



City of Gainesville  
Department of Sustainable Development  
Planning Division

PO Box 490, Station 11  
Gainesville, FL 32627-0490  
306 NE 6<sup>th</sup> Avenue  
P: (352) 334-5022  
F: (352) 334-2648

## CITY PLAN BOARD STAFF REPORT

**PUBLIC HEARING DATE:** May 26<sup>th</sup>, 2022

**PROJECT NAME AND NUMBER:** LD22-000005 LUC/ LD22-000004 ZON 1905 S. Main Street

**APPLICATION TYPE:** Land Use Amendment/Zoning Change

**RECOMMENDATION:** Approve

**CITY PROJECT CONTACT:** Forrest Eddleton, Planner

### APPLICATION INFORMATION:

**Applicant:** eda consultants, inc. on behalf of Florida Man Men, LLC

**Property Owner(s):** Florida Mad Men, LLC

**Related Petition(s):** LD22-000005 LUC and LD22-000004 ZON are related to each other.

**Legislative History:** N/A

**Neighborhood Workshop:** Yes, held on December 20<sup>th</sup>, 2021

### SITE INFORMATION:

**Address:** 1905 South Main Street

**Parcel Number(s):** 15701-056-000, 15701-056-001, and 15701-56-002

**Acreage:** 1.63 +/- acres

**Existing Use(s):** Office/Vacant

**Land Use Designation(s):** Urban Mixed-Use (UMU)

**Zoning Designation(s):** Planned Development (PD)

**Overlay District(s):** None.

**Transportation Mobility Program Area (TMPA):** Zone A



*Figure 1 Location Map*

**ADJACENT PROPERTY CHARACTERISTICS:**

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
<b>North</b>	Vehicle Repairs, Vehicle Sales, Vehicle Salvage/Storage	Urban Mixed-Use (UMU)	Urban 8 (U8)
<b>South</b>	Multi-family Residential, Conservation	Residential Medium (RM), Conservation (CON)	Residential Multi-family 7 (RMF-7), Conservation (CON)
<b>East</b>	Multi-family Residential, Vehicle Sales/Repair/Storage	Residential Medium (RM), Urban Mixed-Use (UMU)	Residential Multi-family 7 (RMF-7), Planned Development (PD)
<b>West</b>	Conservation, Single-family homes	Conservation (CON), Single-family (SF)	Conservation (CON), Residential Single-family 1 (RSF-1)



*Figure 2 Surrounding Land Use*





*Figure 3 Surrounding Zoning*

**PURPOSE AND DESCRIPTION:**

This petition is privately initiated by eda consultants, inc., the agent, on behalf of Florida Mad Men, LLC, the property owners. The request is to remove an antiquated and prescriptive PD ordinance<sup>1</sup> that governs the three subject parcels and to replace it with more current, and standard, land use and zoning designations. The current land use designation of Office (O) was

<sup>1</sup> PD Ordinance 3703. See Appendix C.



established in 1991 to align the land use with the desired development at the time – a small office park. The associated PD zoning and governing ordinance, now more than 30 years old, contain references to outdated zoning districts, outdated land use terminology, and includes strict development standards such as limiting height to 15ft. In addition, only one phase, roughly 5,000sf of office space was constructed, which caused the PD to effectively expire after five years. The applicant is requesting, and staff supports, changing the existing land use to Urban Mixed Use (UMU) to bring the land use more closely into alignment with the neighboring properties to the north and along the Main Street corridor.

The land use change is coupled with the rezoning proposal to remove the existing PD designation and adopt Urban 6 transect zoning. This will allow much greater flexibility in developing the highest and best use for the property while also bridging the gap between the more intense U8 districts to the north, the dense multi-family to the east, and the very low density/intensity single-family uses on the west side of South Main Street. While U8 allows greater density and more intense uses such as alcoholic beverage establishments, car washes, and vehicle sales and service, U6 zoning can serve as a step-down transition to the less intense uses to the southwest. No specific development proposal has been presented as a part of this land use and zoning change request but any proposed development would be required to be designed to current standards set out in the Land Development Code.

