980729

City of Gainesville

Inter-Office Communication

Department of Community Development
Phone 334-5022, FAX 334-2282, Station 11

Item No. 10

To: City Plan Board **Date:** November 19, 1998

From: Planning Division Staff

Subject: **Petition 210LUC-98 PB**. Brown and Cullen, Inc., agent for Collier Venture One, LP. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from CON (Conservation) to RM (Residential Medium Density, 10-30 units per acre). Located in the vicinity of the 1200 block of Northwest 21st Avenue. Related to Petition 211ZON-98 PB.

Recommendation

Planning Division staff recommends approval of Petition 210LUC-98 PB.

Explanation

The subject parcel is 0.65 acres in size and is located in the vicinity of the 1200 block of Northwest 21st Avenue. The parcel adjacent to the south carries a Single-Family (up to 8 units per acre) land use. The parcel to the east carries an RM (Residential Medium Density, 10-30 units per acre) land use. The parcel adjacent to the north carries an O (Office) land use. The parcel adjacent to the west carries an MU-L (Mixed Use Low, 10-30 units per acre) land use.

The subject parcel was designated as Conservation land use to serve as a buffer between the rear parking area of an existing car dealership and future multi-family development to the east. The purpose of this application is to facilitate a unified development with the seven-acre parcel to the east by incorporating the buffer strip as part of the parcel to the east with the same land use designation. The buffer no longer serves a purpose, since the applicant intends to develop a residential project which incorporates a suitable buffer from the parking area in the development plan.

Should this petition be approved, development of the multi-family project proposed to the east of the subject parcel would be facilitated.

This petition will facilitate the development of multi-family residential units within close proximity of an important activity center, and is within one-quarter mile of a transit stop, both of which are key City objectives.

The parcel is not affected by an environmental overlay district, or by the Central Corridors district.

Currently, two Regional Transit System bus routes serve the subject parcels (Routes 3 and 8). In addition, the parcel is within 300 feet of an arterial 4-lane street (NW 13th Street) with sidewalks. This arterial contains on-street bicycle lanes, but there are no nearby off-street bicycle/pedestrian paths.

Therefore, the residences this petition will facilitate are well-served with transit, bike lanes, and sidewalks.

The nearest activity center is the NW 13th Street Center to the northwest -- approximately 800 feet away (the Gainesville Mall shopping area).

The Future Land Use Element, in Policies 2.2.2, 2.3.2, and Objectives 2.2, 2.3, and 2.4 calls for infill, higher density residential in close proximity to activity centers, compatible adjacent land uses, compact development, and promotion of a variety of housing types.

Site Location in Relation to Adjacent Land Uses

The subject parcel is adjacent to Residential Medium Density land use to the east, Office land use to the north, Mixed Use land use to the west and Single-Family residential to the south. A Residential Medium Density land use would be compatible with such uses.

Impact on Adopted Level of Service Standards

Potable water, wastewater, and solid waste capacity are all available at adopted level of service standards. Stormwater management concurrency is handled at the development review/subdivision stage. Transit service is available (Routes 3 and 8) and adequate, and public sidewalks serve the parcels along NW 13th Street. This segment of NW 13th Street has available road level-of-service. An ample number of daily trips can be added before the road reaches capacity. Therefore, there is adequate capacity on the road to handle the amount of trips generated by residential development of the 0.65-acre parcel.

This application meets the adopted level of service standards for recreation. Nevertheless, this application is not atypical in that there is no public neighborhood park with a service radius that encompasses the subject parcel. Only nearby public schools currently serve the subject parcel, and public schools offer limited public access for recreation.

Applicable Goals, Objectives and Policies

Future Land Use Element

Goal 2

THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER THAT USES ACTIVITY CENTERS TO PROVIDE GOODS AND SERVICES TO CITY RESIDENTS; PROTECTS VIABLE, STABLE NEIGHBORHOODS; DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES QUALITY OPEN SPACE AND PRESERVES THE TREE CANOPY OF THE CITY. THE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF INFRASTRUCTURE.

Objective 2.1

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 2.1.1
Land Use Categories on the Future Land Use Map shall be defined as follows:

Residential Medium Density (10-30 units per acre)

This land use classification shall allow single-family and multi-family development at densities from 10 to 30 dwelling units per acre. The land shown as Residential Medium Density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Objective 2.2

By June 1992, the City shall implement regulations that will protect low intensity uses from the negative impacts of high intensity uses and provide for the healthy coexistence and integration of various land uses.

Policies

2.2.1 The City shall adopt Land Development Regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of activity centers and other high intensity uses by separating intense uses from low intensity uses by transitional uses and performance measures. Performance measures shall address the buffering of adjacent uses both by landscape and site design. Regulation of site design shall address orientation; arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and existing tree canopy.

2.2.2 The City shall adopt Land Development Regulations that permit a variety of housing types and housing densities throughout the City in order to meet the needs of people with differing incomes and life styles.

2.2.4 Prior to a final development order during the Development Review Process, the intensity of use appropriate to any parcel shall be determined based upon the availability of public services and facilities to meet urban needs; the capacity of such facilities and services to serve the proposed land use without degrading LOS standards (as determined through LOS standards); and the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site.

Objective 2.3

By June 1992, the City shall adopt Land Development Regulations that require concentrated development patterns through the use of the activity center concept. Activity Centers shall be designed to integrate housing with commercial, employment and recreational opportunities, and shall be located and designed to create vibrant urban areas, promote convenience for City residents and reduce vehicular travel and energy consumption.

Policies

2.3.2 The land use map shall designate appropriate areas for high density residential development in close proximity to Activity Centers.

Objective 2.4

Redevelopment shall be encouraged to promote urban infill, improve the condition of blighted areas, to reduce urban sprawl and foster compact development patterns.

Transportation Mobility Element

Policies

1.8.5 Individual projects within the TCMA shall be examined for transportation concurrency compliance as shown below. Concurrency exemptions granted under the conditions listed below shall not relieve development from complying with Policy 1.1.6 of this Element.

a. Businesses or agencies that can demonstrate, through survey or other acceptable methods, that the clientele served accesses the business or agency by transportation mode other than single occupant vehicle shall be considered to be exempt;

b. Medium and high density housing units within 1/4 mile of established transit routes shall be exempt;

c. Businesses within the parking exempt area, and businesses which provide 5 or fewer on-site parking spaces and have no drive-through or motor fuel dispensing facilities in the Downtown/University Sub-area shall be considered to be exempt;

d. Any reuse, redevelopment or substantial reconstruction of existing structures within the TCMA shall be considered to be exempt;

e. Any new development or expansion of existing structures on University Avenue between North-South Drive and Sweetwater Branch shall be exempt when the front entrance of the use is located within 15 feet of the public sidewalk, does not include drive-through facilities or motor fuel dispensing facilities, provides no additional parking and when the facade of the business meets the minimum design standards listed in Article IV of the Land Development Code, central city district.

1.8.7 In addition to the level of service requirements in Policy 1.1.1, development projects within one quarter mile of the segment of NW 13th Street between University Avenue and NW 29th Road shall be required to meet the following:

a. Development projects on this segment must provide mitigation in proportion to the transportation impacts generated by the development in order to meet transportation concurrency compliance and the provisions of Policy 1.1.6. Special traffic studies may be required as a part of the development approval process to determine the proportional traffic impacts, as measured by trip generation, trip distribution, and intersection analysis, from the development. Mitigation shall include items such as, but not limited to: intersection and/or signalization improvements to improve roadway operation and safety; addition of dedicated turn lanes into and out of developments to maintain the level of service and safe operating conditions of the roadway; provision of transit shelters built to City specifications; dedication of right-of-way for the construction of bus turn-out facilities; construction of bus turn-out facilities; bus passes provided to residents or employees of a development; subsidies to the mass transit system which either increase headways or add additional bus service to the segment; a contractual agreement with the City for the provision of mass transit service on the segment; sidewalks and sidewalk connections to the public sidewalk; widening of existing sidewalks; dedication of right-of-way for the addition of bicycle lanes; ride sharing or van pool programs; reduction of curb cuts on existing sites; and/or provision of cross-access agreements or joint driveways.

b. Development of new drive-through facilities, as defined in Policy 1.4.5, shall only be allowed from within existing or proposed shopping centers such that all access is internal to the shopping center. Each drive-through facility shall only be allowed a single drive-through lane.

c. Parking in excess of that required by the Land Development Code shall not be allowed.

d. Development plan design shall maximize the safe and efficient operation of this roadway segment in accordance with generally accepted professional traffic engineering principles and practices.

Applicant Information	Brown & Cullen, Inc., agent for Collier Venture One, LP.
Request	Amend the Future Land Use Map from CON to RM.
Existing Land Use Plan Classification	CON
Existing Zoning	Conservation
Location	Vicinity of the 1200 block of Northwest 21st Avenue.
Size	0.65 acres
Existing Use	Vacant
Surrounding Land Uses	
North	Office/Residential
South	Residential/Vacant
East	Residential/Vacant
West	Commercial/Car Dealership

Surrounding Controls	**Existing Zoning**	**Land Use Plan**
North	OF	O
South	RSF-1	SF
East	RMF-6	RM
West	MU-1	MUL

Recent Zoning History	None.

Affordable Housing

This petition will have no impact on the supply of affordable housing.

