oaks) was platted without alleys. Staff failed to consider future development in relationship with the lot configuration and PD design requirements. Legacy Property Development, Inc. sold lots to contractors and builders for development of single family housing after the final platting of the lots. Before the implementation of ProjectDox and EPlan Review in 2016, many building permits were reviewed by Building Department Staff and not reviewed by Planning Staff. Resultantly, there are 6 houses that do not meet the PD design requirements.

Lot configurations for the southern area of Walnut Creek Phase II are 6 feet wider than the lots to the north which have alleys. The increased width is not sufficient buildable area when including setbacks and loss of area to accommodate the required garage setback of 20 feet to the front façade or the rear of the front porch.

RECOMMENDATION
Staff recommends approval of Petition PB-18-37, petition to amend Walnut Creek Planned Development by removing design condition 13b. for lots 88-113 of the Walnut Creek Planned Development.

DRAFT MOTION FOR CONSIDERATION
Approve Petition PB -18-37. Petition to amend Walnut Creek Planned Development by removing design condition 13b. for lots 88-113 of the Walnut Creek Planned Development.

BACKGROUND:

October 2000, Legacy Property Development, Inc. received City Commission approval of their petition to change zoning of the area from RSF-1 to Planned Development (Ordinance 991267). This petition included Planned Development conditions including requirements to complete design plat and final plat within a year. Within these conditions there are design requirements that include the following requirement:

13b. Garages, which are accessed from the front, shall set back a minimum of 20 feet to the rear of the front porch or the front façade of the house, whichever is closer to the street. All other garages shall be accessed from the alley.

In March 2003, City Commission approved an amendment to the Planned Development commonly known as Walnut Creek to extend the time periods for obtaining final plat or conditional plat approval. This amendment required final plat approval by phases, with a final plat or conditional plat for Phase I on or before March 25, 2004, Phase II was required to be approved within 18 months after the approval of final or conditional plat of Phase I.

March 2009, previous ordinances were amended to adopt a new Development Plan for the undeveloped area of the property (Walnut Creek Phase II). This ordinance also adopted additional conditions and restrictions.

April 2011, Ordinance 100762 was adopted to provide an extension of time to obtain final or conditional plat for Walnut Creek Phase II. Final Plat for Walnut Creek Phase II was adopted by the City Commission in October of 2015, under the name Fletcher Oaks.

Possibly due to several extensions and the extended period of time taken to complete final plats for the Walnut Creek Planned Development, the area south of NW 36th place was platted without consideration of the design requirements.

For a period before 2016, many building permits were approved without review from Planning Staff, this allowed some structures in Walnut Creek Phase II/ Fletcher Oaks to be constructed without meeting the specific design requirements for the Walnut Creek Planned Development. Additionally, the developer and contractors began referring to the Walnut Creek Phase II area as “Fletcher Oaks,” this may be an additional reason that the design requirements were not enforced for the southern portion of Walnut Creek.

POST-APPROVAL REQUIREMENTS:

Non applicable

LIST OF APPENDICES:

Appendix A **Planned Development Conditions**

Appendix B **Maps and Plats**

Appendix C **Photos**

Appendix D **Ordinances**

Appendix E **Application**

Appendix A- Planned Development Garage Condition

Appendix A.1 Design Requirement Conditions from Ordinance 991267

13. The planned development shall be governed by the following design requirements:

    a. At least seventy percent of the homes shall have front porches. Front porches shall be a minimum of 8 feet in depth.

    b. Garages, which are accessed from the front, shall set back a minimum of 20 feet to the rear of the front porch or the front facade of the house, whichever is closer to the street. All other garages shall be accessed from the alley.

    c. Houses shall be of a traditional design, with gabled roof, or hip roof. Windows and window subdivisions (lights) shall be rectangular with vertical proportion. Additionally, windows may be circular, rounded top or hexagonal.

    d. Homes will have brick, stone, wood, stucco, textured concrete, fiber cement, or cement-impregnated siding on exteriors walls.

Appendix A.2- Excerpt from supporting documents attached to Ordinance 991267

CAMEO DEVELOPMENT

CORPORATION
3600 NW 43rd St., Suite C-1
Gainesville, Florida 32606-8127

September 28, 2000

Walnut Creek Planned Development

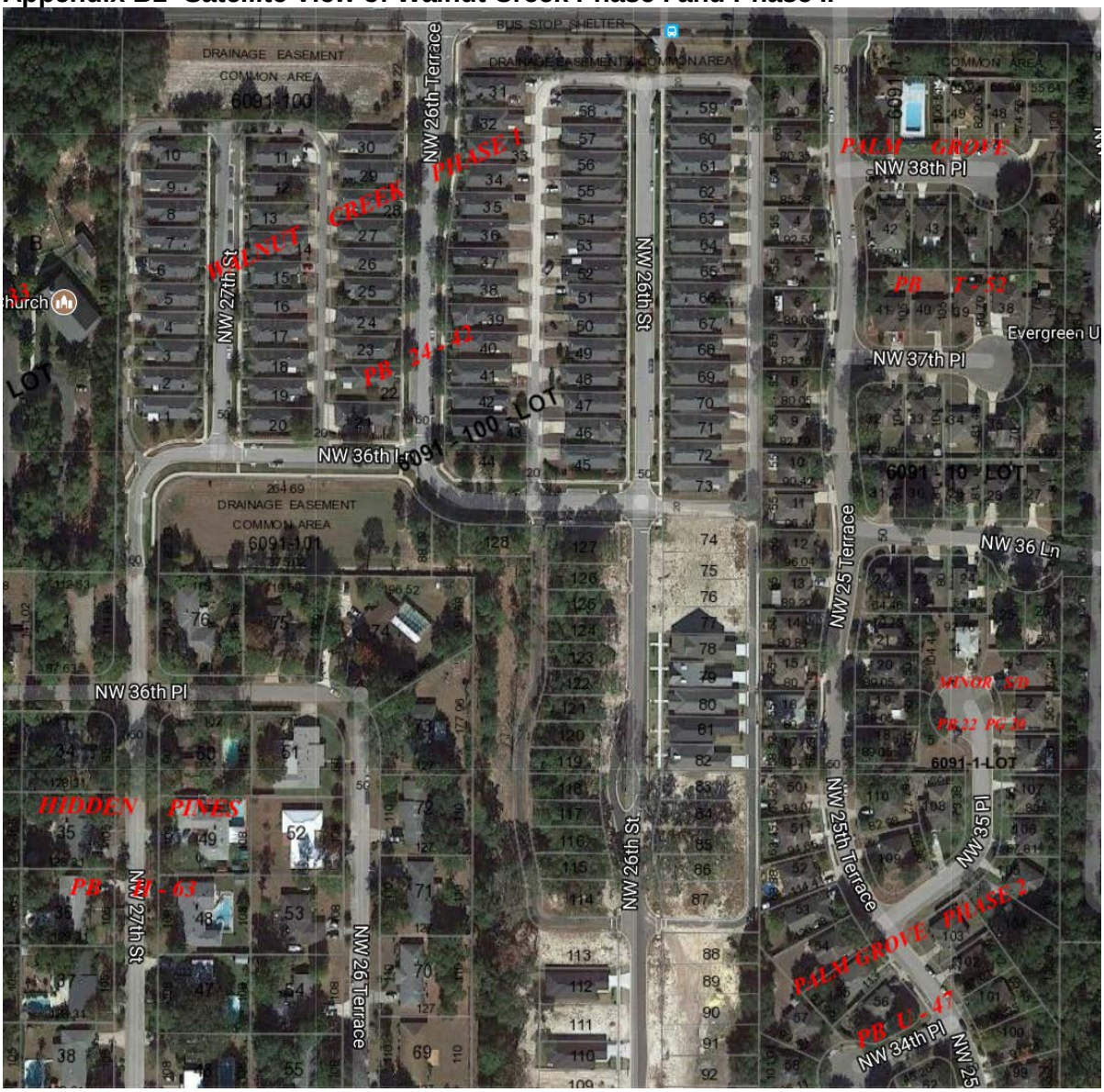
Purpose and Intent

This proposed Residential Planned Development (PD) is submitted as a neo-traditional neighborhood development of single family detached homes. The development follows the guidelines set forth in the Land Development Code under Sections 30-211, 30-213, and 30-216. The development will be named Walnut Creek and is in conformance with the current comprehensive plan which proposes unique designs that are not currently available in the Gainesville area. The majority of the homes will be directly across from each other to offer a more traditional neighborhood theme. This concept will provide moderately priced homes with brick and stucco exteriors and modern elevations with approximately 70% of the homes having front porches with a minimum depth of 8 feet that will be oriented to the neighborhood tree lined streets and approximately 60% with rear alley access. Garages, which are accessed from the front, shall be set back a minimum of 20 feet to the rear of the front porch or the front façade of the house, whichever is closer to the street. All other garages shall be accessed from the alley. Trees will also be planted along sidewalks to compliment the existing heritage oaks to further enhance the appearance. There will be residences that have on street parking; however, most of the homes will access their garages from the rear to further eliminate congestion of vehicles. Common areas have been carefully positioned to further preserve tree canopies and road layouts.

