

**Appendix B Supplemental Documents**

tabbies  
**EXHIBIT**  
 B-1

130282D



**AERIAL PHOTOGRAPH**

Name	Petition Request	Map(s)	Petition Number
City Plan Board, applicant	Amend the Gainesville Future Land Use Map from Planned Use District (PUD) to Office (O)	3752	PB-13-75 LUC



No Scale

## City of Gainesville Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- MUM Mixed Use Medium Intensity (12-30 du/acre)
- C Commercial
- PF Public Facilities and Operations
- PUD Planned Use District

Area under petition consideration

----- Division line between two land use categories



EXISTING LAND USE		Map(s)	Petition Request	Petition Number
		3752	Amend the Gainesville Future Land Use Map from Planned Use District (PUD) to Office (O)	PB-13-75 LUC
<p style="text-align: center;">No Scale</p>				

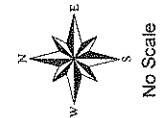
0282D

## City of Gainesville Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
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- O Office
- C Commercial
- PF Public Facilities and Operations
- PUD Planned Use District

Area  
under petition  
consideration

----- Division line between two land use categories



No Scale

130282D  
**PROPOSED LAND USE**

Name	Petition Request	Map(s)	Petition Number
City Plan Board, applicant	Amend the Gainesville Future Land Use Map from Planned Use District (PUD) to Office (O)	3752	PB-13-75 LUC



1     **WHEREAS**, notice was given and publication made of a Public  
2 Hearing which was held by the City Commission on April 14,  
3 1997; and

4     **WHEREAS**, at least ten (10) days notice has been given of  
5 the public hearing once by publication in a newspaper of  
6 general circulation notifying the public of this proposed  
7 ordinance and of a Public Hearing in the City Commission  
8 meeting room, First Floor, City Hall in the City of  
9 Gainesville; and

10    **WHEREAS**, the two (2) Public Hearings were held pursuant to  
11 the published notices described above at which hearings the  
12 parties in interest and all others had an opportunity to be  
13 and were, in fact, heard.

14    **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
15 **CITY OF GAINESVILLE, FLORIDA:**

16    Section 1. The Future Land Use Map of the City of Gainesville  
17 1991-2001 Comprehensive Plan is amended by overlaying the  
18 Planned Use District category on the following described  
19 property with the present Land Use Category of "Office";

20    See legal description attached hereto as Exhibit  
21 "A", and made a part hereof as if set forth in full.  
22

1 Section 2. The Planned Use District overlay category on the  
2 property described in Section 1 of this Ordinance is subject  
3 to the following terms, conditions and restrictions:

4 a) Maximum lot coverage: all buildings and structures -  
5 forty (40) percent.

6 b) Permitted use: eating place.

7 c) Traffic access and trip generation: The two existing  
8 driveways on N.E. 2nd Street will be replaced with one  
9 driveway. This driveway will be aligned as close as  
10 possible with the driveway across the street on NE 2d  
11 Street. The number of trips generated by an additional 13  
12 seats is estimated to be three (3) new PM peak hour trips.

13 For the purposes of traffic circulation concurrency only,  
14 any development generating fewer than twenty (20) peak  
15 hour/peak directional trips is considered de minimis, and  
16 thus exempt from the traffic circulation Level of Service  
17 standards.

18 d) Environmental features and buffering: Lot 7 as further  
19 described in Section 1 is currently a wooded vacant lot.  
20 To the east of the property described in Section 1 there  
21 is a 60' utility easement that serves as a buffer to the  
22 single-family residential homes to the east. The utility  
23 easement will be extended from the south property line of  
24 Lot 7 north to N.E. 23rd Avenue within a 20ft. area

1 measured from the eastern property line. A 40ft. buffer  
2 shall be provided from the south property line of Lot 7  
3 north to N.E. 23rd Avenue measured from the western  
4 boundary of the utility easement. The buffer and utility  
5 easement will maintain the buffer area between the eating  
6 place use and residential use. All other buffer areas  
7 will comply with the specific provisions of the planned  
8 development ordinance.