Respectfully Submitted,

Ralph Hilliard

Ralph Hilliard
Planning Manager

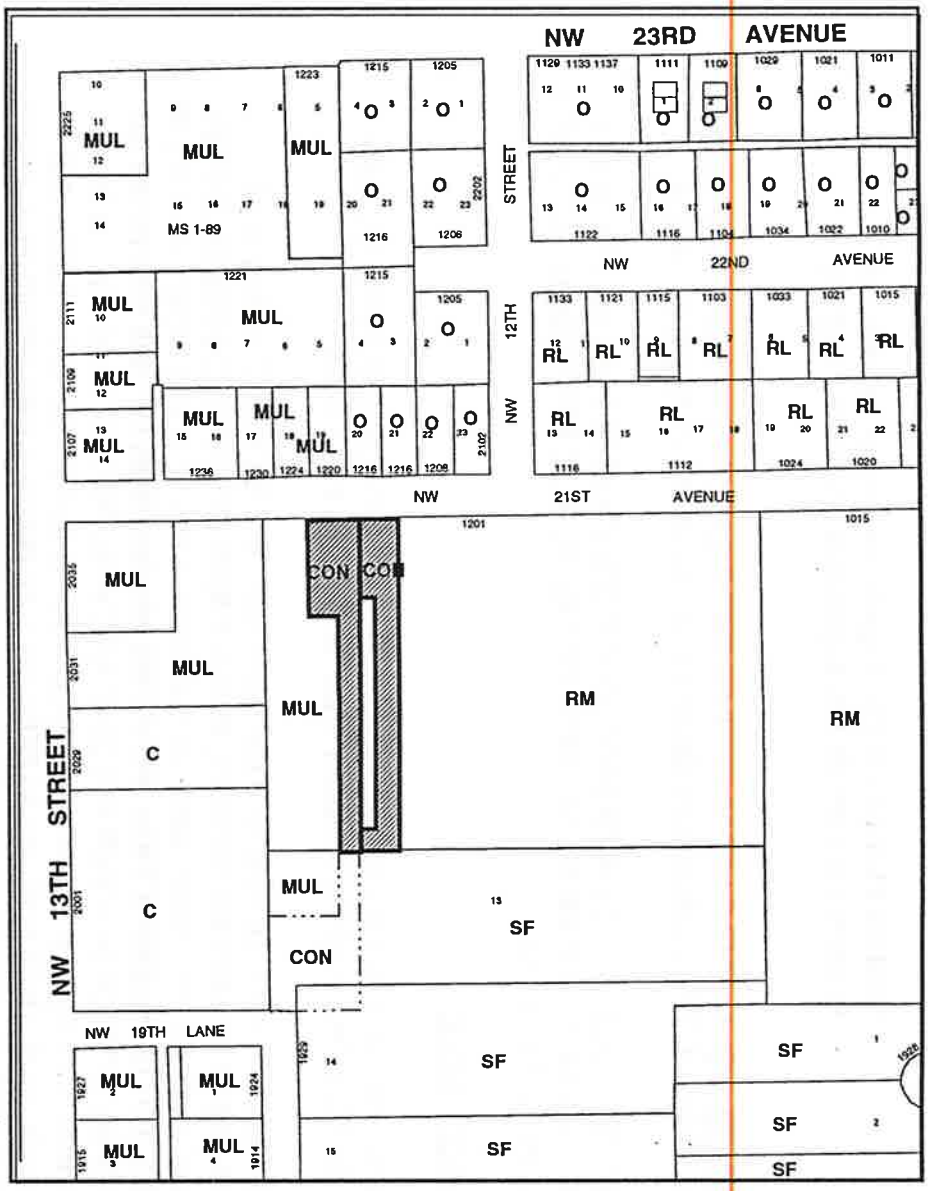
RW:DM:DN

Land Use Designations

SF	Single Family (up to 8 units/acre)
RL	Residential Low Density (up to 12 units/acre)
RM	Residential Medium Density (10-30 units/acre)
RH	Residential High Density (21-100 units/acre)
MUR	Mixed Use Residential (up to 75 units/acre)
MUL	Mixed Use Low Intensity (10-30 units/acre)
MUM	Mixed Use Medium Intensity (14-30 units/acre)
MUH	Mixed Use High Intensity (up to 150 units/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

LAND USE

	Name	Petition Request	Map(s)	Petition Number
N W E S No Scale	Brown and Cullen Inc.	From CON to RM	3750	210 LUC-98PB

Prepared by the City of Gainesville, Department of Community Development, 10/98

LEGAL DESCRIPTION

Petition 210LUC-98 PB, Legislative Matter No. 980729
Petition 211ZON-98 PB, Legislative Matter No. 980730

PARCEL NO. 1: THE EAST 30 FEET OF THE WEST 130 FEET OF TAX PARCEL NO. 9970, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL NO. 2: THE NORTH 140 FEET OF THE EAST 50 FEET OF THE WEST 100 FEET OF TAX PARCEL NO. 9970, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL NO. C:

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 9 SOUTH, RANGE 20 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 32; THENCE RUN NORTH 00 DEGREES 29 FEET EAST ALONG THE WEST LINE OF SAID SECTION 32, A DISTANCE OF 1990.00 FEET TO ITS INTERSECTION WITH THE PROJECTION OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 21ST AVENUE; THENCE RUN SOUTH 89 DEGREES 19 FEET EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE AND PROJECTION THEREOF, 440.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 19 FEET EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 50.00 FEET; THENCE RUN SOUTH 00 DEGREES 29 FEET WEST, 445.00 FEET; THENCE RUN NORTH 89 DEGREES 19 FEET WEST, 50.00 FEET; THENCE RUN NORTH 00 DEGREES 29 FEET EAST, 30.00 FEET; THENCE RUN SOUTH 89 DEGREES 19 FEET EAST, 20.00 FEET; THENCE RUN NORTH 00 DEGREES 29 FEET EAST, 315.00 FEET; THENCE RUN NORTH 89 DEGREES 19 FEET WEST, 20.00 FEET; THENCE RUN NORTH 00 DEGREES 29 FEET EAST, 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA AND CONTAINS 0.366 ACRES, MORE-OR-LESS.

Regina M. Hawkins
2121 NW 10th Street Gainesville, FL 32609 (352) 373-9458

November 23, 1998

Mr. John Barrow, Chair
City of Gainesville Plan Board
1315 NE 7th Street
Gainesville, FL 32601

Dear Mr. Barrow:

Thank you for the opportunity to address the City of Gainesville Plan Board on November 19th. Due to the brevity of my comments, and because the format of the meeting does not allow for a rebuttal, I feel that perhaps my position on some of the issues regarding the petition to rezone the area east of Brasington Cadillac was unclear to you. Let me begin by saying that **I have no objection to the increased density which has been allowed for the parcels east of the conservation area; it was already zoned RMF6 (Residential Multi-family, 10-15 units/acre) before I bought my property.** I have been an advocate of "infill" within the urban core since 1984, long before it became fashionable to support sustainable development. As a natural resource economist it is obvious to me that an efficient use of public funds can only be attained by maximizing the potential of the infrastructure which is already in place. The property affected by the petition is in a prime location for full utilization of existing mass transit, utilities, schools, commerce, roadways and other necessary infrastructure. I believe that the higher density of residents will actually improve conditions for our neighborhood in the long run since it will lessen the need for development in the urban fringe area and beyond. The optimization of existing infrastructure will absolutely allow for the provision of essential services in a more efficient manner, lessen the demand for residential and commercial development in agricultural areas, and slow the deterioration of our air quality from automobiles.

However, I am **opposed to Petitions 210 ZON-98PB and 211 ZON-PB98**, which asks for the rezoning of a 50-foot wide area zoned CON (Conservation) to RM (Residential Medium Density, 10-30 units per acre). This area provides many benefits to the existing neighborhood and to the proposed multi-family development in the area zoned RMF6. One often overlooked benefit that conservation areas can provide is **the removal of air pollutants**. Brasington Cadillac and the conservation zone is the only buffer separating the proposed residential development from U.S. Highway 441. The automobiles, bus and truck traffic on U.S. Highway 441 contribute carbon monoxide, nitrous oxides and sulfur dioxides to the air each day. Trees and shrubs in the conservation area filter pollutants from the air. The trees and shrubs also **buffer noise** from U.S. Highway 441, Brasington Cadillac and other businesses, and Gainesville High School. The conservation zone also

Continued

provides a haven for native plants and wildlife, and green space. The areas zoned conservation offers valuable habitat to critical (if not endangered) flora and fauna. Prudence dictates an inventory of the plants and wildlife before any development or zoning changes. Several people at the meeting on November 19th mentioned that the buffer zone might even provide **protection to Lake Meta from pollutants in storm water runoff** from the Brasington Cadillac parking area. Since storm water is managed on-site (according to the Storm Water Ordinance) it is unclear whether the buffer zone plays a significant role except for during flood conditions. Regardless, the conservation zone definitely provides a **buffer from commercial encroachment by Brasington Cadillac** on the single-family zoned properties along NW 21st Avenue.

I attended a meeting of the City of Gainesville Commission about twelve years ago regarding the conservation zone. The concern of the City Commission and the residents at that time was that the parking available to Brasington Cadillac was not sufficient for the number of employees with personal vehicles. The dealership continually violated City ordinance by allowing their employees to park in the conservation area. To accommodate the de facto expansion of Brasington Cadillac, the conservation area was moved to the east and additional parking was allowed in the area of the original conservation zone.

Please note there is another conservation zone south of Brasington Cadillac; this conservation zone was established to keep this commercial operation from encroaching on the homes and the lake on that side of the dealership. My guess is that the petitioners will ask for this area to be rezoned, too. At this time, I would not have a problem with the allowance of an easement through the small conservation zone contiguous to the southernmost end of the Brasington Cadillac property. Otherwise, all of the traffic from the eventual RMF6 development will exclusively use NW 21st Avenue for ingress and egress. An easement in the small "z-shaped" area zoned for conservation on the southeast side of Brasington Cadillac could actually help avoid traffic congestion from this development since there is already a traffic signal on NW 19th Lane at U.S. Highway 441. All three of the conservation zones must be maintained to keep Brasington Cadillac and the RMF6 development from continuing to encroach on residents and Lake Meta.

Since a reliable proposed site plan won't be available for the parcels RMF6 until long after the decision is made regarding the conservation zone, it behooves the Plan Board and the City Commission to **disapprove Petitions 210 ZON-98PB and 211 ZON-PB98.** To change the designation from CON to RM, under Petitions 210 ZON-98PB and 211 ZON-PB98, at this time will only weaken the City of Gainesville's position in negotiating green space within the area which is currently zoned for residential multi-family development. Further, please keep in mind that while the official zoning for this property is "residential," it is important to realize that this "residential" area will receive **commercial** utility rates, **commercial** solid waste services, **commercial** tax breaks, and will be accessible indiscriminately to all **commercial** vehicles.