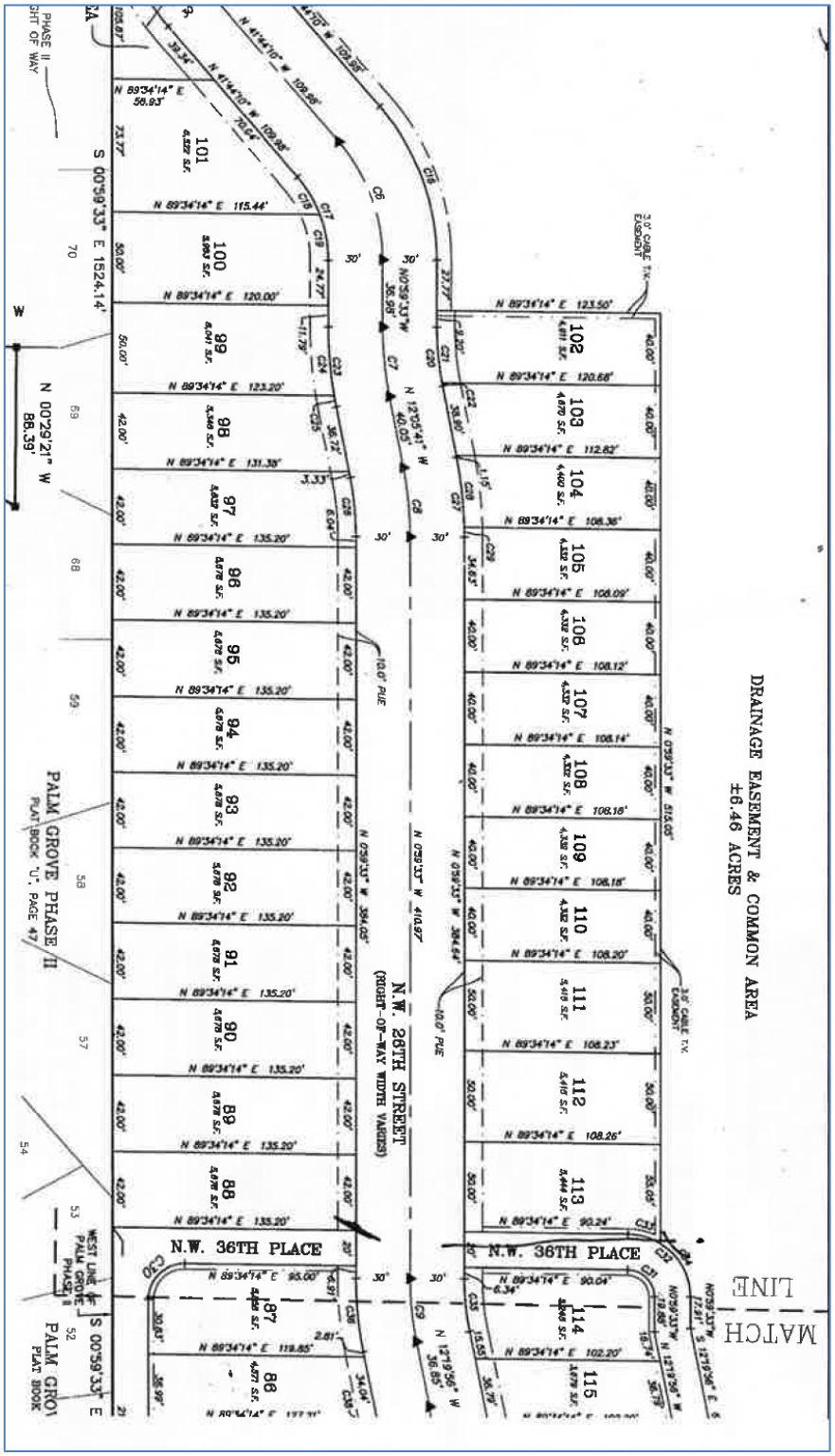
A. We have addressed the efforts of tree preservation by varying the lot widths and depths by overlaying the trees on the site plan. The lot sizes and setbacks are as follows:

Appendix B- Maps

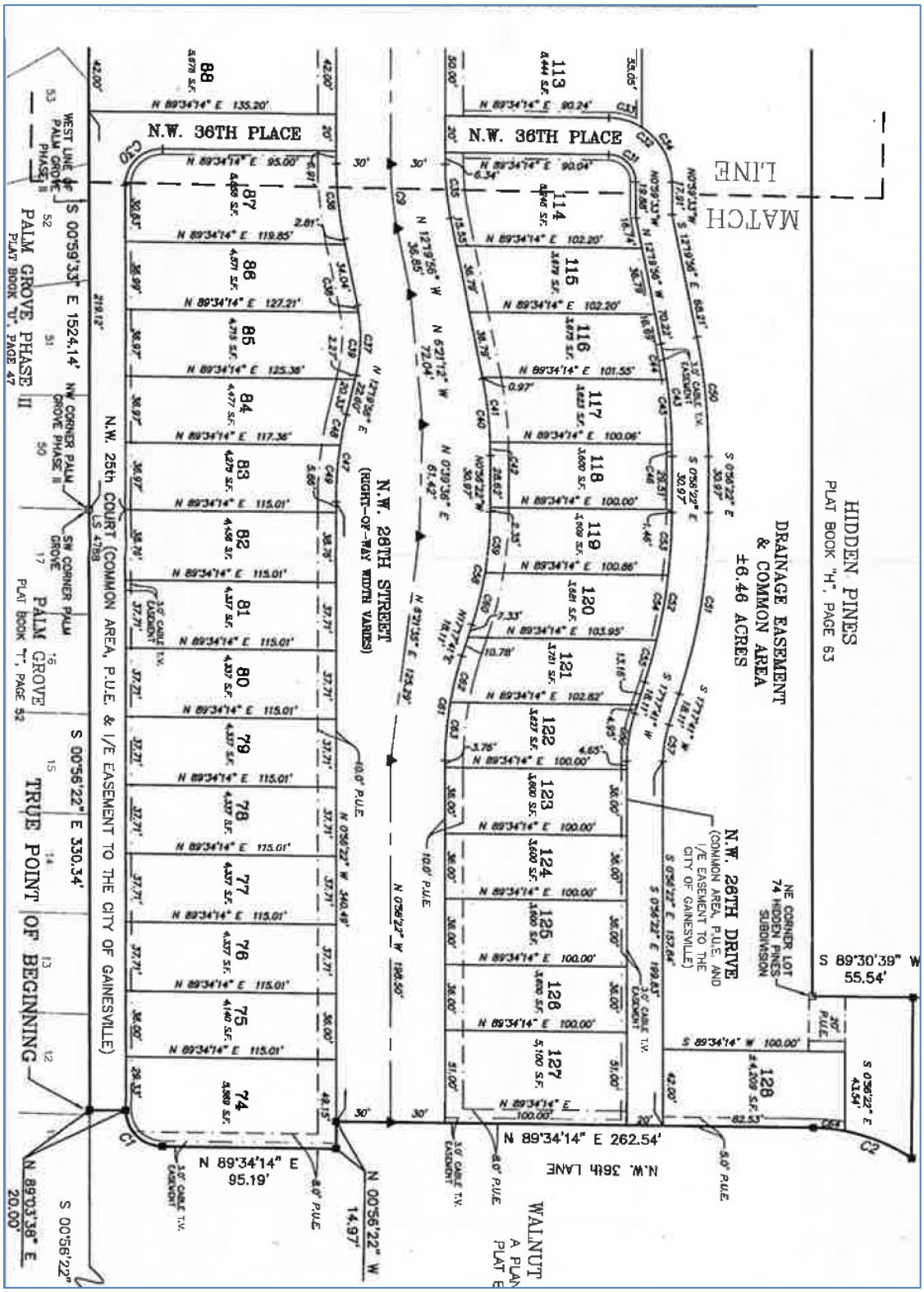
Appendix B1- Satellite View of Walnut Creek Phase I and Phase II



