

Legislative #

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**BEFORE THE CITY COMMISSION  
CITY OF GAINESVILLE, FLORIDA**

14 **IN THE MATTER OF an application to amend the zoning for the Blues Creek**  
15 **Planned Development District (PD) that is generally located west of NW 43<sup>rd</sup> Street,**  
16 **north of NW 69<sup>th</sup> Lane and NW 73<sup>rd</sup> Avenue, and south of NW 82<sup>nd</sup> Boulevard.**

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23 **PETITION PB-15-115 PDA.**

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**ORDER**

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**Statement of the Petition**

The City Commission of the City of Gainesville on May 19, 2016, held a formal quasi-judicial hearing on Petition PB-15-115 PDA, filed by eda engineers-surveyors-planners, Inc., agent for New Generation Home Builders, Inc. ("Petitioner"). The petition seeks to amend the zoning for the Blues Creek Planned Development District (PD) that is generally located west of NW 43<sup>rd</sup> Street, north of NW 69<sup>th</sup> Lane and NW 73<sup>rd</sup> Avenue, and south of NW 81<sup>st</sup> Avenue.

**Decision Criteria**

The City Commission's decision in this matter shall be in accordance with the following criteria specified in Section 30-216 of the Land Development Code:

- 1) ***Conformance with the PD objectives and the Comprehensive Plan.*** No development plan may be approved unless it is consistent with the objectives set forth in Section 30-211(b) of the Land Development Code, and the city's Comprehensive Plan, Future Land Use Map and Concurrency Management System.
- 2) ***Concurrency.*** The proposed PD must meet the level of service standards adopted in the Comprehensive Plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular review stage), or certificate of conditional concurrency reservation.
- 3) ***Internal compatibility.*** All land uses proposed within a PD must be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use, based on the streetscape, treatment of pedestrian ways and circulation, motor vehicle circulation, and the separation and buffering of parking areas and sections of parking areas; the existence or absence of, and the location of, focal points and vistas, open spaces, plazas, recreational areas and common areas, and use of existing and proposed landscaping; use of the topography, physical environment and other natural features; use and variety of building setback or build-to lines, separations and buffering; use and variety of building groupings, building sizes, architectural styles, and materials; variety and design of dwelling types; particular land uses proposed, and conditions and limitations thereon; and any other factor

- 46 deemed relevant to the privacy, safety, preservation, protection or welfare of any  
47 proposed use within the PD.
- 48 4) **External compatibility.** All land uses proposed within a PD must be compatible with  
49 existing and planned uses of properties surrounding the PD; that is, no internal use  
50 may have any avoidable or undue adverse impact on any existing or planned  
51 surrounding use, nor shall any internal use be subject to undue adverse impact from  
52 existing or planned surrounding uses. An evaluation of the external compatibility of a  
53 PD should be based on the following factors: adjacent existing and proposed uses,  
54 design of the development, traffic circulation, and density and intensity.
- 55 5) **Intensity of development.** The residential density and intensity of use of a PD shall be  
56 compatible with (that is, shall have no undue adverse impact upon) the physical and  
57 environmental characteristics of the site and surrounding lands, and they shall comply  
58 with the policies and density limitations set forth in the Comprehensive Plan. Within  
59 the maximum limitation of the Comprehensive Plan, the permitted residential density  
60 and intensity of use in a PD may be adjusted upward or downward in consideration of  
61 the following factors: the availability and location of public and utility services and  
62 facilities; the trip capture rate of development; and the degree of internal and external  
63 connectedness of streets.
- 64 6) **Usable open spaces, plazas and recreation areas.** Usable open spaces, plazas and  
65 recreation areas provided within a PD shall be evaluated based on conformance with  
66 the policies of the Comprehensive Plan and the sufficiency of such areas to provide  
67 appropriate recreational opportunities, protect sensitive environmental areas, conserve  
68 areas of unique beauty or historical significance, enhance neighborhood design, and  
69 encourage compatible and cooperative relationships between adjoining land uses.
- 70 7) **Environmental constraints.** The site of the PD shall be suitable for use in the manner  
71 proposed without hazards to persons either on or off the site from the likelihood of  
72 increased flooding, erosion or other dangers, annoyances or inconveniences.  
73 Condition of soil, groundwater level, drainage and topography shall all be appropriate  
74 to the type, pattern and intensity of development intended. The conditions and  
75 requirements of Article VIII, environmental management must be met.
- 76 8) **External transportation access.** A PD shall be located on, and provide access to, a  
77 major street (arterial or collector) unless, due to the size of the PD and the type of  
78 uses proposed, it will not adversely affect the type or amount of traffic on adjoining  
79 local streets. Access shall meet the standards set in Article IX, additional  
80 development standards, and Chapter 23, streets, sidewalks, and other public places.  
81 Connection to existing or planned adjacent streets is encouraged. The trip generation  
82 report shall be signed by a professional engineer registered in the state when there is a  
83 difference between the traffic report provided by the petitioner and the concurrency  
84 test.
- 85 9) **Internal transportation access.** Every dwelling unit or other use permitted in a PD  
86 shall have access to a public street either directly or by way of a private road,  
87 pedestrian way, court or other area which is either dedicated to public use or is a  
88 common area guaranteeing access. Permitted uses are not required to front on a