Continued

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Continued

Continued from Page 2

I look forward to addressing the Plan Board again at the November 30th meeting and will be happy to address any questions you or other board members may have at that time. I will submit this letter at that time for inclusion in the public record and encourage you to share this letter with the other board members and City of Gainesville Planning Staff prior to the meeting if it is appropriate. Thank you for the opportunity to explain my concerns.

Sincerely,

Gina Hawkins

Gina Hawkins

Quasi-Judicial Registration Form

Jacqueline Belwood 11/29/98

Name:(please print) Jacqueline J. Belwood

Address: 1133 NW 22nd avenue, Gainesville Fl 32609

Telephone Number: 513-831-7153

RECEIVED NOV 30 1998 PLANNING DIVISION

Please indicate whether you are for or against this petition: FOR ____ or AGAINST X (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES____ or NO ____ (mark "X")

****

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 210LUC-98 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature:_____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the Second Public Hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Mailed forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 210LUC-98 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print)_____

Address:_____

Signature:_____

Telephone Number:_____

Quasi-Judicial Registration Form

Name:(please print) Eric and Nancy Garland + Rose Goodbred

Address: 13151 NW 173 Street Alachua, FL 32615

Telephone Number: (904) 418-2200

Please indicate whether you are for or against this petition: **FOR** ____ **or AGAINST** X (mark "X")

Please indicate whether you are requesting a Formal Hearing: **YES**____ **or NO** _____ (mark "X")

****

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Attorney Information (If applicable):

Name: (please print)_____

Address:_____

Signature:_____

Telephone Number:_____

Attn: Dom Nozzi
Fax: 334-2282

CITY PLAN BOARD MINUTES

NOVEMBER 19, 1998 MEETING

PETITION 210LUC-98 PB, LEGISLATIVE MATTER NO. 980729
AND
PETITION 211ZON-98 PB, LEGISLATIVE MATTER NO. 980730

10. **Petition 210LUC-98 PB** Brown & Cullen, Inc., agent for Collier Venture One, LP. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from CON (Conservation) to RM (Residential Medium Density, 10-30 units per acre). Located in the vicinity of the 1200 block of Northwest 21st Avenue. Related to Petition 211ZON-98 PB.

Mr. Dom Nozzi was recognized. Mr. Nozzi pointed out the location of the 0.65 acre conservation strip on a map and described the surrounding uses. He indicated that it was a narrow buffer strip. He noted that the purpose of the request was to facilitate the development of a unified multi-family project on a seven acre parcel to the east of the site. Mr. Nozzi reviewed the reasons staff believed the land use change and rezoning should be approved. He explained that the buffer zone was no longer needed, the proposed multi-family development was in close proximity to an activity center and near transit stops and sidewalks. He suggested that the proposed project would provide compact infill development. He presented slides showing the parcel subject to land use and zoning changes. Mr. Nozzi indicated that staff recommended approval of Petitions 210LUC-98 PB and 211ZON-98 PB.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained that the conservation strip had originally been placed on the site to buffer the car dealership from potential residential properties. He explained that the present developer did not wish to have that buffer. He stated that the conservation strip was not originally placed because of special considerations about the land.

Mr. Mike Castine, agent for the petitioner, was recognized. Mr. Castine stated that the conservation areas were created in 1986 to allow additional parking at Brasington's car dealership and to buffer the potential multi-family development to the east. He discussed the history of how the buffer was developed. Mr. Castine indicated that removal of the conservation zoning would allow the multi-family development to be closer to the business. He stated that the developer believed that the City's buffering requirements for multi-family development would be adaquate to protect the surrounding properties. He suggested that the City had improved its land development regulations since the conservation area had been designated. Mr. Castine indicated that removal of the conservation zoning would allow more openspace over the entire development. He offered to answer any questions from the board.

There was discussion of the area as indicated on the map.

Mr. David Hammer, Director of Development for Paradigm Properties, was recognized. Mr. Hammer explained that the request was an extremely narrow technical modification to the City's Land Use Maps and Zoning Categories. He explained that the change would permit greater dispersal of a Planned Development across the available land. Mr. Hammer noted that the full development would go through the City's development review process. He discussed plans to hold community meetings with interested parties. He requested that the board approve the petition.

Chair Barrow noted that there was no development plan before the board but the buffering requirements for RMF-6 zoning could be determined. He noted that a letter had been presented from the Lake Meta Homeowners Association indicating that there were water detention ponds in the conservation zoned area. He asked what property those basins served.

Mr. Castine indicted that the Land Development Code matrix called for a nine foot buffer with a wall or fifteen of twenty foot buffer around multi-family development . He explained that the retention basins the Chair referred to were on the Brasington car dealership property and would not be part of the project.

Mr. Guy asked about dimensions on the conservation-zoned area.

Mr. Castine indicated that the sections of the conservation zoning were twenty five feet each.

Chair Barrow opened the floor to public comment.

Mr. Mike Lazzin, member of the Lake Meta Homeowners Association, was recognized. Mr. Lazzin expressed surprise at the process of development. He indicated that the proposal was for a commercial development adjacent to a single-family neighborhood. He cited concerns about the stability and environment of Lake Meta. He gave a history of how the Association had worked over the years to protect the lake. He stated that the conservation zoning on the property in question was placed to protect the lake and not the property to the east. Mr. Lazzin pointed out that no site plan had been presented for the parcel. He suggested that the changes proposed were just the first in changes that could seriously impact the Lake Meta neighborhood both environmentally and economically. Mr. Lazzin requested that the board continue the petition until more information about the project and the environmental impact could be obtained.

Mr. Dick Rogers, resident on Lake Meta, was recognized. Mr. Rogers indicated that he supported Mr. Lazzin's comments.

Ms. Mary Helen Wheeler, resident on Lake Meta, was recognized. Ms. Wheeler cited concerns that full plans for the development project had not been presented. She indicated that she knew the property would be developed eventually, but she had concerns about the conservation of the lake.

Ms. Gina Hawkins, resident at 2121 NW 10th Street, was recognized. Ms. Hawkins discussed the area in question and suggested that the purpose of the conservation area was to protect future residents. She requested that the board maintain the conservation to protect Lake Meta and future multi-family development to the east from the commercial on the west.

Mr. Bo Gusstaffson, resident on Lake Meta, was recognized. He cited the amount of water that flowed into Lake Meta during recent heavy rains. He suggested that even the conservation area and retention basin was not enough to protect the lake. He requested that the board maintain the conservation area to protect the lake.

Mr. Earl Garland, owner of property near the petition site, was recognized. Mr. Garland cited concerns about the environmental impact of the development of the wooded site. He also cited concerns about the increase in traffic. He asked about one letter he received indicating that the property would be both RMF-6 and RM.

Mr. Hilliard explained that RM was the land use designation and RMF-6 the zoning. He explained how each designation worked.

Mr. Garland cited concerns that the density would increase with the zoning designation.

Mr. Hilliard explained that the property, except for the conservation strip specified in the petitions, was presently zoned RMF-6 which could be developed as multi-family by right.

Mr. Garland indicated that the buffer zone needed to remain in order to keep the development from increasing in size. He reiterated his concerns for the environment and wildlife in the wooded area.

Mr. Stan Harris, resident near the petition site, was recognized. Mr. Harris indicated that he was aware that the property would be developed at some time.

Chair Barrow closed the floor to the public and requested comment from the board.

Mr. Polshek asked if the conservation zone was placed on the property because of water quality issues.

Mr. Hilliard indicated that he was not sure. He explained the minutes from the 1985 meeting when the conservation zoning was established could be obtained.

Mr. Polshek indicated that it would be difficult to render a decision on the petition without that information.

Dr. Fried noted the project had been referred to as a commercial development when it was residential. He pointed out that all runoff from any development had to be contained on that same property. He noted that the property around the conservation site was zoned RMF-6 and the conservation zoning was not positioned that would protect Lake Meta. Dr. Fried pointed out that the petitioner could build three story buildings on the property as it presently existed

Mr. Carter agreed with Dr. Fried and noted that the buffering requirements for the development of residential apartments might be more effective in protecting the lake than the conservation area.

Chair Barrow agreed. He also pointed out that the larger, wooded parcel was not the subject of the petition and could be developed at any time. He also agreed that the conservation strip did not protect the lake at the present time. Chair Barrow indicated that the Code development process would provide adequate buffers for the lake. He discussed the issues of urban sprawl, infill development and increased density.

Ms. Dowling agreed that the larger RMF-6 wooded property was not under consideration and there would most likely be apartments developed on the site. She stated that guidelines would be provided at the time of site plan review. Ms. Dowling stated that the board needed to review the minutes of previous meeting to find out why the two parcels were conservation and why the Plan Board of that time decided that they should be so designated.

Mr. Polshek agreed with the Chair on infill development but noted that there was no information on the contour of the land. He suggested that the topography of the conservation strip should be reviewed.

Mr. Castine presented copies of the ordinance that placed the conservation zoning on the site. He noted that the ordinance indicated that the subject property was recreation/openspace/buffers.

Mr. Hilliard stated that the Comprehensive Plan and Land Development Code required that all runoff from a site be contained on that site. He explained that the property owner would also be required to obtain a St. John's Water Management District permit which carried the same stipulations. He explained that all of the issues would be addressed. Mr. Hilliard indicated that he would be happy to speak with persons around Lake Meta and explain the development process.

Mr. Guy cited the value of openspace in property values. He suggested that it was in the petitioner's best interest to have recreational type space. He noted that good development and greenspace enhanced one another.

Mr. McGill suggested that most of the comments from the public dealt with the RMF-6 zoned property and not the conservation zone under consideration. He indicated that those residents should be militant about the shape of the development on that site when it came before the Development Review Board. Regarding the conservation property, he explained that he would also like more information about why they were zoned in that manner before he could make a decision to support the change. Mr. McGill cited concerns about the petitioners' statements that the site could be adequately developed without the conservation area. He suggested that, while people would live next to the commercial development without the buffer, he needed more information on why it was zoned conservation to begin with. Mr. McGill suggested that it spoke to the kind of development and the type of renters that would live in the area.

Mr. Stuart Cullen was recognized. Mr. Cullen noted that there were retention basins to the west of the conservation area that restricted water runoff to the east.