Appendix B2- Plat Drawings of Southernmost Lots Phase II (No Alleys)



Appendix B3- Plat Drawings of Northern Phase II (With Alleys)



Appendix C- Photos

Appendix C.1- Front of Houses Walnut Creek Phase I

Appendix C.2- Rear of Houses Walnut Creek Phase II

Appendix C.3 Walnut Creek Phase II (Northern Area; has alleys/service easement)

Appendix C.4 Walnut Creek Phase II (Southern Area; No alley or service easement)

Appendix C.4 Walnut Creek Phase II (Southern Area; No alley or service easement)

Appendix C- Photos

Appendix C.1- Front of Houses Walnut Creek Phase I

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LEGISLATIVE

110339B

ORDINANCES ADOPTING AND MODIFYING THE WALNUT CREEK RESIDENTIAL PLANNED DEVELOPMENT

1. Ordinance # 991267 Original PD for Walnut Creek, Petition 44PDV-00PB

2. Ordinance # 020948 Amendment to OR 991267 Walnut Creek Planned Development

3. Ordinance # 071066 Amendment to OR 991267 and OR 020948 Adopting a new PD Layout Plan

4. Ordinance # 100762 Amendment to OR 071066 Extending the expiration date of the PD.

ITEM #1

ORDINANCE # 991267
ORIGINAL PD FOR WALNUT CREEK, PETITION 44PDV-00PB

071066

ORDINANCE NO. 991267
0-00-69

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-1: 3.5 units/acre single-family residential district" to "Planned Development District"; located in the vicinity of 2500 block of Northwest 39th Avenue, south side, to be known as "Walnut Creek"; adopting a development plan report and development plan maps; providing additional conditions and restrictions; providing for penalties; providing a severability clause; and providing an immediate effective date.

071066

ORDINANCE NO. 991267
0-00-69

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-1: 3.5 units/acre single-family residential district" to "Planned Development District"; located in the vicinity of 2500 block of Northwest 39th Avenue, south side, to be known as "Walnut Creek"; adopting a development plan report and development plan maps; providing additional conditions and restrictions; providing for penalties; providing a severability clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that certain lands within the City be rezoned from "RSF-1: 3.5 units/acre single-family residential district" to "Planned Development District"; and

WHEREAS, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on April 20, 2000; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on May 22, 2000; and

WHEREAS, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 1991-2001 Comprehensive Plan.

WHEREAS, at least ten (10) days notice has been given once by publication in a newspaper of general circulation prior to the adoption public hearing notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville; and

Petition No. 44PDV-00PB

WHEREAS, Public Hearings were held pursuant to the published and mailed notices described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The following described property is rezoned from "RSF-1: 3.5 units/acre single-family residential district" to "Planned Development District";

See Exhibit "A" attached hereto and made a part hereof as if set forth in full.

Section 2. The City Manager or designee is authorized and directed to make the necessary change in the Zoning Map Atlas to comply with this Ordinance.

Section 3. The Development Plan attached to this Ordinance which consists of the following:

1. the development plan report entitled "Walnut Creek Planned Development", dated September 28, 2000, attached and identified as Exhibit "B"; and

2. development plan maps consisting of 8 sheets: 1) "Legal Description", dated July 25, 2000, revised September 28, 2000; 2) Boundary Survey and Minor Subdivision, Book 22 Page 33, dated June 28, 2000; 3) "Surrounding Area", revised August 22, 2000; 4) "Planned Development Map" revised August 22, 2000; 5) "Pedestrian Circulation", revised July 25, 2000; 6) "Traffic Circulation", revised July 25, 2000; 7) "Soils Map", revised July 25, 2000; and 8) "Topographical and Tree Survey", revised August 21, 2000;

identified as Exhibit "C"; are incorporated and made a part of this Ordinance as if set forth in full. The terms, conditions, and limitations of the Development Plan shall regulate the use and development of the land described herein zoned to the category of Planned Development District as provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter referred to as "Land Development Code"). In the event of conflict between the provisions of the development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern and prevail.

Section 4. The following additional conditions, restrictions and regulations shall apply to the development and use of the land:

1. A maximum of 138 single-family dwelling units shall be permitted in the Planned Development.

2. The common areas, stormwater basins, roadway configuration, alleys, lot configurations and building setbacks shall be designed to maximize the preservation of heritage trees as identified on Sheet 4 of Exhibit "C". In areas where heritage trees are located, lot lines shall be varied as necessary in order to arrange the building envelopes to avoid heritage trees. The City arborist shall inspect the lot, roadway, and stormwater basin configuration in the field prior to design plat and final plat approval. These inspections shall be to determine that the trees shown on the "Arborist Tree Evaluation & Gopher Tortoise Map", Exhibit "D" have been arranged as close to lot lines as possible in order to be outside the building envelopes, and that trees are protected by the proposed grading and paving plan. No lot shall be less than 36 feet in width.

3. There shall be no exceptions to Table 600 "Fire Resistance Ratings" of the Standard Building Code, nor shall any portion of a building overhang any property line.

4. A driveway connection from Parcel B to Parcel C may be constructed in accordance with the easement shown on Sheet 2 of Exhibit "C". No access to Parcel D is required from within the planned development.

5. A design plat shall be adopted within one year from the adoption of approval of the planned development ordinance. A final plat or conditional plat shall be adopted within

one year of the approval of the design plat. A one year extension from this time limit may be granted by the city commission upon application filed by the owner/petitioner prior to the expiration of the one year period and upon good cause shown by the owner/petitioner. The design plat and final plat process shall implement requirements. All proposed streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land Development Code. The owner/developer shall dedicate an easement over, across and through the alleys in the development for emergency access, maintenance of public utilities and garbage collection. (See Sheet 3 of Exhibit "C".) All public roadways shown on the PD Layout Plan, Sheet 3 of Exhibit "C" shall be fully constructed and accepted by the City within 18 months from final or conditional plat approval of any part of the proposed planned development.

6. Prior to any development on the site a gopher tortoise mitigation plan shall be approved by the Florida Fish and Wildlife Conservation Commission and submitted to the Community Development Director.

7. Prior to final plat approval the owner/developer shall enter into a development agreement or contract with the City for the provision of the standards acceptable to the Departments of Community Development and Public Works, as provided in Policy 1.1.6 of the Concurrency Management Element of the City of Gainesville Comprehensive Plan.

8. A homeowner's association shall be formed by owner/developer and the association documents shall provide for the maintenance of the common areas and fences (see paragraph 14) by the property owners. The documents shall be reviewed by the City Attorney to determine whether the maintenance of the common areas is adequately provided. The common area shall consist of all areas labeled as common area on the Planned Development Map, including all alleys. (See Sheet 4 of Exhibit "C".)

9. There shall be three roadway connections from the Planned Development to existing public streets, as shown on Sheet 6 of Exhibit "C", more specifically described as follows:

   a. A new intersection with Northwest 39th Avenue, approximately 420 feet from the northeast corner of the subject property;

   b. a new intersection with Northwest 31st Boulevard, approximately 100 feet from the southeast corner of the subject property; and

   c. a continuation of the Northwest 27th Street at the northern end of the Hidden Pines development.