#### **STAFF ANALYSIS:**

Staff analysis is based on current Comprehensive Plan and Land Development Code regulations applicable to the subject properties. Analysis is also based on the Land Use Change and Rezoning review criteria outlined by the Comprehensive Plan and the Land Development Code. Currently, the properties have an O land use and PD zoning designation. Among other elements, density, total height in feet, number of stories, and design criteria are governed by the O and PD designations. These existing standards are outlined in Table 1 below at basic maximums allowed and are juxtaposed with the proposed maximums established by the UMU land use and U6 zoning.

	Existing Land Use (O) and Zoning (PD)	Proposed Land Use (UMU) and Zoning (U6)
<b>Density</b>	Limited to XXsf of Office space	UMU: 60 du/ac by right and up to 80 by Special Use Permit U6: 50 du/ac by right, up to 60 with bonus system
<b>Bedrooms</b>	None	Roughly 224 bedrooms by right
<b>Stories</b>	1 story	4 stories by right, 5 with bonus system
<b>Height</b>	15ft	60ft by right, 74 with bonus
<b>Building Placement</b>	Restricted to specific locations for building footprints	Redevelopment held to current U6 standards including a 17ft-27ft min-max build-to-line

*Table 1 Development Maximums*

The staff analysis and recommendation are based on the review criteria for Land Use Changes outlined in the Future Land Use Element of the Comprehensive Plan. Staff responses to the review criteria are highlighted in **bold** below. Policy 4.1.3 requires that proposed changes to the Future Land Use Map must consider, but are not limited to, the following:

1. Consistency with the Comprehensive Plan

**The proposed land use change and rezoning are consistent with the Comprehensive Plan in that they directly impact or address multiple goals and policies of the Future Land Use Element (FLUE), the Housing Element, and the Transportation Mobility Element. Providing the flexibility in land use and zoning to facilitate the possible development of market rate housing also addresses the Comprehensive Plan overall goal of providing a variety of housing types and densities. In addition, the proposed infill redevelopment will likely bring increased density and or a greater variety of uses within close proximity to one another including restaurants, essential goods, offices, and educational facilities. The increased density will also protect and promote viable transit, pedestrian, and cycling choices along the South Main Street corridor connecting the more urban center of the city to residential uses near the edge of the**

**urban core. This directly addresses Objective 1.5 and several other sections of the FLUE that discourage the proliferation of sprawl.**

2. Compatibility and surrounding land uses

**Properties to the north are designated as U8 and may potentially develop with greater densities and more intense uses than the proposed U6. Currently there are multiple vehicle repair shops to the north. The U8 and U6 designations are also compatible with the Residential Multi-family to the east in that they serve as a step down from the more intense U8 to the 14-19 dwelling units per acre RMF-7 properties. Directly adjacent to the south is a large conservation buffer that has served to shield the Kirkwood single-family neighborhood from the more intense uses to the north.**

3. Environmental impacts and constraints

**This is a previously developed site and no significant impacts have been proposed. There is a creek/water conveyance to the south of the property that will need to be buffered and avoided during development plan design.**

4. Support for urban infill and/or redevelopment

**The proposed project will facilitate more options for higher density development by replacing existing single-story office buildings and surface parking near the city's urban core and on one of the city's primary corridors.**

5. Impacts on affordable housing

**The proposed zoning and land use will provide opportunity for increased housing choices and options where the existing PD does not allow for housing at all.**

6. Impacts on the transportation system

**The density increase due to redevelopment of the site will be addressed at the time of development review where a traffic study will be required. South Main Street also has transit stops, bus routes, bike lanes, and is in close proximity to highway infrastructure that serve and or connect directly to the project area.**

7. An analysis of the availability of facilities and services



**Levels of Service will not be negatively impacted by any proposed projects and existing utility capacity is assessed at a high level at this stage. Once a redevelopment proposal is submitted it will be evaluated again for its possible impacts to services.**

8. Need for additional acreage in the proposed future land use category

**In this case, there is a need to reduce the acreage of antiquated PDs and to establish more modern and functional standards.**

