



990733 by Robert P.

CITY OF _____ INTER-OFFICE _____
GAINESVILLE COMMUNICATION

DATE: March 19, 2000

TO: Tom Saunders, Director, Community Development Department
Ralph Hilliard, Manager, Planning Division
Dean Mimms, Chief of Current Planning

FROM: Meg Niederhofer, City Arborist *Meg Niederhofer*

SUBJECT: University Heights Special Area Plan

I am dismayed this ordinance makes such dismal provisions for trees. While Chicago and Los Angeles are spending fortunes to retro-fit their urban areas to accommodate trees, we in Gainesville have the opportunity to do it right from the beginning. Instead, we are treating trees as if they will grow in a minimal area and that the preservation of the occasional existing tree supplemented by occasional plantings will give us a lovely shaded environment. The top of the ordinance has two dimensional shade trees included in the illustration of how wonderful this area could look. I doubt the reality would include any trees that would get this large, given all the exemptions the ordinance suggests.

(1) **Total Number of Trees Required:**

Current language requires 1 shade tree for every 1,200 sq ft of private outdoor space. This means a 35' X 35' area would have one shade tree. When I edited the Traditional Neighborhood ordinance, I believed the total number of trees would be based on one tree for every 1,200 sq ft over the *entire* lot, building included. The standard as written is much too low. An area 35' X 35' should have three shade trees. They could be clustered if space was desired for a sunny spot for a garden. Bear in mind that all trees planted do not survive; American Forestry Association research indicates the average life expectancy of an urban tree is 7 years, compared to 150 years in rural areas). Our Codes enforcement for replacing trees required on site plans after they die is very weak. Considering all these factors, if three trees are planted in a 35' X 35' area, only one tree is likely to grow big enough to really contribute to Gainesville's tree canopy.

The phrase "Trees required by off-street parking lots may be included to meet the required count" should be eliminated. Parking areas need the required trees to offset global warming.

The proposed ordinance states "Street buffer requirements specified in the Land Development Code shall be met, except that the tree spacing shall be in accordance with the right-of-way planting requirements." It goes on to say that "Existing trees on the lot and on the adjacent swales may count toward the total number of trees required." This ordinance ignores the reality of how fragile right-of-way trees is. First, the life expectancy problem referenced above. Second, the City is constantly removing right-of-way trees to accommodate utility and public works improvements. The ordinance does state that "a designee shall approve which existing trees may count toward the total required trees," but the pressure from developers will

be intense to accept existing small trees on the right-of-way, even when we know ROW trees have a short life expectancy and will probably never be replanted. (While the City has a strong tree planting program now, this has been the circumstance only during the past 3 of the previous 20 years). Better language for **Total Number of Trees Required** would be:

“Redeveloping properties are required to provide shade trees on the lot’s private outdoor space, in rear parking lots, and in the street buffer. The lot’s private outdoor space shall provide one tree for every 300 sq ft of space. Rear parking lots shall meet the requirements stated in Gainesville Land Development Code, Chapter 8, Environmental Management. The street buffer requirement specified in the Land Development Code shall be met with respect to trees; shrubbery planting to meet the street buffer may be required. In all cases, a minimum of 140 sq ft of growing room shall be provided for each shade tree, with the minimum dimension of any side of this space being 9’.*

Existing trees on the lot be used to satisfy these requirements. Where no underground utilities are located in the swale, these right-of-way trees may be used to meet the tree planting requirements.

* [140 sq ft and 9’ are the numbers accepted as a compromise between Planning and the Tree Advisory Board; the Tree Advisory Board members feel that this is too little area for a Live Oak or other very large shade tree.]