9 Section 3. A planned development ordinance is required to  
10 implement the development plan and the use permitted by this  
11 Ordinance.

12 Section 4. The Future Land Use Map Category of "Office" on the  
13 property described in Section 1 of this ordinance is neither  
14 abandoned nor repealed; such category is inapplicable as long  
15 as the property is developed and used in accordance with the  
16 development plan approved in the ordinance rezoning this  
17 property to Planned Development "PD". In the event, however,  
18 the property described in Section 1 of this Ordinance is not  
19 rezoned by ordinance to Planned Development "PD" within one  
20 (1) year of this amendment becoming effective as provided in  
21 Section 8 of this Ordinance, then the Planned Use District  
22 Category imposed by this Ordinance shall be deemed null and  
23 void and of no further force and effect and the Future Land  
24 Use Map shall be amended accordingly upon proper notice.



1     **Section 5.** The City Manager is authorized and directed to make  
2 the necessary changes in maps and other data in the City of  
3 Gainesville 1991-2001 Comprehensive Plan, or element, or  
4 portion thereof in order to comply with this ordinance.

5     **Section 6.** If any section, sentence, clause or phrase of this  
6 ordinance is held to be invalid or unconstitutional by any  
7 court of competent jurisdiction, then said holding shall in no  
8 way affect the validity of the remaining portions of this  
9 ordinance.

10    **Section 7.** All ordinances, or parts of ordinances, in conflict  
11 herewith are to the extent of such conflict hereby repealed.

12    **Section 8.** This ordinance shall become effective immediately  
13 upon passage on second reading; however, the amendment to the  
14 City of Gainesville 1991-2001 Comprehensive Plan shall become  
15 effective thirty one (31) days after adoption of this  
16 Ordinance on second reading unless a petition is filed with  
17 the Division of Administrative Hearings pursuant to §  
18 163.3187(3), F.S. In this event this Ordinance shall not  
19 become effective until the state land planning agency issues a  
20 final order determining the adopted amendment to be in  
21 compliance in accordance with S. 163.3187, or until the  
22 Administration Commission issues a final order

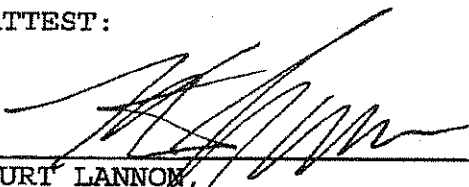
determining the adopted amendment to be in compliance in accordance with S. 163.3187, F.S.

PASSED AND ADOPTED this 25th day of August, 1997.

  
MAYOR-COMMISSIONER

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
KURT LANNON,  
CLERK OF THE COMMISSION

  
MARION J. HADSON, CITY ATTORNEY

AUG 27 1997

This ordinance passed on first reading this 11th day of August, 1997.

This ordinance passed on second reading this 25th day of August, 1997.

MJR/afm  
6/5/97

H:USERS/ALICE/35LUC.PET

EXHIBIT "A"LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 1841, PAGE 1393

LOT 7 OF McCOY'S COMMERCIAL PARK, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "H", PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND

OFFICIAL RECORDS BOOK 1560, PAGE 2924

A TRACT OF LAND SITUATED IN LOT SIX (6), OF McCOY'S COMMERCIAL PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "H", PAGE 9, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS: BEGIN AT THE NORTHWEST CORNER OF LOT SIX (6) OF SAID McCOY'S COMMERCIAL PARK, AND RUN SOUTH 89 DEGREES, 45 MINUTES, 28 SECONDS EAST, 193.00 FEET TO THE NORTHEAST CORNER OF SAID LOT SIX (6); THENCE RUN SOUTH 00 DEGREES, 04 MINUTES, 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT SIX (6), 165.00 FEET; THENCE RUN NORTH 77 DEGREES, 30 MINUTES, 45 SECONDS WEST, 231.24 FEET TO THE EAST RIGHT OF WAY LINE OF NORTHEAST 2ND. STREET; THENCE RUN NORTHERLY ALONG SAID RIGHT OF WAY LINE WITH A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF 08 DEGREES, 38 MINUTES, 09 SECONDS, A RADIUS OF 798.94 FEET, A LENGTH OF 120.42 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 15 DEGREES, 42 MINUTES, 35 SECOND EAST, 120.31 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SOURCE:

Photocopy of the legal description prepared by John Myers & Associates, Registered Land Surveyors, in conjunction with the preparation of the Boundary and Topographical Survey for Szechuan Omei Restaurant on September 10, 1996.



1       WHEREAS, pursuant to law, notice has also been given by  
2 mail ten (10) days prior to the first reading of this  
3 ordinance to the petitioner whose land will be changed by  
4 enactment of this ordinance; and

5       WHEREAS, Public Hearings were held pursuant to the  
6 published and mailed notices described at which hearings the  
7 parties in interest and all others had an opportunity to be  
8 and were, in fact, heard.

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

11       Section 1. The following described property is rezoned from  
12 "OF: General office district" to "Planned Development  
13 District";

14       See Exhibit "A" attached hereto and made a part  
15 hereof as if set forth in full.  
16

17       Section 2. The City Manager is authorized and directed to make  
18 the necessary change in the Zoning Map Atlas to comply with  
19 this Ordinance.

20       Section 3. The Development Plan attached to this Ordinance  
21 which consists of the following:

22       1. the development plan report entitled "PD Layout Report"  
23 prepared by Skinner and Associates, Inc.; last updated

1 September 10, 1996, attached and identified as Exhibit "B";  
2 and

3 2. development plan maps consisting of 2 sheets: 1) the  
4 existing conditions map entitled "Proposed Restaurant for  
5 Szechuan Omei" dated November 5, 1996; and 2) the "PD Layout  
6 Plan Map", dated November, 5, 1996, last revision on May 20,  
7 1997, identified as Exhibit "C";

8 are incorporated and made a part of this Ordinance as if set  
9 forth in full. The terms, conditions, and limitations of  
10 the Development Plan shall regulate the use and development  
11 of the land described herein zoned to the category of  
12 Planned Development District as provided in Chapter 30, Land  
13 Development Code of the City of Gainesville (hereinafter  
14 referred to as "Land Development Code"). In the event of  
15 conflict between the provisions of the development plan  
16 report (Exhibit "B") and the development plan maps (Exhibit  
17 "C"), the provisions, regulations, and restrictions of the  
18 development plan maps (Exhibit "C") shall govern and  
19 prevail.

20 Section 4. The following conditions, restrictions and  
21 regulations shall also apply to the development and use of  
22 the land:

23 (a) Concurrency approval shall be valid for a period of one  
24 year from the date of adoption of this ordinance.

1 (b) Prior to second and final reading of this ordinance, a  
2 20' wide public utility easement shall be conveyed to  
3 the City of Gainesville extending from the south  
4 property line of lot 7 north to N.E. 23rd Avenue,  
5 measured from the east property line for the purpose of  
6 maintaining existing utility lines and trimming the  
7 trees and vegetation within the buffer area referenced  
8 below that may create a public safety condition.  
9 Within this 20' easement, trees and vegetation may be  
10 trimmed or removed to the extent necessary to service  
11 and maintain existing utilities by Gainesville Regional  
12 Utilities or an affected service provider. In  
13 addition, in order to provide visual screening and  
14 buffering and maintain the existing amount of buffering  
15 between this use and adjacent residential uses to the  
16 east, a 40' foot wide buffer area shall extend from the  
17 south property line of lot 7 north to N.E. 23rd Avenue,  
18 measured from the western boundary of the utility  
19 easement. The 40' buffer area shall remain in its  
20 natural state with the removal or destruction of trees,  
21 shrubs or other vegetation prohibited. A required six  
22 foot high masonry screen wall to be constructed along  
23 the western most boundary of the buffer area may  
24 encroach into the buffer area as recommended by the