9. Discouragement of urban sprawl

**The proposed project will encourage the development of more dense housing and a greater density and variety of non-residential uses as well. Any development proposal will be developed such that it does not meet the definition of urban sprawl in Florida Statutes.<sup>2</sup>**

10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy

**Changing the land use and zoning will facilitate economic development and capital investment. If at such a time as a project is designed and constructed the proposed project will contribute to the strength and diversity of the City's economy by adding to the types of housing and/or adding amenities and job opportunities.**

11. Need to modify land use categories and development patterns within antiquated subdivisions

**The subject parcels are not within an "antiquated subdivision" as defined by Florida statute, however it is in an antiquated PD.**

In addition to the criteria outlined by the Comprehensive Plan, Sections 30-3.13 and 30-3.14 identify further criteria that must be used when evaluating land use change and rezoning requests.

#### Sec. 30-3.13 – Land Use Change Criteria

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<sup>2</sup> Florida Statute – Section 163.3164 and 163.3177(6)(a)9

Applications to change the land use category for a property by amending the future land use map of the Comprehensive Plan shall be reviewed according to the following criteria:

- A. The goals, objectives, and policies of the Comprehensive Plan.

**See item 1 above.**

- B. The need for additional land in the proposed land use category based on the projected population of the city and the relative availability of the current and proposed land use categories.

**This request will facilitate the removal of an antiquated PD zoning designation. See details above.**

- C. The proposed land use category of the property in relation to surrounding properties and other similar properties.

**See item #2 above. The land use change will facilitate a use of the property more productive than vacant office space.**

- D. The potential impact of the land use change on adopted level of service standards.

**There are no expected adverse outcomes to level of service standards through the land use and zoning change. Specific development proposals will be evaluated at the time of development review.**

#### Sec. 30-3.14 – Rezoning Criteria

Applications to rezone property shall be reviewed according to the following criteria:

- A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.

**See responses above addressing density and intensity.**

- B. The character of the district and its suitability for particular uses.

**The existing property is vacant and extremely limited by the PD in potential uses and clients. Bringing the land use and zoning into “standard”**

**classifications facilitates the cohesiveness and suitability of any potential development with the surrounding uses.**

- C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.

**See above for compatibility assessment.**

- D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.

**Currently the use is vacant. Facilitating potential users, as long as they are determined to be compatible with existing surrounding uses, will increase and at least conserve the value of buildings within the city.**

- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.

**Current plans have be evaluated and cross-referenced to the proposal.**

- F. The needs of the city for land areas for specific purposes to serve population and economic activities.

**The associated properties will be more viable and productive in terms of serving the population and economic activities by rezoning.**

- G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.

**There have been substantial changes along the South Main Street corridor. A land use change and rezoning of the subject parcels will facilitate the “completion” of a larger planning strategy to increase residential density while also increasing retail opportunities along the South Main Street corridor.**

- H. The goals, objectives, and policies of the Comprehensive Plan.

**See item 1 and A above.**

- I. The facts, testimony, and reports presented at public hearings.



**Facts, testimony, and reports presented are available to members of the public through the City's electronic review system.**

J. Applications to rezone to a transect zone shall meet the following additional criteria:

1. The proposed T-Zone shall provide a logical extension of an existing zone, or an adequate transition between zones.

**The proposed U6 T-zone follows the logical extension of the transect zone to the southernmost extent of the transect zones on the eastern side of South Main Street.**

2. The area shall have had a change in growth and development pattern to warrant the rezoning to a more or less urban T-Zone.

The area has had a change in growth and development in that market forces **led to the closure of the existing offices, the non-development of the existing PD development plan, and the proximity to a growing city urban core.**

3. The request shall be consistent with the overall City of Gainesville vision for growth and development as expressed in the City of Gainesville Comprehensive Plan.

**The request and proposal are consistent.**

4. If not adjacent to an existing T-Zone, the rezoning site shall comprise a minimum of ten acres.

**The property is adjacent to less than a ten acre T-Zone.**

<b>RECOMMENDATION:</b>
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Staff recommends approval of LD22-000005 LUC and LD22-000004 ZON without conditions.

