

# MEMORANDUM

Office of the City Attorney

Box 46  
Phone: 334-5011/Fax 334-2229

**TO:** Mayor and City Commission

**DATE:** April 11, 2005

**FROM:** City Attorney

CITY ATTORNEY  
FIRST READING

**SUBJECT:** Ordinance No. 0-05-05, Petition 167LUC-04PB  
An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Single-Family (up to 8 units per acre)" to "Residential Low-Density (up to 12 units per acre); located in the vicinity of west of Northwest 43rd Street and north of Northwest 73<sup>rd</sup> Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition No. 167LUC-04PB and; 2) adopt the proposed ordinance on first reading.

### STAFF REPORT

The 2.37-acre subject property is within the approximately 300-acre, Blues Creek planned residential development, and is on the north side of N W 73<sup>rd</sup> Avenue, approximately one-quarter mile west of Northwest 43<sup>rd</sup> Street. The subject property is within the Blues Creek drainage basin, and is undeveloped and wooded. The property adjoins undeveloped conservation land to the north, east and west, and is proximate to single-family development across Northwest 73<sup>rd</sup> Avenue to the south. Single-family development of the Blues Creek development is to the north and west, beyond the adjacent conservation area. The Blues Creek clubhouse and swimming pool are also to the west of the conservation area.

The applicant proposes to change the land use designation of the property from SF (Single Family, up to 8 units per acre) to RL (Residential Low Density, up to 12 units per acre).

The subject property is adjacent to Single-Family (up to 8 units per acre) land use to the north and east, Single-Family and Conservation land use (farther east) to the east, and Alachua County Low Density (1-4 units per acre) land use to the south. The surrounding zoning is PD (Planned Development District) to the north, east and west, and Alachua County Low Density Residential (1-4 units per acre) (of the Sterling Place residential development) is to the south, across Northwest 73<sup>rd</sup> Avenue. Conservation zoning is east of the adjoining PD zoning to the east of the subject property.

Blues Creek was annexed from Alachua County in 2001-2002, and City of Gainesville land use and zoning was approved in 2003. Staff was unaware of the attached residential units for the

subject 2.4-acre property when Single Family land use and PD zoning were approved for Blues Creek. During review earlier this year of a proposed design plat for 16 lots on the subject property, the inconsistency between the existing Single Family land use, which does not allow attached residential units, and the PD zoning which allows attached units, became evident to staff. The proposed Residential Low-Density (up to 12 units per acre) designation allows for attached residential units, and will result in consistency between the future land use category and the underlying PD (Planned Development District) zoning for this 2.37-acre portion of Blues Creek.

The Plan Board heard the petition and recommended that it be approved.

This petition was filed after the second of two large-scale comprehensive plan amendment cycles for 2004, several months prior to the deadline for the first cycle for 2005. First reading of the ordinance adopting this petition has had to await the other large-scale plan amendment petitions of the first cycle of 2005. State law limits large-scale amendments to two times per calendar year.

Public notice was published in the Gainesville Sun on October 5, 2004. Letters were mailed to surrounding property owners on October 6, 2004. The Plan Board held a public hearing October 21, 2004. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 167LUCC-04 PB. Plan Board vote 5-0.

#### CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on October 21, 2004 and by ordinance, the City Attorney's Office is authorized to prepare the appropriate ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared and submitted by:

  
\_\_\_\_\_  
Marion J. Radson, City Attorney

MJR/afm

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**D R A F T**

February 1, 2005

**ORDINANCE NO.** \_\_\_\_\_  
0-05-05

1  
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3  
4       **An ordinance amending the City of Gainesville 2000-2010**  
5       **Comprehensive Plan, Future Land Use Map; by changing the**  
6       **land use category of certain property from “Single-Family (up to**  
7       **8 units per acre)” to “Residential Low-Density (up to 12 units**  
8       **per acre); located in the vicinity of west of Northwest 43rd Street**  
9       **and north of Northwest 73<sup>rd</sup> Avenue; providing a severability**  
10       **clause; providing a repealing clause; and providing an effective**  
11       **date.**

12  
13  
14       **WHEREAS**, publication of notice of a public hearing was given that the Future Land Use  
15 Map be amended by changing the land use category of certain properties from “Single-Family (up  
16 to 8 units per acre)” to “Residential Low-Density (up to 12 units per acre)”; and

17       **WHEREAS**, notice by the Plan Board was given and publication made as required by law  
18 and a public hearing was held by the City Plan Board on October 21, 2004; and

19       **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10 inches long  
20 was placed in a newspaper of general circulation notifying the public of this proposed ordinance  
21 and of the Public Hearing to be held in the City Commission Meeting Room, First Floor, City Hall,  
22 in the City of Gainesville at least seven (7) days after the day the first advertisement was published;  
23 and

24       **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of  
25 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

**D R A F T**

February 1, 2005

1           **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
2 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at  
3 the adoption stage at least five (5) days after the day the second advertisement was published; and

4           **WHEREAS**, public hearings were held pursuant to the published notice described above at  
5 which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

6           **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered the  
7 comments, recommendations and objections, if any, of the State Land Planning Agency.