10. All public streets within the planned development shall be designed with travel lanes 10 feet in width and sidewalks shall be 5 feet in width with a 5 feet landscape strip on both sides of the streets. Parking lanes shall be on two sides of each 60 foot roadway (32 feet paved width plus curb and gutter) and one side of each 50 foot roadway (26 feet paved width, plus curb and gutter), as shown on Sheet 6 of Exhibit "C".

11. For each two lots, if practicable, driveways serving the lots shall be at the common property line or separated by a maximum of 2 feet in order to maximize on-street parking area.

12. The transition from entry roadway to roadway with on-street parking shall be curbed in order to provide protected areas for on-street parking.

13. The planned development shall be governed by the following design requirements:

a. At least seventy percent of the homes shall have front porches. Front porches shall be a minimum of 8 feet in depth.

b. Garages, which are accessed from the front, shall set back a minimum of 20 feet to the rear of the front porch or the front facade of the house, whichever is closer to the street. All other garages shall be accessed from the alley.

c. Houses shall be of a traditional design, with gabled roof, or hip roof. Windows and window subdivisions (lights) shall be rectangular with vertical proportion. Additionally, windows may be circular, rounded top or hexagonal.

d. Homes will have brick, stone, wood, stucco, textured concrete, fiber cement, or cement-impregnated siding on exteriors walls.

14. Additional alleys may be allowed as part of the design plat approval process. Alleys that abut property outside the planned development shall have a 6 ft. pressure treated fence along such alley except where such 6 ft. pressure treated fence currently exists on an adjacent property line. The homeowner association shall maintain in good condition said and add additional fencing, if any of the existing fences are removed or dilapidated, in order to maintain a continuous unbroken line of fence along the alley.

15. Except as expressly provided herein, the use, regulations and development of the property shall be governed as if this land were zoned "RSF-1: 3.5 units/acre single-family residential district", Land Development Code.

Section 5. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as

provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues, regardless of whether such violation is ultimately abated or corrected, shall constitute a separate offense.

Section 6. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 7. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 8. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 9th day of October, 2000.

Paula M. DeLaney, Mayor

ATTEST:

Kurt Lannon,
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

Marion J. Radson, City Attorney

OCT 11 2000

This ordinance passed on first reading this 25th day of September, 2000.

This ordinance passed on second reading this 9th day of October, 2000.

LEGAL DESCRIPTION

~~07 1066~~

PARCEL "C"

A TRACT OF LAND SITUATED IN SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST FOR THE POINT OF REFERENCE AND RUN S.00°57'04"E., ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 50.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF N.W. 39th AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN N.89°34'14"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 440.13 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS #3784) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE N.89°34'14"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 880.35 FEET TO A CONCRETE MONUMENT (STAMPED: PRM L.S. #3784) AT THE NORTHWEST CORNER OF PALM GROVE SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "T", PAGE 52 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S.00°56'22"E., ALONG THE WEST LINE OF SAID PALM GROVE SUBDIVISION, A DISTANCE OF 1003.31 FEET TO A CONCRETE MONUMENT (STAMPED: PRM PLS #4788) AT THE SOUTHWEST CORNER OF SAID PALM GROVE SUBDIVISION ALSO BEING THE NORTHWEST CORNER OF PALM GROVE PHASE 2 A SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "U", PAGE 47 OF SAID PUBLIC RECORDS; THENCE RUN S.00°59'33"E., ALONG THE WEST LINE OF SAID PALM GROVE PHASE 2 AND ALONG A SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 1524.14 FEET TO A CONCRETE MONUMENT (STAMPED: PRM PLS #4788) ON THE NORTH RIGHT OF WAY LINE OF N.W. 31st AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN S.89°35'16"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 150.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.00°59'33"W., A DISTANCE OF 225.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN S.89°35'16"W., A DISTANCE OF 246.28 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.01°00'31"W., ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF HIDDEN PINES SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "H", PAGE 63 AND ALONG SAID EAST LINE, A DISTANCE OF 1561.80 FEET TO A CONCRETE MONUMENT (NO IDENTIFICATION) AT THE NORTHEAST CORNER OF LOT 74 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN S.89°30'39"W., ALONG THE NORTH LINE OF SAID HIDDEN PINES SUBDIVISION, A DISTANCE OF 490.57 FEET TO STEEL ROD AND CAP (STAMPED: L.B. #6578) AT THE NORTHEAST CORNER OF LOT 1 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN N.00°22'59"W., A DISTANCE OF 741.01 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 30.021 ACRES MORE OR LESS.

EXHIBIT "A"

87 1066

CAMEO DEVELOPMENT

CORPORATION
3600 NW 43rd St., Suite C-1
Gainesville, Florida 32606-8127

September 28, 2000

Walnut Creek Planned Development

Purpose and Intent

This proposed Residential Planned Development (PD) is submitted as a neo-traditional neighborhood development of single family detached homes. The development follows the guidelines set forth in the Land Development Code under Sections 30-211, 30-213, and 30-216. The development will be named Walnut Creek and is in conformance with the current comprehensive plan which proposes unique designs that are not currently available in the Gainesville area. The majority of the homes will be directly across from each other to offer a more traditional neighborhood theme. This concept will provide moderately priced homes with brick and stucco exteriors and modern elevations with approximately 70% of the homes having front porches with a minimum depth of 8 feet that will be oriented to the neighborhood tree lined streets and approximately 60% with rear alley access. Garages, which are accessed from the front, shall be set back a minimum of 20 feet to the rear of the front porch or the front façade of the house, whichever is closer to the street. All other garages shall be accessed from the alley. Trees will also be planted along sidewalks to compliment the existing heritage oaks to further enhance the appearance. There will be residences that have on street parking; however, most of the homes will access their garages from the rear to further eliminate congestion of vehicles. Common areas have been carefully positioned to further preserve tree canopies and road layouts.

A. We have addressed the efforts of tree preservation by varying the lot widths and depths by overlaying the trees on the site plan. The lot sizes and setbacks are as follows:

Lot Widths	36 Feet to 40 Feet	Above 40 Feet
Minimum yard setback:		
Front	10 Feet	10 Feet
Side	3.5 Feet	4 Feet
Rear	10 Feet	10 Feet
Minimum lot depth	100 Feet	100 Feet

B. The subdivision plat submittal will address the regulated trees and any additional buffers and preservation.

C. A minimum lot dimension would be 36' x 100'.

Office: 352-375-4139 Fax: 352-375-4245

ITEM #2

ORDINANCE # 020948
AMENDMENT TO OR 991267 WALNUT CREEK PLANNED DEVELOPMENT

~~100762 B~~

ORDINANCE NO. 020948
0-03-31

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Walnut Creek" located in the vicinity of the 2500 block of Northwest 39th Avenue, south side; by amending City of Gainesville Ordinance No. 991267 by extending the time periods for obtaining final plat or conditional plat approvals; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

~~100762 B~~

ORDINANCE NO. 020948
0-03-31

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Walnut Creek" located in the vicinity of the 2500 block of Northwest 39th Avenue, south side; by amending City of Gainesville Ordinance No. 991267 by extending the time periods for obtaining final plat or conditional plat approvals; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the petitioner has requested the City Commission to amend the Planned Development, commonly known as "Walnut Creek" at the City Commission meeting of February 24, 2003 to extend the time periods for obtaining final plat or conditional plat approvals; and

WHEREAS, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 1991-2001 Comprehensive Plan and the City of Gainesville 2000-2010 Comprehensive Plan as adopted by Resolution No. 002684.

WHEREAS, at least ten (10) days notice has been given once by publication in a newspaper of general circulation prior to the adoption public hearing notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville; and

WHEREAS, Public Hearings were held pursuant to the published notice at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

Section 1. Condition 5 of Section 4 of Ordinance No. 991267, adopted by the City Commission on October 9, 2000, is amended to read as follows:

5. A design plat shall be adopted within one year from the adoption of approval of the planned development ordinance. A final plat or conditional plat for Phase I shall be adopted ~~within one year of the approval of the design plat. A one year extension from this time limit may be granted by the city commission upon application filed by the owner/petitioner prior to the expiration of the one year period and upon good cause shown by the owner/petitioner.~~ on or before March 25, 2004. A final plat or conditional plat for Phase II shall be adopted within 18 months from the date of final or conditional plat approval on Phase I. The design plat and final plat process shall implement requirements. All proposed streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land Development Code. The owner/developer shall dedicate an easement over, across and through the alleys in the development for emergency access, maintenance of public utilities and garbage collection. (See Sheet 3 of Exhibit "C".) All public roadways shown on the PD Layout Plan, Sheet 3 of Exhibit "C" shall be fully constructed and accepted by the City within 18 months from final or conditional plat approval of any part of the proposed planned development.