Mr. Carter suggested that it would be better to deal with the buffering at the time of the development of th site. He indicated that the present Land Development Code would protect Lake Meta. He stated that he could support the petitions.

Chair Barrow pointed out that, even if the board found the reason for the 1985 decision, it would not necessarily make it a good decision.

Ms. Dowling asked if it were possible to continue the petition until the December meeting.

Dr. Fried suggested that continuing the meeting would be ineffective since it would not affect the major portion of the property. He pointed out that it would be developed as multi-family with or without the change in the conservation area.

Mr. Polshek suggested that any runoff related to the conservation areas was not relevant to the lake. He agreed that the reasons for designating the conservation area were not relevant to the board's decision.

Motion By: Mr. Carter	Seconded By: None
Moved to: Approve Petitions 210LUC-98 PB and 211ZON-98 PB.	Upon Vote: Motion died for lack of a second.

There was discussion from the floor regarding the reasons for the conservation area.

Motion By: Mr. Guy	Seconded By: Mr. McGill
Moved to: Deny Petitions 210LUC-98 PB and 211ZON-98 PB.	Upon Vote: Motion Failed 3-3 Yeas: McGill, Dowling, Guy Nays: Polshek, Carter, Barrow

Chair Barrow noted that Dr. Fried was only recently appointed to the board and, therefore, could not vote for sixty days.

Mr. Polshek asked if the petitions could be approved with the condition that the minutes of previous meetings be reviewed to determine if the conservation zoning was made specifically because of water quality issues.

Chair Barrow indicated that he did not believe that was possible.

Motion By: Ms. Dowling	Seconded By: Mr. Carter
Moved to: Continue Petitions 210LUC-98 PB and 211ZON-98 PB until further information on the original conservation zoning could be obtained.	Upon Vote: Motion Carried 5-1 Yeas: Guy, McGill, Barrow, Carter, Dowling Nays: Polshek

Mr. Hilliard indicated that staff would obtain the minutes from previous meetings and review the issue of stormwater runoff with public works.

Mr. Castine requested that the petition be heard at the November 30, 1998 special meeting rather than be continued until December.

Mr. Hilliard indicated that all persons would be renotified about the continued petition.

11. **Petition 211ZON-98 PB** Brown & Cullen, Inc., agent for Collier Venture One, LP. Rezone property from Conservation (CON) to RMF-6 (Multiple-family Residential (10-15 du/acre). Located in the vicinity of the 1200 block of Northwest 21st Avenue. Related to Petition 210LUC-98 PB.

Continued to the November 30, 1998 Special Meeting.

CITY PLAN BOARD MINUTES

NOVEMBER 30,1998 MEETING

PETITION 210LUC-98 PB, LEGISLATIVE MATTER NO. 980729
AND
PETITION 211ZON-98 PB, LEGISLATIVE MATTER NO. 980730

1. **Petition 210LUC-98 PB** Brown & Cullen, Inc., agent for Collier Venture One, LP. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from CON (Conservation) to RM (Residential Medium Density, 10-30 units per acre). Located in the vicinity of the 1200 block of Northwest 21st Avenue. Related to Petition 211ZON-98 PB.

Petitions 210LUC-98 PB and 211 ZON-98 PB were discussed simultaneously.

Mr. Ralph Hilliard was recognized. Mr. Hilliard indicated that, while staff made a presentation at the previous meeting, there appeared to be some confusion about the land use and zoning issues. He reviewed the text of the Land Development Code and explained how it applied to the parcel in question and the changes requested for that parcel. He noted that, at the previous meeting, the board requested information about the Plan Board meetings at which the conservation zoning was applied and information from the Public Works Department review of the property. He indicated that those minutes and a letter from the Public Works Department had been provided to the board. Mr. Hilliard reviewed Plan Board minutes from 1989 and noted that it appeared that encroachment by parked cars in the conservation area caused it to be moved eastward. He questioned the purpose of the conservation area, given the buffers required by the present Land Development Code. He suggested that the conservation area was no longer required, as it was in 1989, because of the current requirements for creek and lake setbacks. Mr. Hilliard discussed stormwater runoff and noted that any runoff from development in the area had to be contained on the site. He stated that the conservation area only served to buffer the commercial area from the RMF-6 zoned area to the east and did not serve to protect Lake Meta. Mr. Hilliard offered to answer any questions from the board.

Ms. Dowling requested a map showing the exact boundaries of Lake Meta.

Mr. Hilliard presented a drainage map provided by the petitioner. He pointed out the waterline and the setback.

There was discussion of the map presented.

Chair Barrow noted that the 1986 and 1989 Plan Board minutes indicated that there was considerable discussion of parking and water retention facilities. He requested that staff point out the location of parking and retention. He pointed out that it appeared, according to the minutes, that there was a parking encroachment on the first conservation strip so the conservation area was moved to the east to allow the parking to continue. He noted that that the 1986 and 1989 minutes also discussed the trees and other buffer items.

Mr. Hilliard explained that there was no parking in the conservation area at the present time.

Dr. Fried asked who owned the property just to the south and west of the conservation strip in question.

Mr. Hilliard indicated that he did not know to whom the property belonged to.

Mr. Mike Castine, agent for the petitioner, was recognized. Mr. Castine indicated that the area referred to by Dr. Fried was not part of the development before the board and was under the control of Brasington Cadillac

Mr. David Hammer, agent for the petitioner, was recognized. Mr. Hammer stated that Paradigm Properties had purchased the single-family land closest to the lake from Mr. Brasington and had purchased the rights to a lease Mr. Brasington had on the other property. He explained that part of the agreement was to lease the parking area back to Mr. Brasington and develop the rest of property. He noted that the parking area did have significant tree canopy which would also serve as a visual buffer to the commercial properties to the west.

Ms. Dowling suggested that Dr. Fried's question was not answered. She asked if the intent was to leave the property owned by the petitioner to the south and west of the subject parcel zoned as single-family.

Mr. Hilliard stated that no petition had been brought forward on that property, as yet. He explained that any application would have to come back before the Plan Board to obtain a land use and zoning change.

Chair Barrow noted that it was mentioned several times in the 1989 and 1986 Plan Board minutes that the purpose of the zoning was to send a clear message to future Plan Boards that the conservation zoning should remain. He asked if, at the time of the placing of the conservation zoning on the parcel, there were no buffer requirements.

Mr. Hilliard indicated that he did not know if there were or not. He suggested that it appeared from the minutes that there was concern that a commercial development, Brasington Cadillac, was encroaching into the residential neighborhood to the east. Therefore, he noted, the conservation buffer was seen as a way to restrict the encroachment of commercial further and further into the neighborhood. Mr. Hilliard suggested that the conservation strip was more of a buffer issue than an environmental one. He noted that the 1986 and 1989 minutes did speak of buffering to be added when the property to the east was developed.

Chair Barrow noted that the minutes also mentioned environmental concerns. He agreed that commercial encroachment was the most prevalent issue throughout the minutes of both meetings, especially the 1986. He pointed out that there was also discussion of the traffic impacts in 1986 and 1989. He stated that he wanted to state, for the record, that there were more concerns at the meetings than just the commercial encroachment.

Mr. Hilliard pointed out the area on the map where the parking area was impacted. He pointed out that, at the time, the area of NW 21st Street was a residential area. He explained that part of that area was now zoned for office uses and was no longer residential.

There was discussion of the shape of the conservation strip and the office zoning area.

Mr. Guy noted that Ms. Carolyn Morgan's name was listed on the 1989 minutes. He asked if she had any recollections of the issues of that time.

Ms. Morgan indicated that she prepared the staff report for the 1986 meeting but was not involved in 1989 She stated that the issue in 1986 was illegal parking from the Brasington dealership. She explained that Mr

Brasington obtained a lease on the property to the east of the conservation area. She indicated that undeveloped land had the potential for cleansing water to some degree, but no specific study of Lake Meta was done. Ms. Morgan stated that in 1986 and 1989 there was no required setback for lakes and the water quality measures now in the Land Development Code were only policies. She discussed present standards for maintaining water quality.

There was discussion of the City's policy of accepting donations of conservation land.

Mr. Mike Castine, agent for the petitioner, was recognized. Mr. Castine presented slides showing the lake, conservation and retention areas. He stated that the present buffering requirements in the Land Development Code would protect the lake better than the conservation strip. He offered to answer any questions.

There was discussion of the area shown on the maps and the exact size of the conservation zoned area.

Chair Barrow opened the floor to public comment.

Ms. Katelin Chamberlain was recognized. Ms. Chamberlain presented photos of the tree canopy shown from NW 13th Street and views from a canoe on Lake Meta. She cited concerns about the amount of tree canopy that would be lost and the proximity of the lake to the commercial area.

Dr. Paul Wheeler, resident on Lake Meta, was recognized. Dr. Wheeler presented a video showing the lake and the conservation area. He cited concerns about runoff, loss of trees and the closeness of the lake to the commercial area. He pointed out that an existing retention pond 55 feet to the northeast was now leaking into the lake. He indicated that he did not believe the 35 foot setback would provide any protection. Dr. Wheeler cited the number of years the University of Florida used the lake for research.

There was discussion of Dr. Wheeler's video.

Ms. Gina Hawkins, resident of the area near Lake Meta, was recognized. Ms. Hawkins pointed out on the map a small area of conservation zoned property just to the south and west of the property in the petition. She noted that it had been stated that the property was "under the control of Brasington Cadillac," with a lease agreement. She asked who owned the property and if it was privileged information.

Staff and the board indicated that they did not know who owned the property.

Ms. Hawkins indicated that she had been assured that there was presently no petition to change that zoning on that property. She explained that she had seen a plan proposing an access to NW 19th Lane because there was a traffic light at NW 21st. She discussed a letter she had written to the Chair of the Plan Board. She stated that she wished the conservation zoned area to remain in its present state. She indicated that she had no problem with the density that existed on the RMF-6 property proposed for development, but the conservation area was needed.

Ms. Lori Wilkins, resident of the area, was recognized. Ms. Wilkins discussed the area and requested that an inventory of wildlife and fauna in the area be performed.