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

10           **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
11 Plan is amended by changing the land use category of the following described property from  
12 “Single-Family (up to 8 units per acre)” to “Residential Low-Density (up to 12 units per acre)”:

13                         See legal description attached hereto as Exhibit "A", and made a part  
14                         hereof as if set forth in full.

15  
16           **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
17 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or  
18 portion thereof in order to comply with this ordinance.

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

**D R A F T**

February 1, 2005

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

3       **Section 5.** This ordinance shall become effective immediately upon passage on second  
4 reading; however, the effective date of this plan amendment shall be the date a final order is issued  
5 by the Department of Community Affairs finding the amendment to be in compliance in accordance  
6 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission  
7 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

8       **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
KURT LANNON,  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J RADSON, CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005

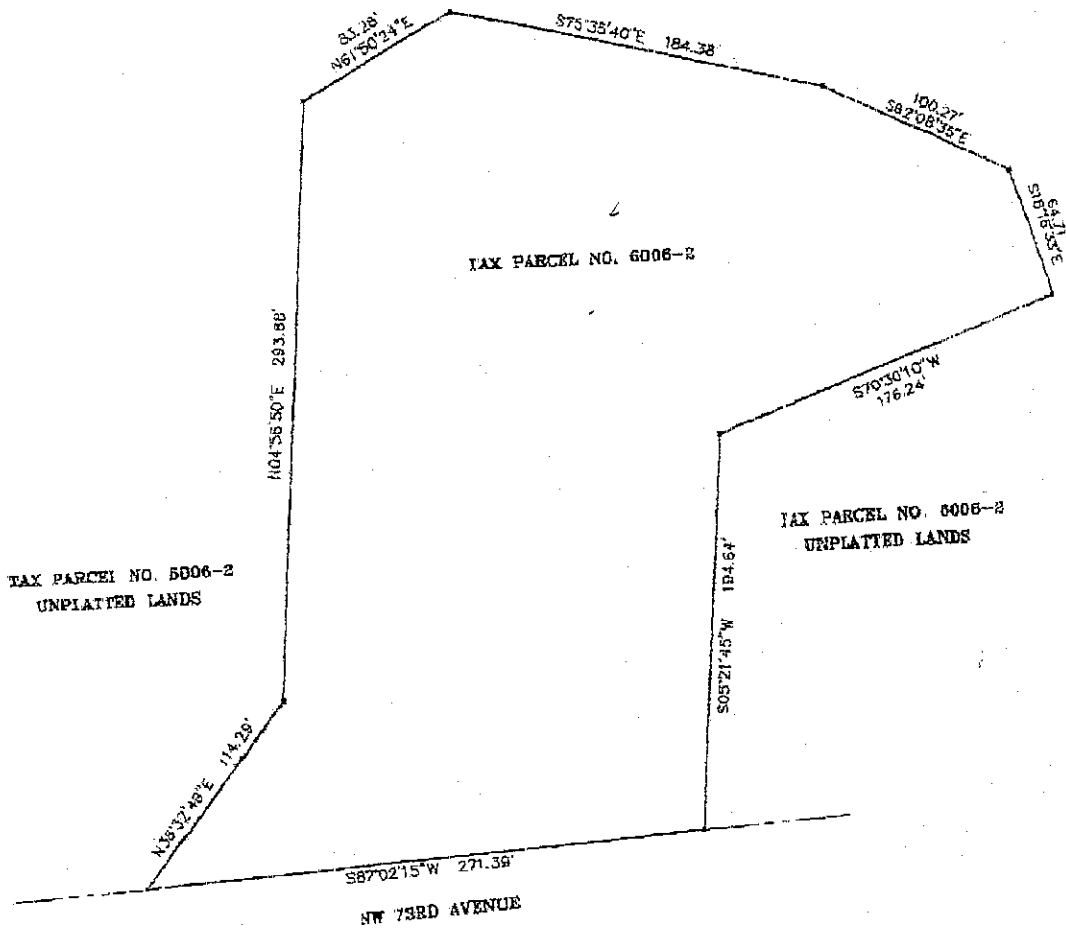
This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