Section 2. Except as expressly amended by this ordinance, the remaining provisions of Ordinance No. 991267 shall remain in full force and effect.

Section 3. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

Section 5. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 24th day of March, 2003.

Thomas D. Bussing, Mayor

ATTEST:

Kurt Lannon,
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

Marion J. Radson, City Attorney

MAR 2 5 2003

This ordinance passed on first reading this 17th day of March, 2003.

This ordinance passed on second reading this 24th day of March, 2003.

H:\Marion Radson\Planning\Walnut Creek PDA.DOC

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

ITEM #3

ORDINANCE # 071066
AMENDMENT TO OR 991267 AND OR 020948 ADOPTING A NEW PD LAYOUT PLAN

An Ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 991267 and 020948, by adopting a new Development Plan for the undeveloped portion of the property, as more specifically described in this ordinance, commonly known as "Walnut Creek Planned Development Phase II"; generally located in the vicinity of the 2500 block of Northwest 39th Avenue; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

ORDINANCE NO. 071066
0-08-14

An Ordinance of the City of Gainesville, Florida; amending Ordinance Nos. 991267 and 020948, by adopting a new Development Plan for the undeveloped portion of the property, as more specifically described in this ordinance, commonly known as "Walnut Creek Planned Development Phase II"; generally located in the vicinity of the 2500 block of Northwest 39th Avenue; adopting new development plan maps and a planned development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, on October 9, 2000, the Gainesville City Commission adopted Ordinance No. 991267 that rezoned the subject property of this Ordinance to Planned Development District and adopting the Development Plan; and

WHEREAS, on March 24, 2003, the Gainesville City Commission adopted Ordinance No. 020948 that extended the time periods for obtaining final or conditional plat approvals; and

WHEREAS, the development order approved by Ordinance No. 991267 as amended by Ordinance No. 020948 has expired, and the owner/petitioner desires to develop and construct the undeveloped portion of the property known as Walnut Creek Planned Development, Phase II; and

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given to adopt a new Development Plan on certain real property that is zoned "Planned Development", commonly known as "Walnut Creek Planned Development Phase II"; and

1 **WHEREAS,** notice was given and publication made as required by law of a public hearing
2 which was then held by the City Plan Board on February 21, 2008; and
3 **WHEREAS,** notice was given and publication made of a public hearing which was then
4 held by the City Commission on April 14, 2008; and
5 **WHEREAS,** the City Commission finds that the amendment of the Planned Development
6 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and
7 **WHEREAS,** at least ten (10) days notice has been given once by publication in a
8 newspaper of general circulation prior to the adoption public hearing notifying the public of this
9 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
10 City Hall, in the City of Gainesville; and
11 **WHEREAS,** notice has also been given by mail to the owner whose property will be
12 regulated by the adoption of this Ordinance, ten days prior to the adoption of this ordinance; and
13 **WHEREAS,** Public Hearings were held pursuant to the published and mailed notices
14 described above at which hearings the parties in interest and all others had an opportunity to be and
15 were, in fact, heard.
16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
17 **CITY OF GAINESVILLE, FLORIDA:**
18 **Section 1.** A new Development Plan for "Walnut Creek Planned Development, Phase II" is
19 approved on certain real property that is zoned "Planned Development District" as provided in
20 Chapter 30, Land Development Code of the City of Gainesville, as more fully described in this
21 Ordinance as follows:

See Exhibit "A" attached hereto and made a part hereof as if set forth in full.

The new Development Plan consists of the following:

1) the development plan report entitled "Walnut Creek Planned Development Phase II" last revised date December 10, 2008, is attached hereto as Exhibit "B" and made a part of this ordinance as if set forth in full; and

2) development plan maps, identified as Sheet CO.00 "Walnut Creek Phase II A Planned Development, Cover Sheet"; Sheet ECM1.00 "Walnut Creek, A Planned Development Phase II Existing Conditions Map"; Sheet PD1.00 "Walnut Creek Phase II Planned Development Layout Map"; and Sheet SV1.00 "Boundary Survey & Legal Description" are attached hereto as Exhibit "C" and made a part of this ordinance as if set forth in full.

The new Development Plan shall regulate the use and development of the land, as shown and described in the aforesaid Exhibits, and as further provided in this Ordinance. In the event of conflict between the new Development Plan (Exhibits "B" and "C") and the conditions Section 2, 3, and 4, the conditions of Sections 2, 3 and 4 shall govern and prevail. In the event of conflict between the provisions of the development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern and prevail.

Section 2. Condition 9 of Section 4 of Ordinance No. 991267 is amended by this Ordinance as follows:

Condition 9. There shall be ~~three~~ two roadway connections from the Planned Development to existing public streets, as shown on Sheet ~~6~~ PD1.00. Planned Development Layout Map of Exhibit "C", more specifically described as follows:

a. The intersection of NW 26th Terrace and ~~A new intersection with~~ Northwest 39th Avenue, approximately 420 feet from the northeast corner of the subject property; and

b. ~~A new intersection with Northwest 31st Boulevard, approximately 100 feet from the southeast corner of the subject property; and~~ The intersection of NW 26th Street and NW 31st Avenue, as approved by the City Commission during final plat review.

~~c. A continuation of the Northwest 27th Street at the northern end of the Hidden Pines development.~~

Section 3. Condition 5 as provided in Section 1 of Ordinance No. 020948 is amended as follows:

5. A design plat ~~shall be~~ for Phase I was adopted within one year from the adoption of approval of the planned development ordinance. A final plat or conditional plat for Phase I ~~shall be~~ was adopted on or before March 25, 2004. The design plat for Phase II was approved by the City Commission on April 14, 2008. A final plat or conditional plat for Phase II shall be adopted ~~within 18 months from the date of final or conditional plat approval on Phase I~~ on or before June 30, 2010. The design plat and final plat process shall implement requirements consistent with this Ordinance. All proposed streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land Development Code.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

The owner/developer shall dedicate an easement over, across and through the alleys in the development for emergency access, maintenance of public utilities and garbage collection. (For Phase II, See Sheet PD1.00 of Exhibit "C"). All public roadways shown on the Planned Development Layout ~~Plan~~ Map (for Phase II, See Sheet PD1.00 ~~3~~ of Exhibit "C" shall be fully constructed and accepted by the City within ~~18~~ 24 months from final or conditional final plat approval of any part of the proposed planned development.

Section 4. The following additional conditions, restrictions and regulations shall also apply to the development and use of all the land as described in Exhibit "A" of Section 1 of this Ordinance:

1. The stormwater management facilities shall comply with the requirements of the St. Johns River Water Management District, the adopted Ordinance, and the Engineering Design Guidelines of the City of Gainesville as well as sound professional practices employed in the design construction and maintenance of stormwater management facilities subject to the approval of the Public Works Department of the City. The wet stormwater retention pond as shown on sheet PD1.00 of Exhibit C shall have a fountain or other mechanism acceptable to the Public Works Department of the City for mosquito control.

2. The developer shall apply and obtain from the City a Certificate of Final Concurrency prior to the City Commission hearing on the final or conditional plat for Phase II. The developer shall amend the TCEA Zone "B" Agreement concerning Transportation Concurrency prior to final plat or conditional final plat approval.

3. During the subdivision review process, lots shall be designed to facilitate and preserve the maximum number of Heritage Trees designated for preservation on Sheet PD1.00 of the planned development map. In the event of conflict arising from the preservation of Heritage Tree(s) and development of a specific lot, the developer shall be required to redesign or reduce the number of lots to save the designated Heritage Tree(s).