(2) **Quality of Trees:**

This section refers to 50-gallon container sizes; these are very large trees and would cost the developer large amounts of money unnecessarily. Further, 50-gallon is not one of the sizes available in the nursery trade, nor is the grade “A #1.” (I know I did not read any draft of this ordinance, or I would have prevented these kinds of errors, which make us appear as if we know very little about tree standards). Also, when you give a developer the option of using “ornamental trees” (Crape Myrtles, Dogwoods, Japanese Saucer Magnolias, or Bradford Pear) instead of shade trees, they usually opt for the smaller, shorter-lived varieties. I recommend removing the entire text under “Quality of trees” in M. Landscaping Standards and changing it to:

Quality of Trees. Street trees intended to provide pedestrian shade are required. They may be located in the right-of-way swale only if no underground utility lines are located in the swale. If putting required shade trees in the right-of-way would require co-location with utilities, then trees must be placed on the private property near the sidewalk and the full measure of the street buffer tree plantings will be required. All trees planted shall be Florida Grade #1 or better, at least 8’ tall with a trunk caliper of at least 2 inches in a 25-gallon container. Species must be chosen from the list of Lot trees in the Gainesville Tree List in the Land Development Code. Each tree will have minimum root space of 140 sq ft, with the minimum dimension on any side being 9’.

(3) **“Right-of Way (sic) Planting”.** Why would you even apply the standard in commercial mixed use areas of one tree for every 35’ on center if you are going to immediately state “Trees

are not required when arcades or colonnades are present.” Under *V. BUILDING TYPES* Notes it states: “Building fronts are required to have at least one of the following: arcade, colonnade, 2nd floor balcony, marquee or awning extending at least 80% of the building facade” for Main Street Shopfronts and Offices. This makes the *requirement* for trees every 35’ in the right-of-way appear to be a sham. The build-to line for row houses is 0-15’ from the front, for “Garden Apartments” 5-15’. Clearly we’re only going to get right-of-way trees if we have better language, such as:

“Right-of-Way Planting. Commercial and mixed-use streets, such as University Avenue, shall have at least one shade tree, to which a minimum of 140 sq ft is allotted, for every 50’ of road frontage. Colonnades and arcades shall be adjusted to accommodate this.

Residential streets shall have shade trees planted on average spacing of 35’ on center in the swale, so long as no the swale has no underground utilities. If the swale has underground utilities, then the build-to line shall be adjusted so that 9’ shall exist behind the sidewalk to accommodate street trees on 35’ centers.

(4) **Build-to Lines.** Although the build-to line is stated as 15’ from the front of the building, you are requiring sidewalks as wide as 10’. You say that the City Manager or designee or Board will set the build-to line to accommodate sidewalks and trees. If 15’ is the maximum, and you’re expecting colonnades, etc., and sidewalks, I fear we will never see enough room for shade trees, and a generation from now, people will be told we planned for an urban forest of Crape Myrtles because there was no room to safely plant anything larger. I would set the build-to lines at whatever is necessary to accommodate the required trees.

(5) **R. Sidewalks.**

This section includes the statement “Minimum width for a tree strip shall be 4’ or other such width as may be adequate for tree placement, unless the tree strip requirement (sic) is waived by the appropriate reviewing board, city manager, or designee.” Four feet for the minimum is already a great compromise. The City Manager recently sent me information from American City and County magazine that gives the standard minimum for a tree as 4 sq ft of surface area for every inch diameter the tree is expected to attain. This means that in the tree islands which the City now requires in parking lots, no tree should ever be planned that exceeds 35” in trunk caliper. This ordinance makes the very common mistake of thinking a large tree can grow in a small amount of ground. Downtown we have trees planted in tree wells, but we have to treat them with growth hormones to keep them from getting too large and tipping over like big plants in small pots.

I think it is very unwise to give the planning board, City Manager, or designee what appears to be permission to waive a standard that will increase the liability of the City by making it appear OK for them to reduce the 4’, an dimension that is already too small. Live Oak trees can grow to be 30” in diameter within 15 years; at that size, they will bear many tons of weight. Trees break in storms or as a result of natural stresses derived from their internal structure exacerbated by bad pruning. Every year people are killed by failing trees, and the settlements are tremendous! This statement that will so easily allow the compromise of this what is a minimum dimension—4’--seems to me very unwise. For the last paragraph under **Sidewalks**:

~~“Minimum width for a tree strip shall be 4’ or other such width as may be adequate for tree placement, unless the tree strip requirement (sic) is waived by the appropriate reviewing board, city manager, or designee. If underground utilities are to be located in this strip, then the dimension can be narrowed, and a street buffer on private property with a minimum width of 9’ shall be required.~~

(6) You have drawings and designs and illustrations for everything except trees. To me, this is a real failure of vision and confirms my impression of this document as one that will deliver a comprehensive “look” for streets that have no trees.