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LEGAL DESCRIPTION  
 FOR A POINT OF REFERENCE COMMENCE AT THE  
 NORTHWESTERLY POINT OF THE EXPANDED RIGHT OF WAY FOR  
 N.W. 73RD AVENUE, BEING 10.00 FEET NORTH OF THE EAST  
 TERMINUS OF CURVE "G" AS SHOWN ON THE RECORD PLAT OF  
 BLUES CREEK UNIT- 3A AS PER PLAT RECORDED IN PLAT BOOK  
 "D" PAGES 48 AND 49 OF THE PUBLIC RECORDS OF ALACHUA  
 COUNTY FLORIDA; THENCE N.87°02'15"E., ALONG THE NORTH  
 RIGHT OF WAY LINE OF SAID N.W. 73RD AVENUE, A DISTANCE  
 OF 106.54 FEET TO THE POINT OF BEGINNING; THENCE  
 N.38°32'49"E., A DISTANCE OF 114.29 FEET; THENCE  
 N.04°56'50"E. A DISTANCE OF 293.88 FEET; THENCE  
 N.61°50'24"E., A DISTANCE OF 83.28 FEET; THENCE  
 S.75°35'40"E. A DISTANCE OF 184.38 FEET; THENCE  
 S.62°08'35"E., A DISTANCE OF 100.27 FEET; THENCE  
 S.16°16'33"E., A DISTANCE OF 64.71 FEET; THENCE  
 S.70°30'10"W. A DISTANCE OF 176.24 FEET; THENCE  
 S.05°21'45"W., A DISTANCE OF 194.64 FEET, TO AN  
 INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID  
 N.W. 73RD AVENUE; THENCE S.87°02'15"W. ALONG THE NORTH  
 RIGHT OF WAY LINE OF SAID N.W. 73RD AVENUE, A DISTANCE  
 OF 271.39 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 103,223.13 SQUARE FEET OR 2.3697 ACRES, MORE  
 OR LESS.

END OF DESCRIPTION.

TAX PARCEL NO. 6006-2  
 UNPLATTED LANDS



BOUNDARY & LEGAL DESCRIPTION  
 BLUES CREEK UNIT 7

EXHIBIT "A"

Item No. 11

**TO:** City Plan Board **Date:** October 21, 2004  
**FROM:** Planning Division Staff  
**SUBJECT:** Petition 167LUC-04 PB. City of Gainesville. Amend the City of Gainesville Future Land Use Map from SF (Single Family, up to 8 units per acre) to RL (Residential Low Density, up to 12 units per acre) for approximately 2.4 acres. Located west of Northwest 43<sup>rd</sup> Street and north of Northwest 73<sup>rd</sup> Avenue.

Recommendation

Planning Division staff recommends approval of Petition 167LUC-04 PB.

Explanation

The 2.37-acre subject property is within the approximately 300-acre, Blues Creek planned residential development, and is on the north side of N.W. 73<sup>rd</sup> Avenue, approximately one-quarter mile west of N W 43<sup>rd</sup> Street. The subject property is within the Blues Creek drainage basin, and is undeveloped and wooded. The property adjoins undeveloped conservation land to the north, east and west, and is proximate to single-family development across N W 73<sup>rd</sup> Avenue to the south. Single-family development of the Blues Creek development is to the north and west, beyond the adjacent conservation area. The Blues Creek clubhouse and swimming pool are also to the west of the conservation area.

The applicant proposes to change the land use designation of the property from SF (Single Family, up to 8 units per acre) to RL (Residential Low Density, up to 12 units per acre).

The subject property is adjacent to Single-Family (up to 8 units per acre) land use to the north and east, Single-Family and Conservation land use (farther east) to the east, and Alachua County Low Density (1-4 units per acre) land use to the south. The surrounding zoning is PD (Planned Development District) to the north, east and west, and Alachua County Low Density Residential (1-4 units per acre) (of the Sterling Place residential development) is to the south, across N.W. 73<sup>rd</sup> Avenue. Conservation zoning is east of the adjoining PD zoning to the east of the subject property.

Blues Creek was annexed from Alachua County in 2001-2002, and City of Gainesville land use and zoning was approved in 2003. Staff was unaware of the attached residential units for the subject 2.4-acre property when Single Family land use and PD zoning were approved for Blues Creek. During review earlier this year of a proposed design plat for 16 lots on the subject property, the inconsistency between the existing Single Family land use, which does not allow attached residential units, and the PD zoning which allows attached units, became evident to staff. The proposed Residential Low-Density (up to 12 units per acre) designation allows for attached residential units, and will result in consistency between the future land use category and the underlying PD (Planned Development District) zoning for this 2.37-acre portion of Blues Creek.