4. Trees designated to be saved based on the development plan maps shall be provided with the most effective barriers during construction, ensuring protection of at least 50% of the canopy drip line from construction activity. The type of tree protection technique shall be determined by the City Arborist during subdivision plat review.

5. During subdivision plat review, each lot shall be given detailed consideration as to its ability to accommodate a dwelling unit and preserve Heritage Trees designated to be saved, based on Sheet PD1.00 of the development plan maps, in accordance with section 30-264(1) of the Land Development Code. The reviewing body may allow up to 50% encroachment into the area of the drip line, based on a determination that the specific tree will not be harmed, as a result of the specified encroachment, subject to final plat approval by the city commission. If the encroachment will be greater than 50%, the appropriate reviewing board may allow removal of a tree with inch for inch replacement equaling the basal area of the Heritage Tree to be removed. The mitigation trees shall be planted on the subject lot or in nearby areas where the impact will be positive to the overall urban forest.

6. The stormwater basins within Phase II shall be landscaped in accordance with the requirements of Section 30-251(2) of the Land Development Code.

7. Sidewalks and facilities to ensure safe and efficient pedestrian circulation shall be incorporated within the development. The location, layout and type of facilities shall be determined during subdivision review, subject to approval by the appropriate reviewing board.

8. Except as shown on Sheet PD1.00 of Exhibit C, there shall be a minimum 80 feet separation between lots in Walnut Creek and those in Hidden Pines as shown on Sheet PD1.00 of Exhibit C. Along the east boundary with Palm Grove, the alley areas shall be separated by fencing which is durable and a minimum 90% opaque and maintained in good and attractive condition by the homeowners association. The separation for Phase II shall be in accordance with Sheet PD1.00 "Planned Development Layout Map" of Exhibit C.

9. The maximum number of residential lots in Phase II shall not exceed 55 lots, as further restricted in Condition 10 below.

10. Prior to receiving final plat approval by the City Commission, the owner/developer shall submit to the Planning and Development Services Department a tree preservation and maintenance plan showing the Heritage Trees that will be saved through this planned development. The preservation of these trees shall take precedence over the ability to attain the full number of lots as provided in Condition 9.

11. Prior to any clearing or grubbing or development on the site, a gopher tortoise mitigation plan shall be approved by the Florida Fish and Wildlife Conservation Commission and submitted to the Planning and Development Services Department. The approved mitigation plan/mitigation report shall be submitted to the Department prior to approval of the final plat by the City Commission.

12. Wherever feasible, as determined by the appropriate reviewing body, alleys shall be incorporated into the subdivision plat to provide consistency of service throughout the subdivision and to maintain the separation from adjacent developments.

13. All proposed streets excluding alleys, shall be dedicated to the City of Gainesville as right-of-way. Bonds for public improvements shall be in accordance with Section 30-186 of the Land Development Code. The owner/developer shall dedicate to the City an easement over, across and through the alleys for emergency access, maintenance of public utilities and solid waste collection. All public roadways shown on Sheet PD01.00 of Exhibit C shall be fully constructed and accepted by the City within 24 months from the date of final or conditional final plat approval of any part of the proposed planned development.

14. Additional alleys may be allowed as part of the design plat approval process. Alleys that abut property outside the planned development shall have a six-foot wooden fence along such alley, except where such six-foot fence currently exists on an adjacent property line. In order to maintain a continuous unbroken line of fence along the alley, the homeowner association shall maintain in good and attractive condition all fences provided to satisfy this condition.

    If any of the existing fences are removed or dilapidated, said fence shall be replaced by the homeowners association.

15. Sidewalks shall have a minimum width of five feet. Timing, construction and placement of sidewalk shall be in accordance with the Land Development Code.

16. Sidewalks shall be provided along the street frontage of Lot 101 as shown on Sheet PD1.00 of Exhibit C.

17. A linear park/pervious trail should be constructed and planted by the owner/developer along the east side of NW 26th Street between the area south of Lot 101 and Glen Springs Road, as shown on Sheet PD1.00 of Exhibit C and it shall be maintained by the homeowners association.

18. The development order approved by this Planned Development shall be valid for a period of three (3) years from the effective date of this ordinance. A final plat or conditional final plat for Phase II shall be filed by the owner/developer with the City in sufficient time to obtain approval from the City within two years of the adoption of this Planned Development ordinance. Construction of Phase II shall commence prior to the expiration of the aforementioned 3 year period. If the subdivision is implemented through the conditional final plat approval process, the final plat must be recorded no later than five (5) years after the adoption date of this Planned Development Ordinance.

19. The owner/developer agrees that upon filing an application for building permits on lots 99, 100, 114, 115, 116, and 117, as shown on Sheet PD1.00, of Exhibit C, the owner/developer shall submit a plot plan illustrating the footprints of the selected homes as they relate to the boundary of the site and as they relate to the existing Heritage Live Oak Trees. The owner/developer shall illustrate that 50% of the drip line of the Heritage Trees on each of those lots are protected from disturbance, or the owner/developer shall have a certified arborist or landscape architect prepare an alternate compliance plan to be reviewed and approved by the City Arborist that illustrates the means and methods of ensuring that the individual Heritage Tree will survive. Those measures may include, but are not limited to, a system which will conduct water, air and fertilizer into the deep root zone of the Heritage Trees saved. Examples of the acceptable systems are the Water Air Nutrition Exchange W.A.N.E. 3000 Series Tree system, wood decks rather than poured slab porches, lintel beams rather than stem walls, or other structural features to protect the root system. The plan for these lots shall include a grading plan prepared by a landscape architect or registered engineer to ensure that the measures above adhere to principles of saving the tree root system. During construction, all Heritage Trees on the entire site shall be protected with chain link fence barricades.

20. The owner/developer shall provide first time buyers of lots with a housing pattern layout that will encourage a variety of housing types along the street. The same house design shall not be allowed on adjacent lots.

Section 5. Except as expressly amended and modified by this Ordinance, the remaining provisions of Ordinance Nos. 991267 and 020948 shall remain in full force and effect.

Section 6. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues, regardless of whether such violation is ultimately abated or corrected, shall constitute a separate offense.

Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given

effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 8. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 19th day of March, 2009.

Pegeen Hanrahan, Mayor

ATTEST:

Kurt Lannon,
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

Marion J. Radson, City Attorney

MAR 19 2009

This ordinance passed on first reading this 5th day of March, 2009.

This ordinance passed on second reading this 19th day of March, 2009.

83PDA-07PB pet

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

EXHIBIT "A"

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST FOR THE POINT OF REFERENCE AND RUN S.00°57'04"E., ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 50.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF N.W. 39th AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN N.89°34'14"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1320.48 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS #3784) AT THE NORTHWEST CORNER OF PALM GROVE SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "T", PAGE 52 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S.00°56'22"E., ALONG THE WEST LINE OF SAID PALM GROVE SUBDIVISION, A DISTANCE OF 672.97 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS 3784) AND THE **TRUE POINT OF BEGINNING**; THENCE CONTINUE S.00°56'22"E., ALONG SAID WEST LINE OF PALM GROVE, A DISTANCE OF 330.34 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #4788) AT THE SOUTHWEST CORNER OF SAID PALM GROVE SUBDIVISION ALSO BEING THE NORTHWEST CORNER OF PALM GROVE PHASE 2 A SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "U", PAGE 47 OF SAID PUBLIC RECORDS; THENCE RUN S.00°59'33"E., ALONG THE WEST LINE OF SAID PALM GROVE PHASE 2, A DISTANCE OF 1524.14 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #4788) ON THE NORTH RIGHT OF WAY LINE OF N.W. 31st AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN S.89°35'16"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 150.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.00°59'33"W., A DISTANCE OF 225.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN S.89°35'16"W., A DISTANCE OF 246.28 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.01°00'31"W., ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF HIDDEN PINES SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "H", PAGE 63 AND ALONG SAID EAST LINE, A DISTANCE OF 1561.80 FEET TO A CONCRETE MONUMENT (NO IDENTIFICATION) AT THE NORTHEAST CORNER OF LOT 74 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN S.89°30'42"W., ALONG THE NORTH LINE OF SAID LOT 74 OF HIDDEN PINES SUBDIVISION, A DISTANCE OF 55.54 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS 3784); THENCE RUN N.00°29'21"W., A DISTANCE OF 88.39 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784) WHICH MARKS THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 100.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 32°57'54", AN ARC DISTANCE OF 57.53 FEET (CHORD BEARING AND DISTANCE BEING S.73°56'49"E., 56.74 FEET RESPECTIVELY) TO A CONCRETE MONUMENT (STAMPED PRM LS 3784); THENCE RUN N.89°34'14"E., A DISTANCE OF 262.54 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS 3784); THENCE RUN N.00°56'22"W., A DISTANCE OF 14.97 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS 3784); THENCE RUN N.89°34'14"E., A DISTANCE OF 95.19 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784) WHICH MARKS THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, SAID CURVE HAVING A RADIUS OF 20.00 FEET; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 89°29'24", AN ARC DISTANCE OF 31.24 FEET (CHORD BEARING AND DISTANCE BEING S.45°41'04"E., 28.16 FEET RESPECTIVELY) TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784) WHICH MARKS THE END OF SAID CURVE; THENCE RUN N.89°03'38"E., PERPENDICULAR TO THE AFOREMENTIONED WEST LINE OF PALM GROVE RECORDED IN PLAT BOOK "T", PAGE 52, A DISTANCE OF 20.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 15.784 ACRES, MORE OR LESS.