**DRAFT MOTION FOR CONSIDERATION**

I move to approve Petition LD22-000005 LUC and LD22-000004 ZON as outlined in staff's report and presentation.

**POST-APPROVAL REQUIREMENTS:**

Development Review and Building Permit approval will be required following hearing by the City Plan Board and approval from the City Commission. Compliance with any special conditions established by the City Plan Board will be reviewed at these stages.

**LIST OF APPENDICES:**

**Appendix A**    Application Documents

**Appendix B**    Justification Report

**Appendix C**    Current PD Ordinance and Documents

## Appendix A

### Application Documents

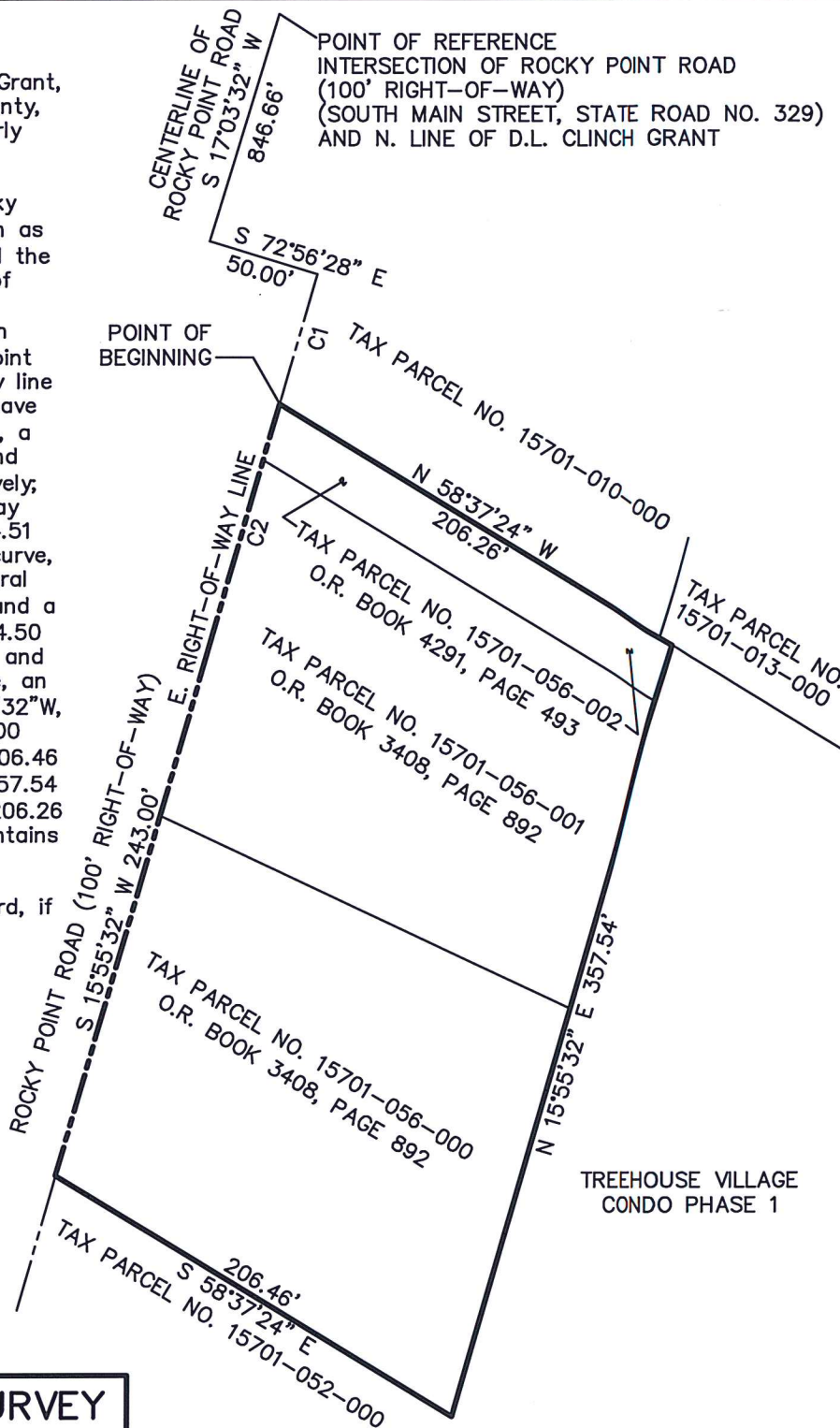
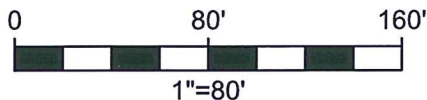