### **Impact on Transportation Level-of-Service**

The subject property is located outside of the TCEA (Transportation Concurrency Exception Area). N.W. 43rd Street between N.W. 53rd Avenue and US 411 is operating at LOS "C" according to the MTPO's Level of Service Tables dated August 26, 2004. Even with reserved trips, this segment currently operates at an acceptable LOS and below the 85 percent of capacity threshold. Transportation and all other applicable concurrency requirements will have to be met at the time of subdivision approval. Land use changes do not vest for concurrency.

If the property were to be developed at the theoretical maximum density of 8 du/ac under the existing Single Family land use, the 18 residential units would generate 172 Average Daily Trips (ADT). If the property were to be developed at the theoretical maximum of 12 du/ac under the proposed Residential Low-Density land use, the 28 residential units would generate 165 ADT, which is less than the ADT under the existing Single Family land use.

The Blues Creek developer has previously applied for a design plat for 16 attached units, which is less than the theoretical maximum of 28 units under Residential Low-Density land use. The 16 residential units would generate 95 ADT based on the trip generation rate of 5.9 ADT per unit.

The subject property is not presently served by transit.

### **Compatibility of the proposal / surrounding land uses**

The proposed Residential Low-Density land use category is compatible with the surrounding Single-Family (and Alachua County Low-Density Residential) land use, and is consistent with the underlying Planned Development zoning that allows attached residential units at this location. The subject property is separated from single-family residential development to the north and west by a substantial conservation area, and from single-family development to the south by N.W. 73<sup>rd</sup> Avenue.

### **Environmental impacts and constraints**

The subject property is primarily a wooded upland, but jurisdictional wetland lines have been mapped within and proximate to the boundaries of the subject property. Any future development of the subject property must be in accord with the wetland and surface waters ordinance of the City. The environmental features on the site will limit the density to approximately 6.75 units per acre.

### **Whether the change promotes urban infill**

The subject property is located within a developed suburban neighborhood.

### **Applicable Goals, Objectives and Policies**

The proposed land use change is consistent with the adopted City of Gainesville Comprehensive Plan. The following are relevant goals, objectives and policies from the Comprehensive Plan.

### ***Future Land Use Element***



Objective 4.1

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Residential Low-Density (up to 12 units per acre). This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

Policy 4.1.3 The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Overall compatibility of the proposal;
2. Surrounding land uses;
3. Environmental impacts and constraints;
4. Whether the change promotes urban infill; and
5. Whether the best interests, community values, or neighborhood support is achieved.

In no case shall this or any other Policy in the Future Land Use Element indicate a presumption that the City shall support a change of designation of land use for any parcel.

Objective 4.6 - Provide a mechanism for consistency between the Future Land Use categories and zoning designations.

***Conservation, Open Space and Groundwater Recharge Element***

Policy 1.1.1 At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City

shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.

- a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations which prohibit development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek.
- b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Degradation or loss of function that is unavoidable shall be minimized, and the applicant must demonstrate that the project is clearly in the public interest, with final administrative approval by the city commission on appeal, if necessary. The City shall develop and implement land development regulations that at a minimum:
  1. Establish criteria that are at least consistent with the relevant criteria of Section 373.414(1), F.S. for determining whether the project is clearly in the public interest.
  2. Establish mitigation ratios for wetland preservation, enhancement, restoration and creation. The mitigation ratios shall be at least 5:1 (acreage of mitigation area to impacted area) for impacts to natural wetlands or wetlands created as part of a mitigation project; and shall be at least 1:1 for impacts to created wetlands (e.g., livestock watering ponds, borrow pits, drainage ditches, etc.) that were not created as part of a mitigation project. Should there be irreconcilable differences between the mitigation required by the City and that required by the state (water management district or FDEP), then the mitigation requirements of the state will prevail where there are irreconcilable differences.
  3. Wetland creation is presumed to be the least desirable mitigation strategy. -
  4. Establish bonding, long-term monitoring and enforceable long-term maintenance requirements for wetland mitigation projects to ensure that all the negative impacts have been mitigated. Monitoring should be reviewed by the Alachua County Environmental Protection Department, the appropriate water management district, the University of Florida, or other appropriate monitoring agency or reviewing entity, with regulatory fees paid by the permitted applicant. The mitigation plan must be approved prior to the initiation of the project.
  5. Require off-site mitigation to be performed within the same sub-basin and basin (the basins are depicted on the map entitled Wetland Mitigation Basins

that is on file with the Community Development Department and is in the Data & Analysis section of this comprehensive plan element) in which the impact occurred, unless it is shown that mitigation outside the sub-basin is more appropriate. The order of preference for the location of the mitigated area(s) in relation to the impacted areas will be established in the land development regulations (LDRs).-