Walnut Creek Planned Development
Phase II

Purpose and Intent

This proposed Residential Planned Development (PD) is submitted as a neo-traditional neighborhood development of single family detached homes. The development follows the guidelines set forth in the Land Development Code under Sections 30-211, 30-213, and 30-216. The development will be named Walnut Creek Phase II and is in conformance with the current comprehensive plan which proposes unique designs that are not currently available in the Gainesville area. The majority of the homes will be directly across from each other to offer a more traditional neighborhood theme. This concept will provide moderately priced homes with brick and stucco exteriors and modern elevations with approximately 70 % of the homes having front porches with a minimum depth of 8 feet that will be oriented to the neighborhood tree lined streets and approximately 50% with rear alley access. Garages, which are accessed from the front, shall be set back a minimum of 20 feet to the rear of the front porch or the front façade of the house, whichever is closer to the street. All other garages shall be accessed from the alley. Trees will also be planted along sidewalks to compliment the existing heritage oaks to further enhance the appearance. There will be residences that have on street parking; however, most of the homes will have access their garages from the rear to further eliminate congestion of vehicles. Common areas have been carefully positioned to further preserve tree canopies and road layouts.

A. We have addressed the efforts of tree preservation by varying the lot widths and depths by overlaying the trees on the site plan. The lot sizes and setbacks are as follows:

Lot Widths	36 Feet to 40 Feet	Above 40 Feet
Minimum yard setback:		
Front	10 Feet	10 Feet
Side	3.5 Feet	4 Feet
Rear	10 Feet	10 Feet
Minimum lot depth	100 Feet	100 Feet

B. The subdivision plat submittal will address the regulated trees and any additional buffers and preservation.

C. A minimum lot dimension would be 36'x100'.

Exhibit B
12/11/08

~~100762A~~

Concurrency

Walnut Creek development meets the Concurrency requirements of the newly adopted Transportation Concurrency Exception Area (TCEA) and will fund the eight (8) mitigation requirements as set forth in The Concurrency Management Element Goals, Objectives and Policies under policy 1.1.6 items (A through W).

Internal compatibility

Each home will have a garage that is accessible from the front street or rear alley way. Alleys have been designed with a 20' width of which there will be a 10' asphalt roadway and a 5' clear area on the side abutting the homesites. Alleys will have one-way traffic and have accommodated the turn radius for the trash pick up vehicles. A 6-foot pressure treated fence shall buffer alleys from any adjacent residential lots that are not within the planned development. The design of alleys will maximize the preservation of trees along the boundaries of the PD. On street parking is proposed and one-way traffic in the alley ways will be necessary to allow for safety and positive flow patterns through alleys and rear access to homes. Two lane traffic will provide the main circulation from NW 39th Avenue to NW 31st Avenue by way of 60' right-of-way. There is a connection of two-way traffic from NW 39th Avenue to the Hidden Pines Subdivision on NW 27th Street. Residents from surrounding subdivisions can enjoy bicycle and pedestrian access to common areas and improvements through the internal roadway and sidewalk system. The main entrances at NW 39th Avenue and NW 31st Avenue will be professionally planned, landscaped, and maintained so as to maintain consistency with the adjacent communities.

External compatibility

Mass Transit services will be provided by the City of Gainesville's Regional Transit System (RTS) by means of Route 8 via NW 39th Avenue. RTS has an existing transfer station in front of the proposed Walnut Creek which will provide easy accessibility for residents to utilize mass transit services. This route has ample capacity to accommodate the new residents within this development.

Intensity of development

The proposed overall Walnut Creek PD has an overall density of 4.3 DU/Acre is consistent with the comprehensive plan and is in line with the neo-traditional concept of an in-fill project. This project will reduce the pressures of urban sprawl by providing urban in-fill development and increase urban connectivity between NW 39th Avenue and NW 31st Avenue and is compatible with the surrounding neighborhoods.

Common Area

Walnut Creek is located across NW 39th Avenue from the city's Spring Tree Park and approximately six tenths of a mile east of the city's Green Tree Park. In addition, the proposed open space and recreation areas will be available to the adjacent neighborhoods by pedestrian sidewalks and streets within its property lines. Large heritage oak trees are abundant on the property and the developer will be utilizing its best efforts of preservation for lot coverage, streetscapes, landscape buffering and open-space recreational area canopies.

~~100762 A~~

Environmental constraints

The heritage tress have been identified and overlaid on the site plan. All roadways have been carefully designed in and attempt to save trees and capitalize on their beauty. We have noted on the plans that the lot designs and the right of ways will address the preservation of all tree canopies where necessary. All lots directly adjacent to the Hidden Pines subdivision will have minimum 60' width. The proposed PD has common areas separating Hidden Pines and any adjoining lots. The proposed PD will have a fence and landscape buffering wherever the alleys about adjoining properties. Also we will maximize all existing foliage to further enhance the development. Walnut Creek is not in a Flood Zone and none exist on the site. The surface water and wetlands district are not affected by the proposed development and development is not located near or within a nature park, greenway, wellfield, or wetland district. The soil composition make up is consistent with millhopper sand, wachula sand and arrendondo fine sands.

Arrendondo sand is found in nearly level to gently sloping upland areas with 0 to 5 percent gradients. It is well drained soil with rapid permeability rate in the surface and subsurface layers. Moderately rapid in the upper six inches of the subsoil. The water table is at a depth of more then 72 inches.

Millhopper sand is found in gently sloping areas with a 0 to 5 percent gradient. It is moderately well drained soil with a permeability rate in the surface and subsurface layers. Moderately rapid in the upper six inches of subsoil and slow to moderately slow below this depth. The water table is at a depth of 40 to 60 inches for one to four months and at a depth of 60 to 72 inches for 2 two to four months during the year.

Wachula sand is found nearly level. Poorly drained soil in broad areas of flatwoods. Slopes are nearly smooth and range from 0 to 2 percent. This soil has a water table that is at a depth of less then 10 inches for one to four months and is at a depth of 10 to 40 inches for about six months. During the driest seasons the water table recedes to a depth of more then 40 inches. Permeability is moderately rapid to rapid in the surface and subsurface layers. Moderate to moderately rapid in the upper part of the subsoil and slow to moderately slow in the upper part. The slope on the site ranges from zero to .66% with an average off .36%.

There are no lakes, creeks, wetlands, or other prominent Topographic features on the site. The storm water drainage systems are being designed to consist of a system of dry and wet basins designed to meet the requirements and standards of the City of Gainesville and the St. Johns River Water Management District. Additional stormwater storage is provided to attenuate rainfall events. The existing topography of the site consists of very gently sloping land towards the south and west.