1 City's Arborist for the purpose of preserving or  
2 protecting regulated trees on said boundary. The wall  
3 shall be constructed prior to any construction or  
4 development activity on the site. During construction  
5 of the wall, wooden tree barricades shall be provided  
6 to protect existing trees within close proximity to the  
7 wall. Prohibited uses within the buffer area shall  
8 also include: the construction and placing of  
9 buildings, roads, signs, billboards, or other  
10 advertising, utilities or other structures on or above  
11 ground; dumping or placing of soil or other substance  
12 or material as landfill or dumping or placing of trash,  
13 waste or other unsightly or offensive materials;  
14 excavation, dredging or removal of loam, peat, gravel,  
15 soil, rock or other material substances in such manner  
16 as to affect the surface; and activities detrimental to  
17 drainage, flood control, water conservation, erosion  
18 control, soil conservation, or fish and wildlife  
19 habitat preservation;

- 20 (c) A nine foot wide landscaped street buffer shall be  
21 provided along the north property line. No regulated  
22 trees shall be removed within this buffer area.  
23 Landscaping within the nine foot buffer area shall meet  
24 the landscape buffer requirements for buffer strip



- 1 requirements for "commercial, mixed use" as provided in  
2 the Land Development Code.
- 3 (d) A 6' high masonry screen wall shall be constructed by  
4 the owner/developer along the western boundary of the  
5 40' buffer area to extend an existing masonry screen  
6 wall to the N.E. 23rd Avenue southern right-of-way  
7 line, for the purpose of providing a sound and visual  
8 barrier between this use and the residential uses to  
9 the east.
- 10 (e) The minimum building setback from the north property  
11 line shall be 15 feet. No existing regulated trees  
12 shall be removed within this area.
- 13 (f) Except as expressly provided in this ordinance, the  
14 property shall be regulated as if it were zoned (OF)  
15 General Office District (see Exhibit D for the  
16 dimensional and general requirements for the OF  
17 District, attached hereto and made a part hereof as if  
18 set forth in full), and meet all other applicable  
19 requirements of the Land Development Code as if the  
20 property were zoned OF.
- 21 (g) The permitted use of the property is an eating place,  
22 as defined by the Land Development Code.
- 23 (h) The existing wood and chain link fence along the south  
24 property line shall be replaced with a masonry screen

1 wall at least 6 feet in height that shall act as a  
2 buffer for the residential uses to the south. The wall  
3 shall be located so as to minimize the removal of or  
4 damage to existing regulated trees as recommended by  
5 the City's Arborist.

6 (i) The maximum lot coverage for all buildings and  
7 structures is forty (40) percent.

8 (j) The two existing driveways on N.E. 2nd Street shall be  
9 replaced with one driveway as shown on Sheet 2 of the  
10 Development Plan Maps. The driveway shall be aligned  
11 as close as possible with the driveway across the  
12 street on N.E. 2nd Street.

13 (k) The number of off-street parking spaces shall comply  
14 with the requirements of section 30-332 of the Land  
15 Development Code for an "eating place".

16 (l) The development may be constructed in two phases as  
17 indicated on Sheet 2 of the Development Plan Maps.

18 (m) The Planned Development shall be valid for a period of  
19 5 years from the date of final adoption of this  
20 ordinance. Failure to commence construction will cause  
21 the development approval of this planned development to  
22 become null and void. In this event, the city will  
23 then initiate an action to rezone the property to an  
24 office designation.