6. Require that development shall not cause hydrological or wetland impacts off-site;
7. A minimum buffer distance of 35 ft. and an average buffer distance of 50 feet shall be required between the landward extent of any wetland or surface water and the developed area. Larger buffers may be warranted. The criteria for buffer expansion will be developed in the land development regulations;
8. Specify that the protections for wetlands shall be extended to all wetlands delineated in accordance with Section 62-340, F.A.C., regardless of whether they are currently mapped by the City of Gainesville;
9. Require review and approval of wetland mitigation projects by qualified professionals.
10. Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C., shall have a minimum buffer of 200 feet. The City shall develop and implement land development regulations that establish appropriate setbacks for wetlands containing listed plant or animal species. Where these distance requirements preclude all economic development of a parcel, exceptions can be made upon approval by a majority of the city commission and with appropriate mitigation of wetland loss.
11. Wetlands damaged on or subsequent to the effective date of this policy shall either be restored to their original function and condition prior to such damage, at the owner's expense or mitigated for, pursuant to the mitigation requirements of this comprehensive plan element.

Policy 2.4.6 The City shall continue to have land development regulations for environmentally significant wetlands, lakes and regulated creeks that require:

- a. Setbacks from regulated creeks, lakes and wetlands;
- b. Prohibition of development that would cause erosion and sediment pollution to regulated creeks, lakes and wetlands;

- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks, lakes and wetlands;
- d. Retention or detention of the first inch of runoff of developments adjacent to regulated creeks, lakes and wetlands, through on-site filtration;
- e. Retention of vegetation integral to the ecological value of regulated creeks, lakes and wetlands;
- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site; and
- h. Prohibition on the installation of all septic tanks.

<b>Applicant Information</b>	City of Gainesville
<b>Request</b>	Amend the City of Gainesville Future Land Use Map from SF (Single Family, up to 8 units per acre) to RL (Residential Low Density, up to 12 units per acre) for approximately 2.4 acres. Located west of Northwest 43rd Street and north of Northwest 73rd Avenue.
<b>Existing Land Use Plan Classification</b>	Single-Family (up to 8 units per acre)
<b>Existing Zoning</b>	PD (Planned Development District)
<b>Purpose of Request</b>	The proposed Residential Low-Density (up to 12 units per acre) future land use designation, which allows for attached residential units, will result in consistency between the land use and the underlying PD (Planned Development District) zoning for this 2.37-acre portion of the Blues Creek planned development.
<b>Location</b>	Located west of N.W 43rd Street and north of N.W 73rd Avenue.
<b>Size</b>	2.37 acres
<b>Existing Use</b>	Vacant

**Surrounding Land Uses**

<b>North</b>	Conservation, residential
<b>South</b>	Residential
<b>East</b>	Conservation
<b>West</b>	Conservation, residential/recreation (club house)

<b>Surrounding Controls</b>	<b>Existing Zoning</b>	<b>Land Use Plan</b>
<b>North</b>	PD	Single-Family
<b>South</b>	Alachua County R1-A (1-4 du/ac)	Alachua County Low Density Residential (1-4 du/ac)
<b>East</b>	PD, and Conservation.	Single-Family, and Conservation...
<b>West</b>	PD	Single-Family

**Impact on Affordable Housing**

This application will have no impact on affordable housing.

**Summary**

The proposed land use change from Single-Family (up to 8 units per acre) to Residential Low-Density (up to 12 units per acre) is consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and is recommended for approval.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