I realize that changes in language in one part of an ordinance generate inconsistencies in other parts. I would have been happy to review this ordinance at an earlier stage, but the first time it was sent to me was on Thursday, March 16. As this ordinance is changed, I would like to see it again.

990733 by Robert P

Subject: University Heights Special Area Plan

Robert Pearce
203 NW 11th St.
Gainesville, Fl. 32601

September 11, 2000

City Commissioners
City of Gainesville
220 East University Ave.
Gainesville, Fl. 32601

Madam Mayor and Commissioners,

As I said to you in my letter dated June 18, 2000, I am very disappointed with several major elements of this proposed Special Area Plan for University Heights. This Plan is quite different from what we were led to believe it was going to be during the Charrette and the subsequent public presentations. Many of the most important illustrations included in this Plan as being representative of the development regulations are, in fact, very deceptive, and are not at all an accurate reflection of the actual text. The illustrations show pictures of 3-story apartment buildings when the text actually allows 5-story apartment buildings. The illustrations show pictures of 3-story commercial buildings when the text actually allows 6-story commercial buildings. The illustrations show 40% building coverages when the text actually allows 80% building coverages, and that doesn't even include the impervious surface area of parking lots. Point being, what you see in the pictures is not necessarily what you get with the text.

These are the specific issues I ask you to address:

ISSUE 1: COMPATIBILITY OF SCALE AND CHARACTER

There is a complete lack of regard for compatibility of scale between new development and the existing neighborhood. We were shown lots of pretty pictures of modestly scaled 2 and 3 story apartment buildings tastefully intermixed with single family houses. We were promised that new development would be sensitive of, and compatible with, the scale of the existing neighborhood.

Instead of any sensitivity, the regulations being proposed in this Plan would allow 5-story, flat roofed apartment buildings to be built throughout the neighborhood, immediately adjacent to single family houses such as my own, completely ignoring the compatibility of scale and character of the immediately surrounding neighborhood. In removing the maximum floor area ratio limits, compatible and sensitive building heights were to have been established. This is not what happened. I object to this. Even the College Park Plan, with all of its deficiencies, at least attempts to address compatibility of scale and character issues by limiting apartment building development to 3 stories, commercial buildings to 4 stories, and not allowing flat roofs except by special exception. This 3 story building height limit for apartment buildings also allows for the possibility of a tree canopy to eventually develop over buildings, provided of course that there is an adequate tree requirement.

RECOMMENDATIONS ON ISSUE 1:

1. I ask you to limit building heights for new development in the Residential Building Type Categories to be no greater than 2 stories taller than the principal structure on any adjacent property, up to the building height limits as proposed in this Plan for each building type. This type of graduated building height limit would take into account and be more respectful of the scale of the existing development in the immediately surrounding area.

2. I ask you to prohibit flat roofs in the Residential Building Type Categories, except by special exception. Flat roofs would still be allowed on all other building types.

ISSUE 2: LANDSCAPE AND TREE REQUIREMENTS

The proposed Landscape and Tree Requirements in this Plan are a disgrace. During the public presentations we were shown lovely pictures with greenspaces and lots of trees, and we were told that with this Plan the historic neighborhood character would be preserved. Instead, Staff's new proposal would still reduce both the tree and shrubbery requirements for new development by approximately 60%, and the tree requirement would still only be about one-half of the City Arborist's Recommendation. On top of that, Staff now wants to allow impervious surface area to count towards a tree's minimum growing room, which was a compromise figure from the Tree Advisory Board to begin with.

The City Arborist begins her 4-page Report submitted to the Department of Community Development as follows:

"I am dismayed this ordinance makes such dismal provisions for trees. While Chicago and Los Angeles are spending fortunes to retro-fit their urban areas to accommodate trees, we in Gainesville have the opportunity to do it right from the beginning. Instead, we are treating trees as if they will grow in a minimal area and that the preservation of the occasional existing tree supplemented by occasional plantings will give us a lovely shaded environment.....American Forestry Association research indicates the average life expectancy of an urban tree is 7 years.....if three trees are planted in a 35' X 35' area, [1225 square feet] only one is likely to grow big enough to really contribute to Gainesville's tree canopy."