Mr. Mike Lazin was recognized. Mr. Lazin cited concerns about the proximity of the proposed development to the lake. He stated that he hoped that the minutes from previous meetings indicated that the residents c the area had been continuously involved in the conservation of the lake. He explained that the original conservation zoning was done in 1986 and the modification in 1989 came about because Mr. Brasington was in violation of the 1986 conditions. Mr. Lazin referred to the 1986 minutes and noted that environmental concerns were the primary issues. He noted other references in the minutes to the protection of the lake. He stated that the minutes stated that the conservation zoning was a pledge to the residents that there would be no further encroachment and that the lake would be protected from run-off. Mr. Lazin stated that the board was being asked to rule on a small site without having the "big picture." He pointed out that the proposed development was a commercial enterprise marketing the lake. He explained that he had been shown preliminary plans that placed a road on the single-family property to the south.

Dr. Fried pointed out that the area around the north of the lake was a wetland and it would be difficult to build a road in the area proposed. He suggested that a survey of the lake be performed.

Mr. Bo Gustaffson was recognized. Mr. Gustaffson presented photos and spoke of the lake.

Ms. Nancy Garland, owner of property near the site was recognized. Ms. Garland noted that she did not own property on the lake. She cited concerns about the cutting of trees for the proposed development. She explained that she and others in the audience had viewed a proposed site plan for the development which the board had not seen. She noted that there would be 1,300 people living in the proposed apartments. Ms. Garland pointed out that the proposed name for the development was "Hidden Lake Apartments," which was to capitalize on the lake. She cited concerns about the increase in traffic.

Mr. Steve Chamberlain was recognized. Mr. Chamberlain indicated that he opposed the petition. He pointed out that any buffer provided by the Land Development Code would be less than already existed in the conservation area.

Ms. Kathy Cantwell, speaking on behalf of the Sierra Club, was recognized. Ms. Cantwell noted that infill would not work unless there were open spaces and recreation areas. She suggested that lakes were unique systems and the 35 foot setback might not be sufficient. She noted all of the agencies that could be used to study the environment of the lake. Ms. Cantwell requested that the board deny the petition and keep the conservation areas.

Mr. Eric Garland was recognized. Mr. Garland suggested that Dr. Fried was incorrect in his assessment that the wetland areas could not be filled. He cited concerns about the increase of traffic once the development was completed.

Ms. Mary Helen Wheeler was recognized. Ms. Wheeler stated that she wished to be sure that the area was protected.

Ms. Lori Wilkins asked if the petitioner could provide a copy of the endangered species study that was done.

Ms. Catherine Laughton was recognized. Ms. Laughton explained that she owned the property that had been leased to Mr. Brasington. She indicated that, had she known the lease was for sale, she would have tried

repurchase it. She cited concerns about the loss of the tree canopy. Ms. Laughton requested that the board deny the petition.

Chair Barrow closed the floor to public comment.

Mr. Polshek requested information on the exact location of the lake edge.

Mr. Castine pointed out the edge of the lake on the drainage map. He also pointed out the limit of the jurisdictional wetlands.

There was discussion of the jurisdictional wetland.

Mr. Carter asked about the exact width of the conservation district. He noted that the drawings presented appeared to be a double image to correct an old map.

Mr. Castine indicated that the narrowest point of the conservation area was 30 feet.

Dr. Fried asked if it was intended that the zoning on the two strips shown on the map be changed.

Mr. Castine agreed that it was.

There was discussion of the exact width of the conservation area and it was determined that it was 30 feet and not the 80 feet shown on the map.

Ms. Morgan explained that the second strip shown on the map was the former conservation strip and represented an attempt by staff to clean up a mapping error. She stated the conservation strip under consideration was the 30-foot strip requested in the original Brown and Cullen application. She indicated that the clear intent of the 1989 Plan Board and City Commission was to move the conservation strip eastward to accommodate Mr. Brasington's encroachment into the area. Ms. Morgan explained that it was intended that there only be one conservation strip, it simply moved between 1986 and 1989.

Mr. Hilliard stated that the conservation strip was 30 feet wide. He referred to Page 2, of the 1989 minutes and noted that it was clearly stated that the openspace area would be 30 feet. He discussed discrepancies in the legal descriptions between 1986 and 1989.

Mr. Polshek suggested that the biological conservation value of the strip was minimal. However, he pointed out there was some aesthetic and visual blockage value to the area. He suggested that the conservation area be moved to the south onto an abutting single family parcel. He further suggested that such a movement would better protect the lake and he urged staff and the petitioner to consider such a solution.

There was discussion of the progress of the petition through the development review process and the function of the boards that would review it.

Mr. Guy asked about the conditions that the Development Review Board was allowed to place on a petition.

Mr. Hilliard stated that the Development Review Board's review would be limited to the specific site plan on property under consideration in a petition. He explained the function of the Development Review Board. He noted that the Development Review Board did have guidelines and could not arbitrarily establish a standard beyond the requirements of the Land Development Code. Mr. Hilliard indicated such standards required that there be a public health, safety, or welfare issue involved.

Chair Barrow noted that the petition would go before the City Commission regardless of the Plan Board's decision.

Mr. Hilliard stated that the petition would go to the City Commission on December 14, 1998. He explained that the City Commission would either accept the Board's recommendation or make their own decision. Regarding Mr. Polshek's request that the conservation area be moved to the south to the single-family parcel, he explained that that area was not under consideration in the present petition.

Chair Barrow asked if the petitioner had any further comments.

Mr. Castine reminded the board that the Land Development Code required buffers around the entire development and those buffers would be included when the plan went before the Development Review Board. He explained that the request to change the conservation buffer was to increase the amount of openspace throughout the project.

Chair Barrow asked about the minimum buffer for RMF-6.

Mr. Castine explained that there could be a wall or fence and a nine-foot buffer, or 15 or 20 feet with no wall or fence.

Ms. Dowling asked if the maximum would be a 20-foot buffer.

Mr. Castine indicated that the width of the buffer and the amount of vegetation had a relationship.

Ms. Dowling pointed out that the discussion involved a 30-foot conservation area and there was only ten feet of difference between that and a 20-foot buffer. She suggested that many trees would have to be cut just to gain that ten feet.

Mr. Castine explained that if the conservation zoning remained on the property it would change the proposed layout of the development.

Mr. McGill indicated that he was pleased that the board delayed the petition because the information from the minutes of 1986 and 1989 was helpful. He stated that the neighborhood and the Plan Board in 1986 and 1989 made special efforts to be sure that the conservation area would remain in place and that information had been recorded in the minutes. He pointed out that the message was placed there for future Plan Boards and Commissions. Mr. McGill agreed with Ms. Dowling that the size of the conservation strip and the maximum buffer was very similar. He indicated that he believed that the mature trees should remain in place when the multi-family development moved forward. Mr. McGill stated that the previous minutes made it clear that the conservation area should remain.

Mr. Carter stated that the current land use regulations were more stringent than the regulations when the conservation zoning was applied to the site. He pointed out the Plan Board in 1986 and 1989 dealt with a commercial automobile establishment and the present issue was apartments. Mr. Carter stated that leaving the conservation strip on the property would unfairly penalize the petitioner in the development of the site. He indicated that he believed that the petitioner could do a better job of buffering with landscaping in the development. Mr. Carter stated that he could support the petition.

Dr. Fried stated that he intended to vote against the petition. He explained that he was not convinced that the buffer would have ecological or conservation impact, but the Plan Boards in 1986 and 1989 were making a statement about the protection of all of the area to the east of the buffer. He agreed with Ms. Dowling that the difference between the 30-foot buffer and the possible 20-foot buffer was minimal, given the size of the rest of the development. Dr. Fried indicated that he believed that the conservation strip served a good purpose and there was no reason to change.

Mr. Guy agreed that the conservation buffer was obviously degraded. He noted, however, that like historic homes, it was worth preserving for its own sake. He agreed with Mr. McGill regarding the involvement of persons in the area and previous Plan Boards. He stated that he wished there was time to allow negotiations to develop another solution.

Mr. Guy made a motion to deny petitions 210LUC-98 PB and 211ZON-98 PB.

Mr. Polshek stated that the most compelling reason to deny was the significance of greenspace in the City, even though the particular strip had minimal biological value.

Motion By: Mr. Guy	Seconded By: Dr. Fried
Moved to: Deny Petition 210LUC-98 PB.	Upon Vote: Motion Carried 6-1 Yeas: Guy, McGill, Barrow, Dowling, Polshek, Fried Nays: Carter

2. **Petition 211ZON-98 PB** Brown & Cullen, Inc., agent for Collier Venture One, LP. Rezone property from Conservation (CON) to RMF-6 (Multiple-family Residential (10-15 du/acre). Located in the vicinity of the 1200 block of Northwest 21st Avenue. Related to Petition 210LUC-98 PB.

Petition 211ZON-98 PB was discussed with Petition 210LUC-98 PB.

Motion By: Mr. Guy	Seconded By: Dr. Fried
Moved to: Deny Petition 211ZON-98 PB.	Upon Vote: Motion Carried 6-1 Yeas: Guy, McGill, Barrow, Carter, Dowling, Fried Nay: Polshek

CITY PLAN BOARD MINUTES

APRIL 20, 1989 MEETING

PETITION 210LUC-98 PB, LEGISLATIVE MATTER NO. 980729
AND
PETITION 211ZON-98 PB, LEGISLATIVE MATTER NO. 980730

MINUTES
CITY PLAN BOARD
ZONING MEETING

A. Clarence O'Neill Auditorium
200 E. University Avenue

April 20, 1989
Thursday, 7:30 P.M.

Members Present	Members Absent	Staff Present
Tony Catanese	Julie Linzmayer (Adj. Mem. Ex.)	Lawrence Calderon
Paul Gordon	Roscoe McNealy (Ex)	Linda Cox
Sam Harris		Thad Crowe
Tom McKnew		Carolyn Morgan
Lee Pinkoson		Debbie West
Max Langham, Chair		

Chairman Langham called the meeting to order at 7:32 p.m. The roll was called; a quorum was present.

* * * * *

APPROVAL OF AGENDA

Ms. Cox stated that the additions to the agenda were on the Addendum that had been distributed to the Plan Board and could be taken up at the end of the meeting. She stated there was a request to Address the Board and because the requester could not be present, Ms. Cox would speak on her behalf at the end of the meeting. Mr. Harris requested to address the Board at the end of the meeting.