Attachments

RH: DM

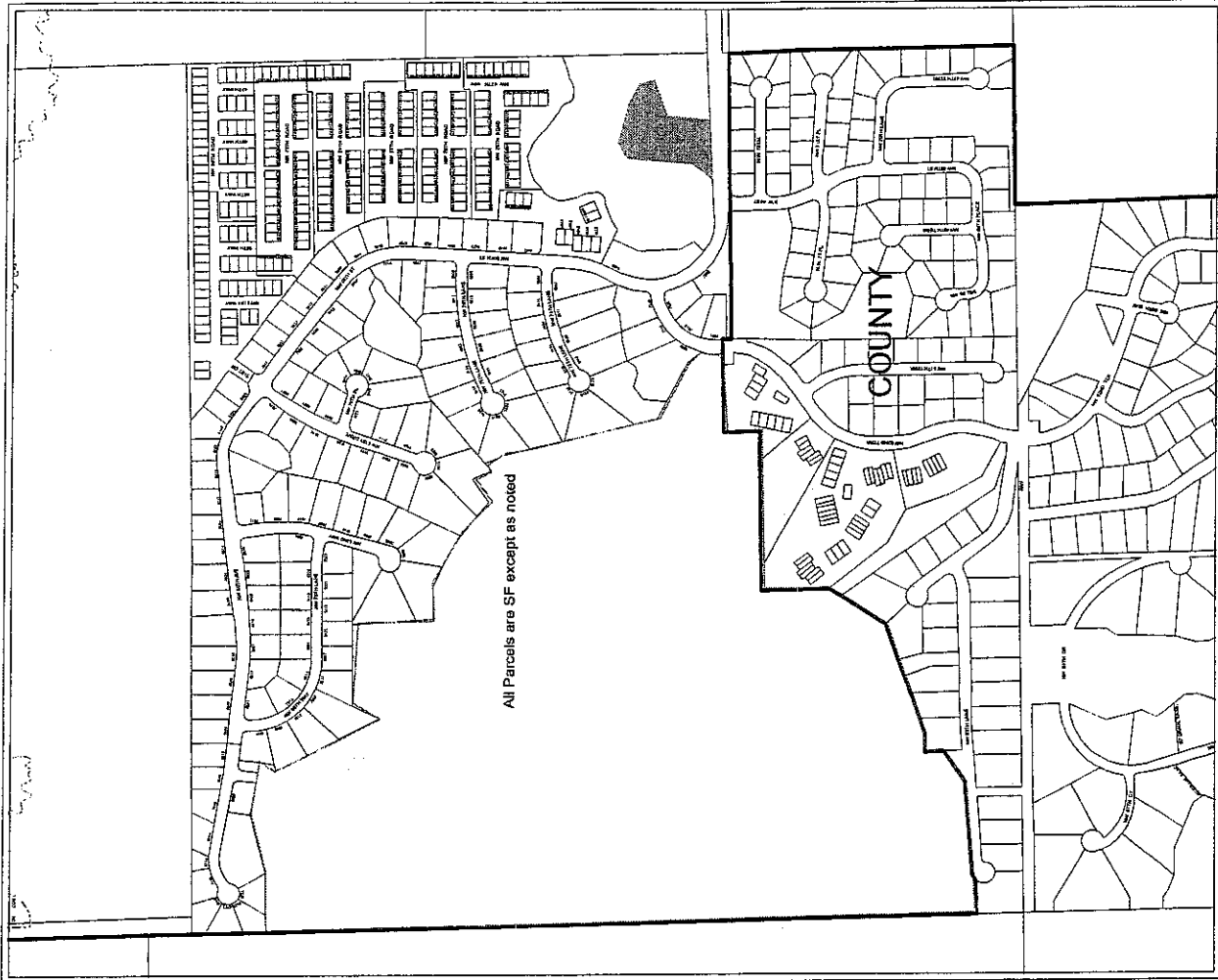
# Land Use Designations

- SF Single Family (up to 8 units per acre)
- RL Residential Low Density (up to 12 units per acre)
- RM Residential Medium Density (8-30 units per acre)
- RH Residential High Density (8-100 units per acre)
- MUR Mixed Use Residential (up to 75 units per acre)
- MUL Mixed Use Low Intensity (10-30 units per acre)
- MUM Mixed Use Medium Intensity (14-30 units per acre)
- MUH Mixed Use High Intensity (up to 150 units per acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