RECOMMENDATIONS ON ISSUE 2:

1. As per the City Arborist's recommendation, in addition to right-of-way, street buffer, and parking area requirements, one shade tree should be required for every 300 square feet of private outdoor space.
2. Because this Plan does not have any shrubbery requirements at the sides or at the rear of properties, the adjacent use shrubbery requirements called for in the Land Development Code should be met where there is a building setback.

ISSUE 3: REAR SETBACKS

Someone fell asleep at the wheel and neglected to include any rear setbacks for principal structures in any of the principal building type categories. Oddly, there is a minimum rear setback for outbuildings but not for principal structures.

RECOMMENDATIONS ON ISSUE 3:

1. Adopt a 20' minimum rear setback for principal structures, which corresponds with the setbacks established in the Land Development Code for the RH-1 and RH-2 Zoning Districts.

ISSUE 4: DECORATIVE SHUTTERS

Last and certainly least, an irritation at worst, but somewhat cryptically significant, this proposed Plan prohibits decorative shutters on buildings. How bizarre to allow a 5-story flat-roofed apartment building to be built next door to my single family house but to prohibit someone from adding a little bit of architectural character to a building by adding decorative shutters. Very strange priorities, indeed.

RECOMMENDATION ON ISSUE 4:

1. Delete the prohibition on decorative shutters.

In conclusion, Madam Mayor, Commissioners, I still have grave concerns that this Plan, as it is presently written, will serve to encourage demolition of the existing historic neighborhood, only to be replaced by a warehouse zone for students where permanent residents will not want to live. Allow me to respectfully remind you that the allowed density in my neighborhood is already over 10 times the allowed density in any of yours. I ask you please take my recommendations into consideration and please do not make painfully inequitable conditions even worse.

Sincerely,



Robert Pearce

990733 by Robert P

Robert Pearce
203 NW 11th St.
Gainesville, Fl. 32601

June 18, 2000

City Commissioners
City of Gainesville
220 East University Ave.
Gainesville, Fl. 32601

Subject: University Heights Special Area Plan

Commissioners,

I am deeply disappointed with several major elements of the proposed Special Area Plan for University Heights. I ask you to examine this Plan with a very critical eye because the actual text of this Plan, which is what will be used to regulate new development, is very different from what we were led to believe this Plan was going to be at the Charrette and the subsequent public presentations. Many of the most important illustrations included in this Plan as being representative of the development regulations are, in fact, very deceptive, and are not at all an accurate reflection of the actual text.

There are three major issues I ask you to address:

ISSUE 1.

There is a complete lack of regard for compatibility of scale between new development and the existing neighborhood. We were shown lots of pretty pictures of modestly scaled 2 and 3-story apartment buildings, oozing with architectural character, which were tastefully intermixed with single family houses. We were promised that new development would be sensitive of, and compatible with, the scale in the existing neighborhood.

Instead of any sensitivity, the regulations being proposed in this Plan would allow a 5-story, flat roofed apartment building to be built immediately adjacent to a single family house, such as my own, which completely ignores compatibility of scale and character. I object to this. Even the College Park Special Area Plan, with all of it's deficiencies, at least attempts to address compatibility of scale and character issues by limiting apartment building development to 3 stories and not allowing flat roofs except by special exception. That building height limit also allows for the possibility of a tree canopy to develop over buildings, which would not otherwise occur.

RECOMMENDATION: Building heights for new development in the residential building type categories should be no greater than 2 stories taller than the principal structure on any adjacent property, up to the building height limits as proposed in this Plan for each building type. The smallest maximum building height would, therefore, be 3 stories. A graduated building height limit, such as this, would take into account, and be more respectful of, the scale of existing development in the immediately surrounding area.

ISSUE 2.