Motion by Dr. Catanese

Seconded by Mr. Gordon

Moved to approve agenda as amended.

Upon vote, motion carried 6-0
Yeas: Catanese, Gordon, Harris, McKnew, Pinkoson, Langham

* * * * *

Item 1, Petition 55LUC-89 PB

Applicant: The Perry C. McGriff Company, agent for John T. Brasington

Request: Amend the Gainesville Comprehensive Plan, 1980-2000, Land Use Element. (Parcel A:) from Recreation/Open Space/Buffers to Commercial; (Parcel B:) from Multiple-Family (Low Density) to Commercial; and (Parcel C:) from Multiple-Family (Low Density) to Recreation/Open Space/Buffers.

Located: In the 1200 Block of N.W. 21st Avenue

Board Action: Approved

Ms. Cox said the purpose of the petitions was to extend the parking lot area to the east of the Brasington Cadillac dealership eastward

and to maintain a conservation open space buffer that is currently established on the eastern edge of the parking lot. She pointed out on a map on the overhead slide the existing land uses of the property and reviewed the background of the area in question. She said the requested change would move the commercial area eastward by a total of 50 feet, shorten the buffer at the north end by approximately 30 feet, and establish a new open space area of 30 feet. She showed slides of the area and pointed out a nearby residential area that was designated Office and zoned O-1. She showed additional slides of the area.

Chairman Langham asked if the parked cars shown in the slide were in a legal parking area. Ms. Cox replied that the cars were parked in an area zoned for Conservation.

Ms. Cox said three impacts on the surrounding area of the petition needed consideration. She explained that on the north, the impact would be on the entrance into the parking area from N.W. 21st Avenue. She stated that the buffered area would be slightly shortened for the convenience of the location of a proposed driveway in relationship to the existing retention areas. She said, although the area to the north was residential, it was zoned O-1. She said on the south side there is an effective buffer and the impact would be negligible. She pointed out that the area to the east is vacant and the movement eastward would not preclude residential development in the future; she added that buffering would be provided in the conservation area. She said the second impact is the zoning pattern that could set a precedent for the area.

Ms. Cox said that making the change would facilitate continued use and expansion of the business. The third impact would be on Lake Meta which is a sensitive environmental area that flows into the Gainesville creek system, however, site plan review could address any negative impacts in a successful manner. Ms. Cox said the donation of a conservation easement to the City might serve to insure that cars do not park in the conservation area. She stated that staff would support the changes and did not feel there would be any harm to the area. She said the value of the change would be in facilitating business development along N.W. 13th Street.

Mr. Pinkoson asked if the effect on the north would be due to the driveway. He pointed out that a driveway already exists on the north. Ms. Cox said that it is possible the driveway would be shared. Mr. Pinkoson said because there is already a driveway the impact did not seem significant.

Mr. McKnew asked where was the property line. Ms. Cox pointed out the property line on the overhead slide. Mr. McKnew said everything was being moved to the east on the petitioner's property.

Mr. Harris asked by how much the commerical acreage to the east would be increased. Ms. Cox said the expansion of the commercial area would be approximately 1/3 acre. Mr. Harris asked if 5 or 6 acres of open space would be left. Ms. Cox replied affirmatively.

Chairman Langham asked if parking would permit car storage. Ms. Cox said it did not. He asked what assurance would there be that the open space would not be once again violated. Ms. Cox said she would suggest that the petitioner offer the City a conservation easement on the land zoned Conservation. She said the conservation easement could provide that there be no parking or other activities in the area and would serve strictly as a buffer. She said it would be a contractual agreement giving the City a right to have authority over any future problems.

Mr. Harris asked if there was a Code Enforcement action against the owner at the present time. Ms. Cox replied affirmatively.

Mr. Craig Hedgecock, representative of Mr. Brasington, was recognized. He pointed out what was proposed on the site plan. He further pointed out proposed changes to the property. Discussion ensued.

Mr. Harris asked what kinds of cars would be parked in the area. He wanted to be assured there would be no new car storage. Mr. Brasington explained that the City had disallowed parking along the streets, therefore, the proposed parking lot would be for employees only during working hours.

Mr. Harris asked if there were plans to add tree coverage to the open space. Mr. Brasington said there were a lot of trees in the open area. Mr. Harris said there were not a lot of trees.

Ms. Gina Hawkins, Chairman of the Neighborhood Advisory Board and a nearby resident, was recognized. She said the conservation area had not been intended for parking, however, every day cars are parked in the location, and the conservation area had not been maintained as such. She said she had seen a backhoe on the property that was clearing the land. Mr. Brasington stated there was a mound of dirt that was being smoothed. Discussion ensued. She stated that the Neighborhood Advisory Board had made a motion to support a conservation buffer being maintained in the area to deter continued encroachment into the neighborhood.

Mr. McKnew clarified that the new parking area would not be useable until there is an approved site plan. Ms. Cox said the parking would not be legal until the rezoning ordinance is passed nor until the site plan is approved. Mr. McKnew asked if the neighborhood protection could be provided for in the site plan review. He wanted to be certain a site plan will be seen by the Plan Board. Ms. Cox said parking should not proceed until the site plan is approved and proper development permits obtained.

Chairman Langham asked if it would be appropriate to continue the item until a site plan could be seen. Ms. Cox replied that, unless it was zoned to PD, the appropriate zoning must be obtained prior to site plan submittal. She said she would discuss the conservation easement with the petitioner to add assurance that the conservation buffer would be observed.

Mr. Harris asked if the petition could be approved with the condition that a conservation easement would be provided. Ms. Cox said the Plan Board could recommend that the City Commission request a conservation easement be provided.

Mr. Mike Laizon, a member of the Lake Meta Association, was recognized. He said the lake had clean water and was used for recreational purposes and was very environmentally sensitive. He said his concern was not so much the scope of the proposal but the precedent it may set. He felt that a compromise had been reached at the time the conservation zone had been originally added. He said it had been asked if the conservation zone would represent a commitment and that no further development or encroachment would transpire. He said the answer had been positive. He felt if the petition were approved, it would indicate there was not really a commitment, but was to be accepted until more rezoning took place. He felt the Plan Board would not be accepting the commitment if the proposal were approved.

Motion by Dr. Catanese Seconded by Mr. Harris

Moved to approve Petition 55LUC-89 PB.

Mr. McKnew asked if the motion should include the recommendation that the City Commission require a conservation easement. Dr. Catanese said the next petition, 56ZON-89 PB, proposed a conservation district. He said a conservation easement was not the same and was not part of the staff recommendation, nor his motion. He said the land is currently zoned multi-family and there could not be a commitment that the land could not be developed.

Mr. Harris said there exists conservation zoning on the strip where cars are parked. He said that strip is not available for development. Discussion ensued.

Mr. Harris said the commitment about which the gentleman was speaking was that the strip was zoned conservation, therefore, there would be no development on the buffer strip. He said he was against the proposal for several reasons. He felt the business had not shown good faith by parking in the conservation district and proposing to expand the area. He said he was concerned about the land use because the car lot was expanding into areas not to be used as such. He was concerned about increased traffic on N.W. 21st Avenue. He felt that a conservation easement should be encouraged to control the bad faith of the business because he did not feel the residents of the neighborhood should have to go through the drawn out process of a Codes Enforcement action. He suggested that the Plan Board make a land use decision that would set the policy for the neighbors to know how much further commercial or residential in-fill would enter the area.

Dr. Catanese said, although the petitioner had violated codes, there were processes to deal with enforcement and were not a part of land use. He said it was a land use question and it would be impossible to

tell anyone what would happen or not happen on the land in the future short of the City purchasing the parcel and making it a park.

Chairman Langham said he could not support the petition because the Plan Board should be able to assume the petitioner would act in good faith. He said it had been seen that it had not occurred. He was concerned that if the petition were approved whether the petitioner would honor the conservation area.

Upon vote, motion carried 4-2
Yeas: Catanese, Gordon, McKnew, Pinkoson
Nays: Harris, Langham

* * * * *

Item 2, Petition 56ZON-89 PB

Applicant: The Perry C. McGriff Company, agent for John T. Brasington

Request: Rezone property. (Parcel A:) from C (Conservation District) to P (Parking District), (Parcel B:) from RMF-6 (Multiple-Family Residential District 10 - 15 Units/Acre) to P (Parking District), (Parcel C:) from RMF-6 (Multiple-Family Residential District 10 - 15 Units/Acre) to C (Conservation District).

Located: In the 1200 Block of N.W. 21st Avenue

Board Action: Approved

Motion by Dr. Catanese

Seconded by Mr. Gordon

Moved to approve Petition 56ZON-89 PB.

Upon vote, motion carried 4-2
Yeas: Catanese, Gordon, McKnew, Pinkoson
Nays: Harris, Langham

* * * * *

Item 3, Petition 52TCH-89 PB

Applicant: City Plan Board

Request: Amend the Zoning Code of the City of Gainesville to establish a new Corporate Park Zoning District.

Board Action: Approved

Ms. Carolyn Morgan made the staff presentation. She said the concept for the zoning district had been previously discussed with the Plan Board at a workshop on March 30, 1989. She said revisions had been made pursuant to comments made at the workshop. She said the district

CITY PLAN BOARD MINUTES

FEBRUARY 20, 1986 MEETING

PETITION 210LUC-98 PB, LEGISLATIVE MATTER NO. 980729
AND
PETITION 211ZON-98 PB, LEGISLATIVE MATTER NO. 980730

980729

City of Gainesville

Post Office Box 490, Station 18 • Gainesville. Florida 32602-0490 • (352) 334-5015 • FAX: (352) 334-2036

Clerk of the Commission

December 8, 1998

David Hammer
Brown & Cullen, Inc., and
4055 NW 43rd Street, Suite 21
Gainesville, FL 32606

Re: **Petition 210 LUC-98PB**

Dear Mr. Hammer:

The Clerk's Office has received your request for a formal hearing on **Petition 210LUC-98PB.** This item is presently scheduled to be heard at the December 14, 1998, Gainesville City Commission meeting and will be scheduled for 6:00 PM or as soon thereafter as may be heard.