Division line between two land use districts  
 City Limits

Area under petition consideration

All Parcels are SF except as noted



## LAND USE

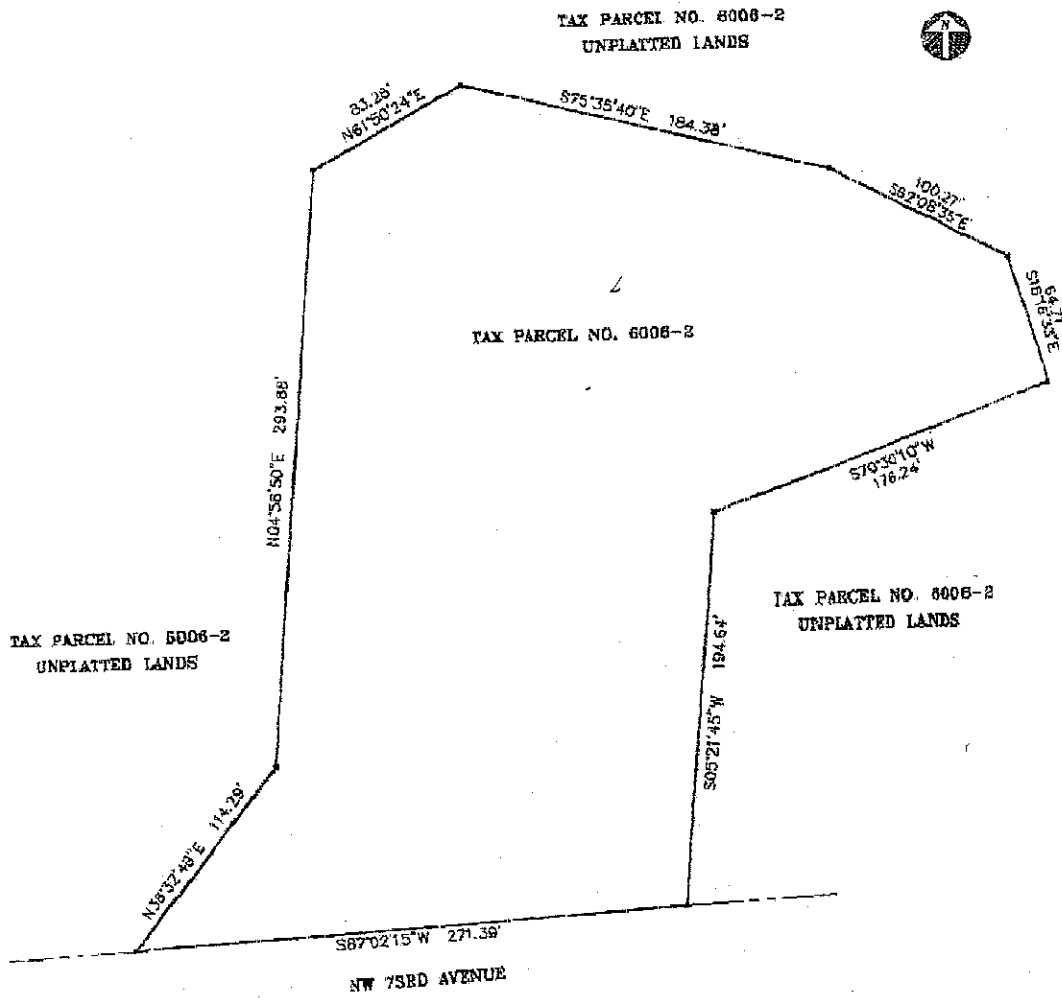
Name	Petition Request	Map(s)	Petition Number
City Plan Board	From SF to RL	3043	167LUC-04PB



**LEGAL DESCRIPTION**

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWESTERLY POINT OF THE EXPANDED RIGHT OF WAY FOR N.W. 73RD AVENUE, BEING 10.00 FEET NORTH OF THE EAST TERMINUS OF CURVE "G" AS SHOWN ON THE RECORD PLAT OF BLUES CREEK UNIT- 3A AS PER PLAT RECORDED IN PLAT BOOK "O" PAGES 48 AND 49 OF THE PUBLIC RECORDS OF ALACHUA COUNTY FLORIDA; THENCE N.87°02'15"E., ALONG THE NORTH RIGHT OF WAY LINE OF SAID N.W. 73RD AVENUE, A DISTANCE OF 106.54 FEET TO THE POINT OF BEGINNING; THENCE N.38°32'49"E., A DISTANCE OF 114.29 FEET; THENCE N.04°56'50"E., A DISTANCE OF 293.88 FEET; THENCE N.61°50'24"E., A DISTANCE OF 83.28 FEET; THENCE S.75°35'40"E., A DISTANCE OF 184.38 FEET; THENCE S.62°08'35"E., A DISTANCE OF 100.27 FEET; THENCE S.16°16'33"E., A DISTANCE OF 64.71 FEET; THENCE S.70°30'10"W., A DISTANCE OF 176.24 FEET; THENCE S.05°21'45"W., A DISTANCE OF 194.64 FEET, TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID N.W. 73RD AVENUE; THENCE S.87°02'15"W., ALONG THE NORTH RIGHT OF WAY LINE OF SAID N.W. 73RD AVENUE, A DISTANCE OF 271.39 FEET TO THE POINT OF BEGINNING CONTAINING 103,223.13 SQUARE FEET OR 2.3897 ACRES, MORE OR LESS

END OF DESCRIPTION.