- 1 (n) Final development plan approval must be obtained within  
2 two years of final adoption of this ordinance. Failure  
3 to obtain final development plan approval within said  
4 period will require the submittal of a new application  
5 for preliminary and final development plan approval.  
6 Any existing or future approved development order will  
7 expire in accordance with the Land Development Code.  
8 Development plan approvals are contingent upon  
9 concurrency certification.
- 10 (o) The planned development is allowed one ground mounted  
11 sign with a maximum height of ten (10) feet and a  
12 maximum size of forty-eight (48) square feet. The  
13 requirements of Article IX of the Land Development Code  
14 shall apply for any sign not expressly regulated this  
15 Ordinance. Signs shall not be located within the vision  
16 triangle area as defined in the Land Development code,  
17 and shall be placed at the northwest corner of the  
18 planned development.
- 19 (p) The owner/developer shall paint over the orange  
20 markings currently on the trees.
- 21 (q) No unusual loud noises such as chain saws, dump trucks,  
22 bulldozers and land clearing, etc., shall occur before  
23 10:00 a.m. No normal construction activity shall occur

1           before 8:00 a.m. No construction shall occur on  
2           Saturday, Sunday and legal holidays.

3       **Section 5.** Any person who violates any of the provisions of  
4 this ordinance shall be deemed guilty of a municipal  
5 ordinance violation and shall be subject to fine or  
6 imprisonment as provided by section 1-4 of the Gainesville  
7 Code of Ordinances. Each day a violation occurs or  
8 continues, regardless of whether such violation is  
9 ultimately abated or corrected, shall constitute a separate  
10 offense.

11       **Section 6.** If any section, sentence, clause or phrase of this  
12 ordinance is held to be invalid or unconstitutional by any  
13 court of competent jurisdiction, then said holding shall in  
14 no way affect the validity of the remaining portions of this  
15 ordinance.

16       **Section 7.** This Ordinance shall become effective immediately  
17 upon adoption; however, the rezoning shall not become  
18 effective until the amendment to the City of Gainesville  
19 1991-2001 Comprehensive Plan adopted by Ordinance No.

1 0-97-26 becomes effective as provided therein.

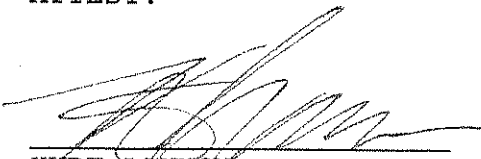
2 PASSED AND ADOPTED this 25th day of August,


3 1997.

4   
5 MAYOR-COMMISSIONER

8 ATTEST:

APPROVED AS TO FORM  
AND LEGALITY:

9   
10  
11  
12  
13 KURT LANNON  
14 CLERK OF THE COMMISSION

  
15  
16  
17  
18 MARION J. RADSON  
19 CITY ATTORNEY

AUG 27 1997

18 This ordinance passed on first reading this 11th day of  
19 August, 1997.

21 This ordinance passed on second reading this 25th day of  
22 August, 1997.

23  
24  
25  
26  
27 h:\users\alice\36pdv.pet

## EXHIBIT "A"

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 1841, PAGE 1393

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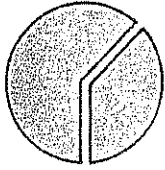
OFFICIAL RECORDS BOOK 1560, PAGE 2924

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SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SOURCE:

Photocopy of the legal description prepared by John Myers & Associates, Registered Land Surveyors, in conjunction with the preparation of the Boundary and Topographical Survey for Szechuan Omei Restaurant on September 10, 1996.



**SKINNER &  
ASSOCIATES, INC.**

ARCHITECTS, ENGINEERS & PLANNERS

RECEIVED

NOV 05 1996

PLANNING  
DIVISION

334 378

PD LAYOUT REPORT  
(Update September 10, 1996)

Prepared for City Planning Board

The subject properties are located at the southeast corner of NE 23rd avenue and NE 2nd street in the City of Gainesville (McCoys Commercial Park, PB H-9, LOT 6 and LOT 7, addresses: 2201, 2219 NE 2nd Street, Gainesville, Florida 32609). The current land use of LOT 6 is RESTAURANT, CAFETERIA (zoning OF), and occupied by Szechuan Omei Restaurant. The current land use has been changed to PUD (petition 68LUC-95PB). At present, the Szechuan Omei restaurant occupies lot #6. The current land use of LOT 7 is VACANT COMMERCIAL (zoning OF).