External and Internal Transportation access

Walnut Creek has two access points. The main entrances at the north boundary from NW 39th Avenue approximately 420 feet from the northeast corner of the property line. The secondary access point is at the southern most boundary off NW 31st Avenue approximately 100 feet from the southeast corner of the property. The Overall Walnut Creek PD layout will have 128 single family detached dwelling units that will generate 1229 Average Daily Trips (ADT). Phase 2 contains 55 lots and will generate 528 ADT.

ITEM #4

ORDINANCE # 100762
AMENDMENT TO OR 071066 EXTENDING THE EXPIRATION DATE OF THE PD.

An Ordinance of the City of Gainesville, Florida; amending Condition 5 of Section 3 and Condition 18 of Section 4 of Ordinance No. 071066, by providing for an extension of time to obtain final or conditional approval on property that is zoned "Planned Development District", commonly known as "Walnut Creek Planned Development Phase II"; generally located in the vicinity of the 2500 block of Northwest 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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WHEREAS, the City Commission, on March 17, 2011, authorized the ordinance amending certain development conditions of Ordinance No. 071066 on certain property within the City that is zoned "Planned Development District"; commonly known as Walnut Creek Planned Development Phase II; and

WHEREAS, at least ten (10) days notice has been given once by publication in a newspaper of general circulation prior to the adoption public hearing notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville; and

WHEREAS, notice has also been given by mail to the owner whose property will be regulated by the adoption of this Ordinance, prior to the date of the public hearing of this ordinance; and

WHEREAS, Public Hearings were held pursuant to the published and mailed notices described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Condition 5 of Section 3 of Ordinance No. 071066, adopted by the City Commission on March 24, 2003, is amended as follows:

5. A design plat for Phase I was adopted within one year from the adoption of approval of the planned development ordinance. A final plat or conditional plat for Phase I was adopted on or before March 25, 2004. The design plat for Phase II was approved by the City Commission on April 14, 2008. A final plat or conditional plat for Phase II shall be adopted on or before March 19, 201~~0~~2. The design plat and final plat process shall implement requirements consistent with this Ordinance. All proposed streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land Development Code. The owner/developer shall dedicate an easement over, across and through the alleys in the development for emergency access, maintenance of public utilities and garbage collection. (For Phase II, See Sheet PD1.00 of Exhibit "C"). All public roadways shown on the Planned Development Layout Map (for Phase II, See Sheet PD1.00 of Exhibit "C" shall be fully constructed and accepted by the City within 24 months from final or conditional final plat approval of any part of the proposed planned development.

Section 2. Condition 18 of Section 4 of Ordinance No. 071066, adopted by the City Commission on March 24, 2003, is amended as follows:

18. The development order approved by this Planned Development shall be valid for a period of three (3) years from the effective date of this ordinance. A final plat or conditional final plat for Phase II shall be filed by the owner/developer with the City in sufficient time to obtain approval from the City ~~within two years of the adoption of this Planned Development ordinance~~ on or before March 19, 2012. Construction of Phase II shall commence prior to the expiration of the aforementioned 3 year period date. If the subdivision is implemented through the conditional final plat approval process, the final plat must be recorded no later than ~~five (5) years after the adoption date of this Planned Development Ordinance~~ March 19, 2014.

Section 2. Except as expressly amended by this ordinance, the remaining provisions of Ordinance No. 071066 shall remain in full force and effect.

Section 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 5. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 21st day of April, 2011.

Craig Lowe

Craig Lowe, Mayor

ATTEST:

Kurt Lannon,
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

Nicolle M. Shalley

Marion J. Radson, City Attorney
By: Nicolle M. Shalley
Acting City Attorney

This ordinance passed on first reading this 7th day of April, 2011.

This ordinance passed on second reading this 21st day of April, 2011.

Words ~~stricken~~ are deletions; words underlined are additions.

CITY OF GAINESVILLE
every path starts with passion
FLORIDA

180018B

APPLICATION—CITY PLAN BOARD
Planning & Development Services

MAR 20 2018

OFFICE USE ONLY

Petition No. PB-18-00037 Fee: $ 1,548.00
1st Step Mtg Date: _____ EZ Fee: $ N/A
Tax Map No. N/A Receipt No. 73564
Account No. 001-660-6680-3401 [ ]
Account No. 001-660-6680-1124 (Enterprise Zone) [ ]
Account No. 001-660-6680-1125 (Enterprise Zone Credit [ ]

Owner(s) of Record (please print)	**Applicant(s)/Agent(s), if different**
Name: R.E. Arnold Const. Inc.	Name: Dodolo Hi Consultants Inc
Address: 17210 SW Archer Rd, Archer, FL. 32618	Address: 3324 W University Ave, St. 103 Gainesville, Fl. 32607
Phone: 352-494-9980 Fax: 352-495-9191	Phone: 352-538-1585 Fax:
(Additional owners may be listed at end of applic.)	Walter.HowellBurks@Hotmail.com

Note: *It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.*

REQUEST

Check applicable request(s) below:

Future Land Use Map [ ]	**Zoning Map [✓]**	**Master Flood Control Map [ ]**
Present designation:	Present designation: PD	**Other** [ ] Specify:
Requested designation:	Requested designation: PD	

INFORMATION ON PROPERTY

1. Street address: Fletcher Oaks - NW 26th St.
2. Map no(s):
3. Tax parcel no(s):
4. Size of property: Aprox 15 acre(s)

All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more ***must*** *be accompanied by a market analysis report.*

Certified Cashier's Receipt:

5. Legal description (attach as separate document, using the following guidelines):
   a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
   b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
   c. Must correctly describe the property being submitted for the petition.
   d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. **INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES (NOTE:** *All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.)*

A. What are the existing surrounding land uses?

North Residential

South "

East "

West "

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO ____ YES ✓ If yes, please explain why the other properties cannot accommodate the proposed use?

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets

Noise and lighting

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO ✓ YES____ (If yes, please explain below)

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO ✓ YES____

b. Property with archaeological resources deemed significant by the State?

NO ✓ YES____

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment ____
Activity Center ____
Strip Commercial ____
Urban Infill ____
Urban Fringe ____
Traditional Neighborhood ✓

Explanation of how the proposed development will contribute to the community.

Single Family Housing

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

Real est Revenue

H. What impact will the proposed change have on level of service standards?

Roadways

N/A

Recreation

N/A

Water and Wastewater

N/A

Solid Waste

N/A

Mass Transit

N/A

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO ____ YES ✓ (please explain)

180018B

CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name: R.E. Arnold Const/Inc.	
Address: 17210 SW Archer Rd.	
'E' Mail REARNOLDSr@gmail.com	
Phone: 352-494-9980	Fax: 352-495-9191
Signature:	

Owner of Record	
Name: Dodd & H Construction Inc	
Address: 3324 W. University Ave, Ste 1 Gainsville Fl. 32607	
Phone: 352-538-1585	Fax:
Signature: WalterHowellBuilder@Hotmail.com	

Owner of Record	
Name:	
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Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

Owner/Agent Signature

Date 3/20/2018

STATE OF FLORDIA
COUNTY OF Alachua

Sworn to and subscribed before me this 20 day of March 2018, by (Name) Ronald E Arnold.

Signature – Notary Public

Personally Known ____ OR Produced Identification ✓ (Type) driver license.

TL—Applications—djw

KELLY L. LOFLAND
MY COMMISSION # GG 065049
EXPIRES: April 2, 2021
Bonded Thru Notary Public Underwriters

180018B

MAR 20 2018

Operator: Michael Hoge

Receipt no: 73564

Item	Description	Account No	Payment	Payment Reference	Paid
PB-18-00037 00000 NW 26TH ST Fletcher Oaks PD Ammendment	Planned Development Amendment	001-660-6680-3401	CREDIT		$1,548.00
Total:					**$1,548.00**

Transaction Date: 03/20/2018

Time: 11:20:16 EDT

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Date 3/20/2018

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COUNTY OF Alachua

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Personally Known ____ OR Produced Identification ✓ (Type) driver license.

TL—Applications—djw

KELLY L. LOFLAND
MY COMMISSION # GG 065049
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