**BOUNDARY & LEGAL DESCRIPTION  
BLUES CREEK UNIT 7**







# CITY OF GAINESVILLE

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*Department of Community Development*

September 9, 2004

## **Neighborhood Workshop**

A neighborhood workshop will be held to discuss a proposed Gainesville Future Land Use Map amendment from Single-Family (up to 8 units/acre) to Residential Low-Density (up to 12 units/acre) for approximately 2.4 acres located west of Northwest 43<sup>rd</sup> Street and north of Northwest 73<sup>rd</sup> Avenue. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments.

The meeting will be held Thursday, September 23, 2004 at 6:00 p.m., at the Blues Creek Clubhouse, 7801 Northwest 50<sup>th</sup> Street.

Contact person: Dean Mimms (352) 334-5022  
Chief of Comprehensive Planning  
Community Development Dept.  
City of Gainesville

---

*Planning Division*

P.O. Box 490 • Gainesville, FL 32602-0490  
(352) 334-5023 • FAX (352) 334-3259

9/9/04

**Public Notice**

A neighborhood workshop will be held to discuss a proposed Gainesville Future Land Use Map amendment from Single-Family (up to 8 units/acre) to Residential Low-Density (up to 12 units/acre) for approximately 2.4 acres located west of Northwest 43<sup>rd</sup> Street and north of Northwest 73<sup>rd</sup> Avenue. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments.

The meeting will be held Thursday, September 23, 2004 at 6:00 p.m., at the Blues Creek Clubhouse, 7801 Northwest 50<sup>th</sup> Street.  
Contact person: Dean Mimms (352) 334-5022

9/9/04

## **Blues Creek Workshop – September 23, 2004, 6:00 PM, Blues Creek Clubhouse**

Mr. John Wachtel, Neighborhood Planning Coordinator for the City of Gainesville introduced himself, property owner (Blues Creek Development) representative Ms. Alison Fetner, P.E., of Fetner Engineering, and welcomed Mr. Al Clark, a resident of the Blues Creek subdivision and the sole member of the public in attendance at this advertised and noticed workshop.

Mr. Wachtel explained that the proposed small-scale amendment to the Generalized Future Land Use Map of the 2000-2010 City of Gainesville Comprehensive Plan is for an undeveloped 2.4-acre area located at the southeast corner of the Blues Creek development. The proposed change from Single-Family (up to 8 units per acre) to Residential Low-Density (up to 12 units per acre) future land use is consistent with the adopted Planned Development (PD) zoning for the property, which allows for attached housing units in this part of the Blues Creek development. The petition is a City-initiated petition that is needed for required consistency between land use and zoning.

Mr. Clark asked whether the subject 2.4-acre property is a wetland, and Ms. Fetner replied that although the surrounding area contains wetlands, the subject property is upland. She added that the various development requirements of the City would limit the number of units to less than the hypothetical maximum possible under the comprehensive plan density of up to 12 units per acre. The developer envisions approximately 15 residential units, but the final number will be determined at the time of subdivision approval, which will be the subject of a separate petition and public hearings.

There was no further discussion and the workshop was called to a close at 6:20 PM

6<sup>th</sup> - 6:20<sup>pm</sup>

SIGN-IN SHEET  
BLUES CREEK WORKSHOP  
SEPTEMBER 23, 2004

	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
1.	Al Clark	5606 NW 69th Lane	372-3267
2.	John Wachtel		
3.	Allison Fetzer		
4.			
5.			
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10.			

11. **Petition 167LUC-04 PB** City of Gainesville. Amend the City of Gainesville Future Land Use Map from SF (Single Family, up to 8 units per acre) to RL (Residential Low Density, up to 12 units per acre) for approximately 2.4 acres. Located west of Northwest 43<sup>rd</sup> Street and north of Northwest 73<sup>rd</sup> Avenue.

Mr. Dean Mimms explained that the petition was brought to the board because of a conflict in the land use and zoning. He presented photos of the site and the surrounding area. He noted that there were wetlands on the site and, at the time of future development review, the City's ordinances for wetlands and surface waters have to be met.

Mr. Reiskind asked the location of NW 43<sup>rd</sup> Street.

Mr. Mimms pointed it out on the map

There was no public comment on the petition.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Cole
<u>Moved to:</u> Approve Petition 167LUC-04 PB.	<u>Upon Vote:</u> Motion Carried 4 - 0 Ayes: Gold, Reiskind, Cole, Pearce