1. It is proposed to rezone the lots to PD, so to allow re-constructing a modern, environmentally benign, large sized restaurant on the corner LOT 7, while demolishing the existing old restaurant which was built on LOT 6 in 1972 and has many environmental disadvantages.
2. The proposed change of rezoning is justified by the existing non-conforming restaurant land uses at LOT 6, and the adjacent restaurant and other commercial uses across N.E. 2nd street and N.E. 23rd avenue. Apparently, these facts make the subject parcel more adaptable for commercial use. Once the proposed change being approved and in effect, the project land use will be in conformance with the City 1991-2001 Comprehensive Plan. The project development is compatible with the surrounding land uses, and will enable Szechuan Omei Restaurant to provide the community the convenient and better services, which in turn, helps reducing the number of vehicular trips.
3. The existing sidewalks on the NE 2nd street provide a convenient pathway for pedestrian access to the restaurant. Bicycles are afforded access via paved routes to a new bike racks located conveniently near the front entrance. The entrance and exit allow vehicles access to and from NE 2nd street only. All vehicular circulation will be complete internal, which minimizes the impact of the development on the local traffic. Traffic generation is minimal at < 10 peak hour trips (per the ITE manual).
4. Statistics Information:
 

(1) Total acreage of the site:	1.69 acres
(2) Maximum building coverage:	6.9 %
(3) Total impervious area:	40.5 %
(4) Residential density:	N/A
(5) Number of dwelling units:	N/A

October 11, 1996

Page 2 of 3

(6) One restaurant building:	5093 sq.ft
(7) Acreage of one commercial use:	1.69 acres
(8) Open Space and others	44.6 %

5. Storm Water Management Concept Plan

The existing restaurant site includes 26,572 sq.ft impervious area which discharge storm water directly into the City's storm sewer system without the benefit of any type pre-treatment. The proposed stormwater management concept plan will consist of retention basin with a control structure located along the east boundary, landscaped open space and lawns. The impervious area of the post-development site is 26,134, which is slightly (2%) less than that of the existing site. However, the storm water runoff at the post-development site will receive pre-treatment in the off-line retention basin as specified by the St. Johns River Water Management District.

The proposed storm water management system utilizing the BMP concept, will direct roof, parking, and roadway runoff via sheet flow and shallow concentrated surfaces flows to the retention basin and/or swale system. The retention area will be capable of storing approximately 3,560 cubic feet of runoff (1" over the entire site). The peak runoff has been calculated using the methods outlined by the St. Johns River Water Management District. Proposed mitigation for water quantity will be achieved through detention by limiting the rate of discharge to that of pre-development conditions. The system is analyzed considering event durations of 1, 2, 4, 8 and 24 hours for both the 10-year and 100-year frequency storms.

The site topography characteristics are that the negative gradient of surface elevation is towards the northeast corner with a slope generally less than 1%. The site is in the zone of the so-called Sensitive Karst Area (SKA) with the seasonal high water table at a depth of 40-60 inches for 1 to 4 months. The site soil type is Millhopper sand, and the soil permeability is high in surface & subsurface layers, approximately 14 inch per hour. Due to the high water table feature of the site, and to assure adequate treatment of storm water before it entering the Floridan aquifer, a minimum 3 feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom of the retention basin is required, and the maintenance of good vegetative cover is desirable. Further soils investigations will be conducted during the final design.

6. The generalized conceptual landscape plan signed and sealed by registered landscape architect is attached.
7. The site design complies with the City of Gainesville, and FDOT design standards for off-street parking and loading facilities.
8. The construction will consist of two phases, the tasks to be performed in Phase I



October 11, 1996

Page 3 of 3

include construct a new restaurant building, part of the parking lot, and drainage retention basin. The tasks in Phase 2 include demolishing the old restaurant buildings, and completing the parking and retention facilities. Due to the special features of the PD application, there no detailed schedule available at this time.

9. A certificate of concurrency for this development has been applied to by the City of Gainesville.

Original prepared by  
Guojie Zhang, Ph.D., P.E.