89 dedicated public road. Private roads and other accessways shall be required to be  
90 constructed so as to ensure that they are safe and maintainable.

91 10) *Provision for the range of transportation choices.* Sufficient off-street and on-street  
92 parking for bicycles and other vehicles, as well as cars, shall be provided. The  
93 requirements of Article IX, Division 2, shall be used as a guide only. Parking areas  
94 shall be constructed in accordance with such standards as are approved by the City  
95 Commission to ensure that they are safe and maintainable and that they allow for  
96 sufficient privacy for adjoining uses. When there is discretion as to the location of  
97 parking in the project, it is strongly encouraged that all motor vehicle parking be  
98 located at the rear or interior side of buildings, or both. The design of a PD should,  
99 whenever feasible, incorporate appropriate pedestrian and bicycle accessways so as to  
100 provide for a variety of mobility opportunities. Connection to all sidewalks,  
101 greenways, trails, bikeways, and transit stops along the perimeter of the PD is  
102 required. Where existing perimeter sidewalks do not exist, sidewalks shall be  
103 provided by the development.

#### 104 **Findings of Fact**

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107 Based upon the evidence presented at the quasi-judicial hearing and included within the  
108 entire record of this proceeding, the following findings of fact are made:

- 109 1. The subject property known as “Blues Creek” consists of approximately 300 acres  
110 generally located west of NW 43<sup>rd</sup> Street, north of NW 69<sup>th</sup> Lane and NW 73<sup>rd</sup>  
111 Avenue, and south of NW 81<sup>st</sup> Avenue, as more specifically described in the  
112 record.
- 113 2. Planned Development District (PD) zoning is a voluntary method that allows  
114 landowners or developers to submit unique proposals that are not provided for or  
115 otherwise allowed in the zoning districts established by the City of Gainesville  
116 Land Development Code.
- 117 3. The City adopted Planned Development District (PD) zoning for the subject  
118 property in 2003 (Ordinance No. 030472) and 2005 (Ordinance No. 041187).
- 119 4. Section 30-224(a) of the City of Gainesville Land Development Code provides  
120 that, with certain exceptions, an amendment to a previously approved Planned  
121 Development District (PD) may only be accomplished by a rezoning ordinance  
122 accompanied by a new proposed Planned Development District (PD).
- 123 5. The owner(s) of the subject property initiated a request to amend the Blues Creek  
124 Planned Development District (PD) with revisions to certain development  
125 standards associated primarily with an approximately 37-acre area on the western  
126 boundary of the PD known as “Unit 5, Phase 2.”
- 127 6. City staff recommended approval of Petition PB-15-115 PDA.
- 128 7. The City Plan Board, which acts as the Local Planning Agency pursuant to  
129 Section 163.3174, Florida Statutes, held a public hearing on January 28, 2016,  
130 and voted to recommend that the City Commission approve Petition PB-15-115  
131 PDA with conditions.

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**Order**

DENIED. Based upon the competent, substantial evidence received and included within the record, the City Commission, by a vote of 4-3, denies Petition PB-15-115 PDA and finds that the Petitioner has not met its burden of presenting sufficient evidence to allow this board to amend the zoning as requested for the Blues Creek Planned Development District (PD) pursuant to the decision criteria specified in Section 30-216 of the Land Development Code.

Entered this 2<sup>nd</sup> day of June, 2016.

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Lauren Poe, Mayor

Attest:

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Kurt M. Lannon, Clerk of the Commission

Approved as to form and legality:

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Nicolle M. Shalley  
City Attorney