

February 21, 2022

**Delivered by Email Only**  
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The Honorable Mayor Poe and  
Members of the Gainesville City Commission  
PO Box 490, Station 19  
Gainesville FL 32627-0490

RE: Ordinance No. 200878; Ordinance No. 200879 and Petition PB-21-13 TCH

Mayor Poe and Members of the City Commission:

I am writing in anticipation of the public hearing for Ordinance No. 200878, Ordinance No. 200879 and Petition PB-21-13 TCH to be held next Tuesday evening February 22, 2022. This firm represents the applicants, South Main, LLC and JLS GST Exempt Family Trust for all three petitions.

Throughout the process leading up to the meeting on the 22<sup>nd</sup>, everyone involved on behalf of the applicants and the applicants themselves have refrained from engaging any member of the commission in *ex parte* communications which are prohibited for *quasi judicial* matters such as the rezoning request addressed by Ordinance No. 200879. As a result, there has not been an opportunity to meet with members and provide a summary description of the applications and what precipitated the specific requests. My purpose in writing now is to provide a written summary narrative regarding several aspects of the applications in accord with the City Commission Policies (Resolution No. 210548) for your consideration as you prepare for the public hearing.

### **Why these three requests?**

As described in the application, the Stringfellow family has owned property in Gainesville since the 1800s and has maintained a business on the property at issue since 1959. Today, it is held in family trusts created for trust beneficiaries and managed by the trustees as an income producing trust asset. In 2014 the city approached the trustees about rezoning the property to T-4 to coincide with improvements then planned for Depot Park, Cade Museum and South Main Street. The trustees declined, partly due to skepticism about whether the planned investments would be realized, but mostly because the development potential offered by the T-4 zoning could not produce economically viable redevelopment and might instead bring economic harm by making the current use non-conforming. Correspondence from that period is provided in Attachment B of the current application.

Since then, completion of Depot Park, the Cade, South Main Street and Depot Avenue transformed the area, dramatically altering the potential for economically viable redevelopment of the property while also making the current Industrial land use and I-2 zoning of the property undeniably incompatible with its newly transformed surroundings. Recognizing this reality, the trustees asked the city what it would now propose. The response was to change the future land use and zoning to Urban Core and the DT transect zoning district respectively to coincide with what was also contemplated for the city's adjacent former RTS property. The trustees evaluated the City's recommendation, comparing it to other available generic future land use and zoning options and found it to be the only generic combination capable of engendering economically viable redevelopment<sup>1</sup>.

Inherent to the City's land use and zoning recommendation is the need to amend Sec. 30-3.14.J.4 of the land development code, either modifying or eliminating the minimum acreage requirement for certain rezonings to a transect district. The city plan board and city commission had previously identified the need for such a revision but had not yet initiated a petition. The change proposed by Petition 21-13 TCH allows the city commission to consider all proposed rezonings to a transect district without a minimum acreage limitation.

### **The Merits**

Since submitting the three applications two neighborhood workshops were held and, of course, one hearing before the Plan Board. The three applications received a favorable recommendation for approval by city staff after conducting its review and determining that all applicable standards for the proposed future land use and zoning have been met. The Plan Board also found that the applicable requirements for consistency with the comprehensive plan and the compatibility requirements are met. As expected, there has been virtual universal citizen input indicating that Industrial land use and I-2 zoning is no longer appropriate for the property. Also as expected, there is a lack of universal agreement on what is the appropriate land use designation and zoning for the property.

By far, the strongest objection to the UC land use and DT zoning has been to the building height made allowable (i.e., 12 stories by right and 14 stories with sufficient earned development bonuses). Because there is not a specific proposed development plan it can't be known whether there is any real potential for a 12 or 14 story building ever being built on the property. To date, not one building of 12 stories or more has been built on any of the many existing properties with UC land use and DT zoning, including the

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<sup>1</sup> A carefully tailored future land use of Planned Use District and implementing Planned Unit Development zoning is the only other option for achieving redevelopment of the site but the city discouraged consideration of this option for several reasons, not the least of which is the fact that the trustees have no development plans which is essentially a prerequisite.

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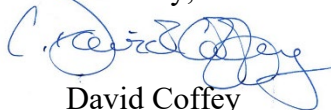
properties flanking the northern edge of Depot Park. We can only speculate on whether the full allowed building heights of UC land use and DT zoning would ever be utilized on the Stringfellow property, but because it would be allowed, the consequence of that prospect must be considered and addressed.

Many citizens questioned whether such building heights might result in shadows being cast on Depot Park. To address that concern, shadow simulations were prepared by CHW Professional Consultants' licensed landscape architects to determine what, if any, shadows might ever be cast on the park. The analysis was presented at the second neighborhood workshop and Plan Board hearing and will be presented to you Tuesday evening. It conclusively demonstrates that there is virtually no potential for shadows impacting Depot Park. The computer simulations also help provide perspective on how such building heights may appear when viewed from within Depot Park.

Another question that has drawn considerable attention has been whether the land use and zoning proposed could be coupled with a binding commitment to affordable housing which the applicants have been very willing to pursue. With the city commission now poised to approve an inclusionary housing ordinance, it is anticipated that the property will soon be subject to that new requirement. It should also be noted that existing bonus provisions for DT zoned properties to receive additional building height include very aggressive affordable housing requirements.

Regardless of whether the property is developed at 8 or 14 stories following approval of the proposed UC land use and DT zoning, the change will permit a significant infusion of new housing in the downtown on an industrial site where none is allowed today. Such an expansion of housing supply must contribute to more affordable housing, particularly when required to meet the anticipated inclusionary housing requirements of the city. The significant increase in housing made possible by these applications will certainly enhance the sustainability of downtown businesses dependent upon customers within walking distance.

Sincerely,



David Coffey  
Attorney at Law

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