Revised by  
Alex Vieira, P.E.  
on October 10, 1996

11049602



LAW OFFICES OF

**BRUCE M. SMITH, P.A.**

POST OFFICE BOX 357005  
GAINESVILLE, FLORIDA 32635  
(352) 377-5085  
FAX (352) 375-3215



**BRUCE M. SMITH**

June 14, 2013

PERSONAL INJURY  
WRONGFUL DEATH  
AND RELATED MATTERS

City of Gainesville  
Attention: Mr. Ralph Hilliard, Planning Manager  
Planning/Zoning Department  
Post Office Box 490, Station 11  
Gainesville, Florida 32627-0490

RE: OWNER: HATTIE MAE SMITH/TAX PARCEL NO.: 10072-7  
REQUEST/PERMISSION TO INITIATE REZONING

Dear Mr. Hilliard:

Please be advised that my law firm represents Ms. Hattie Mae Smith the property owner of tax parcel number 10072-7. It is the intent of the property owner to construct a commercial office building on the above listed tax parcel.

It is my understanding that before planning and construction can occur, the property must be rezoned back to its initial land use. Pursuant to your conversation with Mr. Stephen D. Bender, Ms. Hattie Mae Smith is requesting and giving the City of Gainesville permission to initiate the rezoning of the above listed tax parcel.

If you have any questions, concerns or need any additional information that will assist you, please feel free to contact me at (352) 377-5085 or in writing at the above address. Thank you in advance for cooperation and assistance.

Sincerely yours,

Bruce M. Smith

BMS:es


cc: Ms. Hattie Mae Smith  
Mr. Stephen D. Bender

**CITY OF GAINESVILLE**

**INTEROFFICE COMMUNICATION**



**TO:** Dean Mimms, AICP, Lead Planner  
Planning and Development Services Department

**FROM:** John Hendrix, Environmental Coordinator 

**SUBJECT:** Petitions PB-13-75 LUC and PB-13-76 ZON, City of Gainesville,  
1.7 Acre Property at 2201 and 2219 N.E. 2<sup>nd</sup> Street.

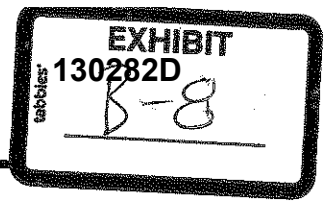
**DATE:** July 29, 2013

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The subject petitions for proposed changes in land use and rezoning for two contiguous parcels (10072-007-000 and 10072-006-001) at the subject addresses, located on the southeast corner of N.E. 23 Avenue and N.E. 2<sup>nd</sup> Street, have been reviewed for considerations relating to environmental resources which may be present on or immediately adjacent to the property. The petitions propose a land use change from Planned Use District (PUD) to Office (O), and rezoning from Planned Development District (PD) to General Office District (OF). The more northerly parcel (10071-007-000) is an undeveloped, wooded parcel located in the corner position facing both 23<sup>rd</sup> Avenue and 2<sup>nd</sup> Street. Parcel 10072-006-001 is a developed parcel facing 2<sup>nd</sup> Street.

The 1.7 acre property has been reviewed to determine if there are any environmental resources present or immediately adjacent which might be regulated by City Land Development Code 30-300 *Surface Waters and Wetlands*, or 30-310 *Natural and Archaeological Resources*. None of the resources regulated under these sections are present. The northern parcel of the property is forested by a natural pine-dominated community, while the southern parcel is developed by a single story building and parking area, with pine trees around the margin. The area of Special Environmental Concern associated with the Koppers-Beazer Superfund site extends up to the west side of 2<sup>nd</sup> Street, just across the street from the subject property. But, since the Environmental Concern area does not overlap the parcels in question, the property is not subject to those special area regulations.

No issues relating to regulated surface waters/wetlands or natural and archaeological resources are known to exist which might present a constraint or otherwise adversely affect the proposed land use and rezoning proposal.