For your information, I have included a copy of the City Commission Rules regarding formal hearings. Please be advised that the deadline for submitting exhibits was December 7, 1998.

Sincerely,

Kurt Lannon
Clerk of the Commission

tm/KL
attachment

xc: Tom Saunders
Ralph Hilliard
Marion Radson
Gainesville City Commission
University of Florida Foundation, Inc.
Dynamic Growth, Inc.
Jacqueline J. Belwood

980729

Quasi-Judicial Registration Form

Name:(please print) BROWN & CULLEN INC.

Address: SUITE 21 4055 NW 43rd ST GAINESVILLE FL 32606

Telephone Number: 352 375 8999

Please indicate whether you are for or against this petition: FOR X or AGAINST___ (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES X or NO ____ (mark "X")

****

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 210LUC-98 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: David Hamner AGENT FOR BROWN & CULLEN, INC. AND AGENT FOR OWNER

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the Second Public Hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Mailed forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 210LUC-98 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) CHARLES M. GADD, JR.

Address: P.O. BOX 23939 GAINESVILLE FL 32602

Signature: [illegible]

Telephone Number: 352 376 4694

Item 5, Petition No. 27-85 PB was withdrawn.

Item 6, Petition No. 89-85 PB

See page 24.

* * * * *

Item 7, Petition No. 172-85 PB

Applicant: Milton H. Baxley, Agent for Edith V. Baxley

Request: to amend the Gainesville Comprehensive Plan, 1980-2000, Land Use Element, from SF (Single-Family) to C (Commercial) and OS (Recreation/Open Space/ Buffers).

Located: 1929 N.W. 12th Terrace

Board Action: Recommend approval with conditions

Item 8, Petition No. 173-85 PB

Applicant: Milton H. Baxley, Agent for Edith V. Baxley

Request: to rezone property from RSF-1 (Single-Family Residential 3.5 units/acre) to P (Parking) and C (Conservation).

Located: 1929 N.W. 12th Terrace

Board Action: Recommend approval with conditions

Item 9, Petition No. 175-85 PB

Applicant: John T. Brasington

Request: to amend the Gainesville Comprehehsive Plan, 1980-2000, Land Use Element, from MF(L) (Multi-Family Low Density) to C (Commercial) and OS (Recreation/Open Space/ Buffers.

Located: in the 1200 Block of N.W. 21st Avenue

Board Action: Recommend approval

Item 10, Petition No. 174-85 PB

Applicant: John T. Brasington

Request: to rezone property from RMF-6 (Multiple-Family Residential District 10-15 units/acre) to P (Parking) and C (Conservation).

Located: in the 1200 Block of N.W. 21st Avenue

Board Action: Recommend approval

Mr. Smith reminded the Board members that this is associated with the Brasington Cadillac-Oldsmobile dealership. He stated that at a previous meeting the request was for P (Parking District) zoning. He recalled that there was some discussion about ensuring that a buffer would be provided with the Parking zoning. He stated that the City Attorney has said that the Board could not include that as a condition for approving the Parking zoning and a PD was then suggested. Mr. Smith stated that in the meantime the petitioner came in with a petition for Parking zoning plus a strip of Conservation zoning. Mr. Smith referred to the slides showing the zoning and land use designations on the property. He pointed out the area proposed for Parking zoning and the area proposed for Conservation zoning.

Mr. Smith referred to the staff report and read the staff recommendation to the Board.

Mr. McKnew asked if the staff recommendation is that the petitioner not have a driveway to N.W. 21st Avenue. Mr. Smith replied affirmatively. He stated that staff felt that perhaps traffic could be controlled better by routing it through the dealership to the back of the property. He noted that the petitioner's request would be to allow access onto N.W. 21st Avenue. Mr. Smith stated that staff recommends approval of the petitions with the one modification as far as deleting the northern end of the subject property from consideration. He said staff feels that the Conservation zoning provides the protection that the Plan Board and staff are looking for. He stated that the parking area will help to ensure the continued success of the dealership which staff feels is important to the viability of the N.W. 13th Street businesses. Mr. Smith stated that staff prefers the Conversation zoning over a PD because the PD would have carried a commercial land use throughout the entire area whereas the Conversation zoning has the Commercial land use on the parking area and Open Space land use where the conservation area is. He said he thinks provides for a better physical and legal barrier for Plan Boards down the road that may not realize what is going on now.

Mr. Smith reiterated that the petitioner would like to have access onto N.W. 21st Avenue. He stated that the petitioner has indicated that he would be willing to move the parking area to the north which would increase the southern conservation area from approximately 30 feet to approximately 90 feet.

Mr. Sussky asked about the retention area. Mr. Smith stated that the retention for the parking lot will have to be within the parking area. He stated that the petitioner has indicated on the site data that the pavement depth will be around 80 feet and the remaining 20 feet of the 100 foot wide parking area will be used for retention.

Mr. Smith reported that Mr. Brasington has a contract to purchase the Red Barn Restaurant to the north of the site. He stated that the City has recently received a petition to rezone that property to BA.

Chairman MacGregor pointed out that the parking lot portion must meet the landscaping ordinance requirements. He asked about landscaping in the conservation area. Mr. Smith stated that a conservation area basically requires that the existing vegetation be left in its natural state. He stated that conservation zoning does provide for some other uses, such as a house, transmitter towers, and similar things if there is enough land. He noted that the minimum lot size for a residence is 5 acres and of course there isn't 5 acres of conservation zoning in this instance. Chairman MacGregor asked Mr. Smith if he believes there is sufficient vegetation to provide a buffer from the neighborhood. Mr. Smith replied that there is sufficient buffer on the southern portion as it is fairly heavily wooded with a lot of large oak trees and bamboo underbrush.

Mr. Sussky asked why staff objects to having access onto N.W. 21st Avenue. Mr. Smith commented that staff's objection isn't a "strong" objection. He stated that the southern portion is zoned residential and there is some residential zoning on the northern side. He stated that 21st Avenue is primarily a residential street and by allowing the proposed access they would be allowing for commercial traffic onto that street.

Mr. Harris asked about the intent of the parking area. Mr. Smith stated that the Parking zoning would allow a parking lot which could accommodate employee parking or automobile storage. He stated that Mr. Brasington has stated that the parking lot would be used for employee parking. Ms. Cox clarified that the parking zoning would not allow a car sales lot.

Mr. John Brasington was recognized. Mr. Brasington stated that they don't expect to park any of the company automobiles on the subject parking lot. He stated that they also don't expect any cars to be parked on that lot after 5:30 p.m. or on Saturdays or Sundays. Mr. Brasington stated that his employees have been coming in off of N.W. 21st Avenue since 1960-1961. He commented that he leaves the property through that access every now and then because it is an easy way to get out. He commented that it is hard to get onto N.W. 13th Street at 5:00 in the afternoons. Mr. Brasington reported that they do have a deed to purchase the Red Barn Restaurant property and they will operate the automobile business out of that property. Mr. Brasington stated that he has 77 employees who will use the subject parking lot. He noted that he intends to have a gate that will be locked at nighttime and on weekends. Mr. Brasington commented that he doesn't intend to hurt any of the existing trees.

Mr. Brasington pointed out that if the petitions before the Board aren't approved, his employees will be forced to park along N.W. 21st Avenue and other streets in the immediate area.

Mr. Sussky suggested that the fence should be between the parking area and the conservation area. Chairman MacGregor suggested that this could be talked about when a site plan comes before the Board. He asked for comments regarding the zoning issues.

Mr. Chuck Bevington was recognized. Mr. Bevington noted that they have submitted a site plan and the fence has been proposed in the location that Mr. Sussky has suggested. Mr. Bevington addressed the boundaries of the retention area and the boundaries of the conservation zoning.

Before hearing from the neighbors, Chairman MacGregor stated that when this item last came before the Board he had to restrict the number of people who spoke because the Board was to lose its quorum at 9:30 that night. He commented that he felt very bad afterwards but had no alternative at that time but to restrict the discussion of each petition that night.

Mr. Michael Lazin, representing the members of the Lake Meadow Association, was recognized. The Lake Meadow Association supports the maintenance of the Lake Meadow area. Mr. Lazin stated that his group is very thankful for all of the consideration that has been given by the staff and by the Plan Board throughout this whole process. He stated that the group also appreciates Mr. Brasington's hospitality in showing them around the area. Mr. Lazin stated, however, that in spite of all that the group is still opposed to the petition for several reasons. He stated that they still have basic environmental concerns. He acknowledged that City Engineering staff did not indicate that this project would be hazardous to the area. Mr. Lazin stated that the neighbors are not environmental experts; they are common citizens who have a unique lake. He said they do not feel that they can be guaranteed that there will no possibility of pollution from stormwater runoff. Mr. Lazin stated that in talking with environmental engineers his impression is that this whole area of stormwater is a "black box". Mr. Lazin stated that a newspaper article a few weeks ago indicated that 50% of the water pollution in the State of Florida comes from stormwater runoff and that parking lots with oil and gasoline are some of the biggest offenders.

Mr. Lazin expressed his concern about how close the subject property is to the lake. Mr. Lazin stated that he swims in the lake every day during the warmer months and so do his neighbors and their children. He stated that the neighbors don't feel they can be amenable to any change where there is no guarantee that the lake will not be polluted.

Mr. Lazin stated that the neighbors' second concern is the issue of commercialism. He stated that although there is a conservation area, from their point of view, essentially what they are doing is putting "a nice red ribbon around a package of very bad news". He stated that the original staff report that recommended denial of the petition pointed to the fact that this still does represent intrusion of commercial property into a residential area. He commented that the neighbos still look at this as being an intrusion into a residential area.

Mr. Lazin stated that another concern is the question of whether or not this is all really necessary. He stated that they were rather

astounded to find out today that one of the petitioners is now entering into negotiations to purchase the adjacent property. He stated that the neighbors had been told all along that there was no other opportunity for Mr. Brasington to expand and now apparently there is. Mr. Lazin suggested that it would be best for the Board to delay these petitions until the issue of the Red Barn Restaurant property is cleared up.