The proposed Landscape and Tree Requirements in this Plan are a disgrace. During the public presentations we were shown lovely pictures with greenspaces and lots of trees, and we were told that with this Plan the historic neighborhood character would be preserved.

The truth is: This Plan proposes to abolish the City's 20% minimum landscaped area requirement. It proposes to abolish all of the adjacent use landscaped buffer requirements between and at the rear of properties. It proposes to abolish all shrubbery requirements. It proposes to reduce the net tree requirements by approximately 80% and it proposes to reduce the on-site tree requirements by approximately 90%. In addition, it would allow impervious surface area coverages of a lot approaching 90%.

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This will create a hot, ^Yair polluted, concrete jungle, practically devoid of the natural world.

Planning Department Staff has argued that adding more trees than what is being proposed in this Plan will create cramped conditions. So what if 50 years from now a few trees that have somehow managed to survive the urban environment become cramped? It only takes a day to cut a tree down. Meanwhile, everyone will benefit from the ever increasing shade, the air cleansing value, the visual buffer values, and an irreplaceable connection with Nature.

The first sentence of a 4-page report submitted to the Department of Community Development by the City Arborist describes the proposed tree requirements in this Plan as "dismal". The Arborist's recommendations included in this comprehensive and commendably perceptive report were prepared with an impressive and painstaking attention to detail.

RECOMMENDATION: The proposed Landscape Standards language should be deleted in its entirety. It should be replaced with the recommended Landscape Standards language as submitted to the Department of Community Development in the City Arborists Report dated March 9, 2000.

In addition, because there are no shrubbery requirements in the proposed Plan, and because the City Arborist's Report addressed tree requirements only, the existing adjacent use shrubbery requirements in the Land Development Code should be met where a building setback is required.

ISSUE 3.

The proposed minimum side setback for detached building types is inadequate to provide for appropriate buffering between residential buildings on adjacent properties.

The proposed regulations in this Plan would allow 3, 4, and 5-story apartment buildings to be placed 5 feet from side property lines. I object to this. A 5 foot setback is an insufficient distance to allow for proper buffering from high intensity uses. I ask that the minimum 5 foot setback be increased to a minimum 8 foot setback. Obviously, even the minimum 8 foot setback I am requesting is questionably sufficient by most people's standards. It will, however, help to provide for visual buffering, small landscaped spaces, understory trees, a bit more noise attenuation, and at least a modicum of privacy.

RECOMMENDATION: The proposed minimum 5 foot side setback should be changed to a minimum of 8 feet when adjacent to non-attached high-intensity building types. The proposed minimum 0 foot side setback for attached building types such as shopfront buildings, offices, and rowhouses would remain the same. The proposed minimum 5 foot side setback for the "House" and "Outbuilding" types would also remain the same.

In conclusion, in my opinion, this proposed Plan, as it is presently written, will serve to encourage demolition of the existing historic neighborhood, only to be replaced by a warehouse zone for transient students, where permanent residents will not want to live.

I ask you to amend the proposed University Heights Special Area Plan to include the the recommendations detailed herein. Below, I have included several minor issues for your consideration and on the following pages I have included the formal text change language that would implement the above mentioned recommendations.

Sincerely,



Robert Pearce

Minor Issues:

1. On attached building types the sides located on interior property lines do not require windows, expression lines, or cornices. Perhaps this should be allowed to occur only when and where they are attached. Imagine what the side of the UF Foundation Building would look like without any windows.
2. Flat roofs would be allowed throughout, on any building. The College Park Special Area Plan requires pitched roofs on all new buildings, except by special exception, depending upon individual circumstances. The purpose of this is to add architectural character to a building and to improve the appearance of a building not only from the ground but also to significantly improve the view out the window from the inside of adjacent buildings.

I would prefer to see flat roofs prohibited in University Heights except along University Avenue and along West 13th street. However, in any case, if flat roofs are to be allowed, mechanical equipment such as HVAC equipment should be required to be shielded from view not only from the ground, but also from the view from the inside of other buildings.

3. This Plan would prohibit decorative shutters. How bizarre to prohibit decorative shutters, but to allow a 5-story flat-roofed apartment building to be built 5 feet from the side of my single-family house.