**Mimms, Dean L.**

**From:** John Mousa <jjm@alachuacounty.us>  
**Sent:** Tuesday, July 30, 2013 3:27 PM  
**To:** Mimms, Dean L.; Gus Olmos  
**Cc:** Hendrix, John W.  
**Subject:** RE: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

Dean,

Without a complete specific site assessment of the properties we cannot state that the property has no contamination. However it is accurate to state that based on limited review by ACEPD, the properties are not on an County, State or Federal list of contaminated sites.

John

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**From:** Mimms, Dean L. [<mailto:mimmsdl@cityofgainesville.org>]  
**Sent:** Tuesday, July 30, 2013 12:11 PM  
**To:** John Mousa; Gus Olmos  
**Cc:** Hendrix, John W.  
**Subject:** RE: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

John,

Is it accurate to state that the property is not on any federal, State, or County list of contaminated sites (contamination sources not limited to Cabot Koppers Superfund site)?

Dean

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**From:** John Mousa [<mailto:jjm@alachuacounty.us>]  
**Sent:** Tuesday, July 30, 2013 12:05 PM  
**To:** Mimms, Dean L.; Gus Olmos  
**Cc:** Hendrix, John W.  
**Subject:** RE: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

Dean,

I have reviewed our records for these parcels 10072-007-000 and 10072-006-001, located on the southeast corner of N.E. 23 Avenue and N.E. 2<sup>nd</sup> Street. ACEPD has no data to indicate that these properties are contaminated with hazardous chemicals associated with the Cabot Koppers Superfund site. This statement is based on review of available records and not based on any field observations.

John

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**From:** Mimms, Dean L. [<mailto:mimmsdl@cityofgainesville.org>]  
**Sent:** Tuesday, July 30, 2013 11:08 AM  
**To:** Olmos, Gus (ACEPD)

**Cc:** John Mousa; Hendrix, John W.

**Subject:** Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

Hi Gus,

Could you please tell me whether or not any hazardous wastes or other environmental contaminants have been identified on the approximately 1.7-acre parcel described in the attached memorandum from John Hendrix (our Environmental Coordinator)? One parcel is undeveloped and wooded. The adjacent parcel of this 2-parcel property is developed (was once the site of the Szechuan Omei restaurant) and is currently used for a catering service (White Apron).

Ms. Sara Poll (who lives in the residential neighborhood one block to the east of the property) contended at yesterday evening's required neighborhood workshop for the proposed land use change to Office and rezoning (from expired PD for an eating place) to General office district that it is a contaminated property (due to Koppers).

Time-sensitive.

Thanks for your help! (I have copied John Mousa in case you are not available.)

Dean

*Dean Mimms, AICP  
Lead Planner, Staff Liaison to the City Plan Board  
Planning & Development Services Department  
P.O. Box 490, Station 11  
Gainesville, FL 32627  
(352) 334-5022; (352) 393-8688  
[mimmsdl@cityofgainesville.org](mailto:mimmsdl@cityofgainesville.org)*

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**From:** Hendrix, John W.  
**Sent:** Monday, July 29, 2013 11:41 AM  
**To:** Mimms, Dean L.  
**Subject:** RE: PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street

Dean,

Hope this works for you.

John

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**From:** Mimms, Dean L.  
**Sent:** Thursday, July 25, 2013 5:27 PM  
**To:** Hendrix, John W.  
**Subject:** RE: PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street

Memo format would be helpful.

Thanks John!

**From:** Hendrix, John W.  
**Sent:** Thursday, July 25, 2013 5:21 PM  
**To:** Mimms, Dean L.  
**Subject:** PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street

Dean,

I have reviewed the subject property to determine if there are any environmental resources present or immediately adjacent which might be regulated by City Land Development Code *30-300 Surface Waters and Wetlands*, or *30-310 Natural and Archaeological Resources*. None of the resources regulated under these sections are present. The property is forested by a natural pine-dominated community, except for the area of the site which retains a structure from past development use. There are no environmental concerns related to the proposed use and zoning. If you need this review comment in the form of a memo, let me know.

John