In closing, Mr. Lazin stated that they do support some of the things that have been talked about in regards to alterations to the plan. He stated that the increase in the conservation area from 30 feet to 90 feet the neighbors would certainly all support.

Mr. Milton Baxley was recognized. Mr. Baxley asked for clarification as to whether or not a home could be built in the area designated for conservation. Chairman MacGregor stated that legally a person can build one home on five acres of conservation zoning, but in this instance there isn't enough land to allow a home to be built. Mr. Baxley asked if the land zoned for conservation could be combined with the adjacent single-family zoned property. Ms. Cox replied affirmatively. She noted, however, that the property will be extremely restricted in what use it could be put to. Mr. Baxley asked if the conservation zoning is going to affect that specific piece of property forever. Ms. Cox stated that the zoning will affect the lot size. She stated that for conservation zoning the owner would need an awful lot of land to be able to have a single-family home. She stated otherwise chances are the owner could attach it to a lot that is roughly 100 feet by 100 feet and they would have a larger than average single-family lot. Mr. Baxley stated that if the conservation zoning is going to tie up the property where the lots behind it cannot be sold or where the conservation area could be used at least in part to build a house, then he isn't sure that he is happy with the request.

Discussion ensued concerning the RSF-1 zoned property to the north of the lake. Chairman MacGregor asked if that property could be developed for single-family residences if what is being requested tonight is approved. Mr. Smith stated that the proposed rezonings will not affect Mr. Baxley's ability to subdivide the rest of the property.

Ms. Meiss asked about the possibility of someone requesting to change the conservation zoning in the future. Mr. Smith stated that this is possible and that is why staff favored the conservation zoning over a PD because the conservation zoning will clearly indicate to any future Plan Board that the intent was to leave the conservation zoned property in its natural state.

Mr. Sussky asked how a street could go in at the southern end of the subject property. Mr. Smith referred to the map and stated that a street could go in between the conservation zoned property and the lake if there is enough room.

Motion by Mr. McKnew

Seconded by Mr. Perry

Moved to approve Petition No. 172-85 PB including additional 60 feet across the southern portion of the property to be designated as OS (Recreation/Open Space/Buffers).

Mr. McKnew stated that his motion includes the petitioner's request for a driveway from 21st Avenue. Mr. Smith noted that staff has estimated the area to be including the OS designation as being 60 feet. He stated that the intent was to designate the southern portion all the way to the existing driveway as OS.

Mr. Harris commented that he wants to accommodate Mr. Brasington as much as he can but he doesn't think this is the package to go with. He said he thinks the proposal should be revisited with the following three items in mind; (1) environmental concerns, (2) traffic impacts; and (3) commercial encroachment.

Mr. McKnew said he is satisfied that the long narrow shape of the property will allow them to take drainage all along the eastern edge of the Parking zoning very far north, away from the lake, and direct drainage that way. Mr. McKnew stated that Mr. Brasington currently has the minimum amount of land that is necessary to operate a business in a growing community and he thinks it is imperative that Mr. Brasington's business be allowed to remain in its current location. He said he thinks the conservation zoning will allow them to handle the run-off very nicely. Mr. McKnew addressed the issue of how many employees there are and pointed out that this is a condition that has been existing since 1960. He stated that the employees have been using N.W. 21st Avenue to enter and exit the property all along.

Mr. Bevington suggested that there really is no need to change the zoning or land use designation on the southern portion as it would only further prohibit Mr. Baxley if he wanted to build a single-family home. Mr. Bevington addressed the issue of a road being put in between the southern edge of the property and the lake. He stated that such a road would create far more runoff than what is being proposed. Mr. Bevington stated that from an engineering standpoint you can't get water to run uphill and since there is a three foot drop from 21st Street down to 19th Street. Mr. Bevington stated that they can put the drainage in the parking area, but there is only one place it can go. He pointed out this location on the map.

Discussion ensued concerning whether or not to exclude the easternmost portion from the petitions. Mr. McKnew stated that he did not want to amend his motion to exclude the easternmost portion. He suggested, however, that someone could amend the motion.

Motion by Mr. Sussky

Seconded by Mr. McKnew

Moved to amend the main motion to exclude the easternmost portion of the property from the petition.

A general discussion ensued. A roll call vote was taken on the motion.

Upon vote, motion carried 7-0
Yeas: Harris, Langham, McKnew, Meiss, Perry, Sussky, MacGregor

Chairman MacGregor indicated that he had mixed feelings about this petition. He stated that there are no environmental controls on single-family zoning simply because plans for single-family homes don't go before anybody for approval. He stated that with multi-family developments you probably get more impervious surface, including parking lots, and you get less green space than you have with the combination of the landscaping requirements in the conservation zone. Chairman MacGregor said he is convinced that at the time the Board does site plan review, between the Department of Environmental Regulation and the City's own environmental engineers, there will be little if any runoff into the lake, except in the 100 year flood. Chairman MacGregor stated that from the standpoint of the neighborhood, he thinks the real danger is Brasington Cadillac/Oldsmobile moving and leaving an empty area that will further add to the deterioration on N.W. 13th Street.

A roll call vote was taken on the main motion as amended.

Upon vote, motion carried 5-2
Yeas: Langham, McKnew, Meiss, Perry, Sussky
Nays: Harris, MacGregor

Motion by Mr. McKnew

Seconded by Mr. Perry

Moved to approve Petition No. 173-85 PB including an additional 60 feet of Conservation zoning to match the additional area to be designated for Recreation/Open Space/Buffers; and deleting the easternmost section.

Upon vote, motion carried 7-0
Yeas: Harris, Langham, McKnew, Meiss, Perry, Sussky, MacGregor

Motion by Mr. Perry

Moved to approve
Petition No. 175-85 PB.

Seconded by Ms. Meiss

Upon vote, motion carried 7-0
Yeas: Harris, Langham, McKnew, Meiss, Perry, Sussky, MacGregor

Motion by Mr. Perry

Moved to approve
Petition No. 174-85 PB.

Seconded by Ms. Meiss

Upon vote, motion carried 7-0
Yeas: Harris, Langham, McKnew, Meiss, Perry, Sussky, MacGregor

Mr. Lazin stated that one of the things that has been represented to the neighbors is that they are getting some benefit out of this compromise in that they have a conservation easement. He stated that none of the neighbors knows what this means. He stated, however, that it has been represented to the neighbors that one of the implications here is that the conservation zoning is a statement by the Plan Board against any further creeping commercialism into the area. Mr. Lazin requested that he have some kind of indication that that is what this Board is intending with the conservation zoning. He requested also that he receive a copy of the minutes of this meeting. Chairman MacGregor stated that the Plan Board tends to think in terms of "step down". He stated that in going from commercial to conservation zoning, the property to the other side of the conservation zoning is not going to go to commercial or anything else than is more intense than what is already existing.

Mr. Sussky suggested that when these petitions go before the City Commission, the neighbors should make it known at that time what their understanding of the intent of the conservation zoning is. He suggested that Mr. Lazin should obtain a copy of the City Commission minutes for use in the future if the need arises. Ms. Cox pointed out that specific statements do not appear in the minutes of City Commission meetings. She stated that the minutes will refer to a conversation and discussion between various individuals and will refer to specific tapes. Chairman MacGregor stated that Mr. Lazin would have to ask the mayor to request a verbatim of the minutes pertaining to the subject petitions.

* * * * *

Item 11, Petition No. 9-86 PB

Applicant: Robert Weinstein, Agent for AMJ Inc.

Request: to amend a Planned Development adopting a revised preliminary and final site plan and development report for new construction of 48 attached single-family units, and 5 lots for single-family detached units.

Located: in the 4000 Block of N.W. 39th Road

Board Action: Continued until March 12, 1986

Quasi-Judicial Registration Form

Name:(please print) University of Florida Foundation, Inc.

Address: P.O. Box 14425 Gville 32604

Telephone Number: 3925405

Please indicate whether you are for or against this petition: **FOR** ✓ **or AGAINST**___ (mark "X")

Please indicate whether you are requesting a Formal Hearing: **YES**___ **or NO** ✓ (mark "X")

****

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on **Petition 210LUC-98 PB,** I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature:_____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the Second Public Hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Mailed forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 210LUC-98 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print)_____

Address:_____

Signature:_____

Telephone Number:_____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezonings, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

Quasi-Judicial Registration Form

Name:(please print) DYNAMIC GROWTH, Inc

Address: P. O. Box 675 - CEDAR KEY FL 32625

Telephone Number: (352) 543-9448

Please indicate whether you are for or against this petition: **FOR** ✓ **or AGAINST**___ (mark "X")

Please indicate whether you are requesting a Formal Hearing: **YES**____ **or NO** ✓ (mark "X")

****

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Attorney Information (If applicable):

Name: (please print)_____

Address:_____

Signature:_____

Telephone Number:_____

Quasi-Judicial Hearings

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The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezonings, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinctalternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

 980729

Quasi-Judicial Registration Form

Jacqueline Belwood 11/29/98

Name:(please print) Jacqueline J. Belwood

Address: 1133 NW 22nd avenue, Gainesville Fl 32609

Telephone Number: 513-831-7153

RECEIVED NOV 30 1998 PLANNING DIVISION

Please indicate whether you are for or against this petition: **FOR** ____ **or AGAINST** X (mark "X")

Please indicate whether you are requesting a Formal Hearing: **YES**____ **or NO** _____ (mark "X")

****

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on **Petition 210LUC-98 PB**, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature:_____

98 NOV 30 AM 8:

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the Second Public Hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Mailed forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 210LUC-98 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print)_____

Address:_____

Signature:_____

Telephone Number:_____

Quasi-Judicial Registration Form

Name:(please print) Cynthia Tyson

Address: 2112 SE 3rd Pl Gainesville FL 32641

Telephone Number: 352 373 3423

Please indicate whether you are for or against this petition: **FOR** ____ **or AGAINST** X (mark "X")

Please indicate whether you are requesting a Formal Hearing: **YES** X **or NO** X (mark "X")

****

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on **Petition 201LUC-98 PB**, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: Cynthia Tyson

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Attorney Information (If applicable):

Name: (please print)_____

Address:_____

Signature:_____

Telephone Number:_____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

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