## Legal Description

A parcel of land situated inside the D.L. Clinch Grant, Township 10 South, Range 20 East, Alachua County, Florida, said parcel of land being more particularly described as follows:

Commence at the centerline intersection of Rocky Point Road (a 100 foot right-of-way also known as South Main Street and State Road No. 329) and the North line of the D.L. Clinch Grant for a Point of Reference and run S 17°03'32" W along said centerline, a distance of 846.66 feet; thence run S 72°56'28" E, a distance of 50.00 feet to a point on a curve located on the easterly right-of-way line of said Rocky Point Road, said curve being concave easterly and having a central angle of 00°56'32", a radius of 34,326.78 feet and a chord bearing and distance of S 16°35'16" W, 564.51 feet, respectively; thence run southwesterly, along said right-of-way line and with said curve, an arc distance of 564.51 feet to the POINT OF BEGINNING, located on a curve, said curve being concave easterly, having a central angle of 00°11'28", a radius of 34,326.78 feet, and a chord bearing and distance of S 16°01'16" W, 114.50 feet, respectively; thence continue southwesterly and along said right-of-way line and with said curve, an arc distance of 114.50 feet; thence run S 15°55'32" W, along said right-of-way line, a distance of 243.00 feet; thence run S 58°37'24" E, a distance of 206.46 feet; thence run N 15°55'32" E, a distance of 357.54 feet; thence run N 58°37'24" W, a distance of 206.26 feet to the POINT OF BEGINNING. Said parcel contains 1.633 acres, more or less.

Subject to and together with easements of record, if any.



## THIS IS NOT A BOUNDARY SURVEY

DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	FIELD BK.	PAGE NO.
B.G.	B.G.		12/14/21	2021-216		

## LEGAL DESCRIPTION SKETCH OF

A PORTION OF THE D.L. CLINCH GRANT  
TOWNSHIP 10 SOUTH, RANGE 20 EAST

ALACHUA COUNTY, FLORIDA

FOR: FLORIDA MAD MEN, LLC

THIS SKETCH OF LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2021), FLORIDA STATUTES.

BY: ROBERT W. GRAVER P.S.M. 4239

Corporate Authorization  
No. LB 2389

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	00° 56' 32"	34326.78'	564.51'	564.51'	282.26'	S 16° 35' 16" W
C2	00° 11' 28"	34326.78'	114.50'	114.50'	57.24'	S 16° 01' 16" W



eda consultants inc.

LB 2389  
720 S.W. 2nd Ave, South Tower, Suite 300  
GAINESVILLE, FLORIDA 32601  
TEL. (352) 373-3541  
www.edafl.com mail@edafl.com

J:\BOB\2021-216.dwg

**APPLICATION—CITY PLAN BOARD**  
**Planning & Development Services**

**OFFICE USE ONLY**

Petition No. \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
 1<sup>st</sup> Step Mtg Date: \_\_\_\_\_ EZ Fee: \$ \_\_\_\_\_  
 Tax Map No. \_\_\_\_\_ Receipt No. \_\_\_\_\_  
**Account No. 001-660-6680-3401 [ ]**  
**Account No. 001-660-6680-1124 (Enterprise Zone) [ ]**  
**Account No. 001-660-6680-1125 (Enterprise Zone Credit [ ]**

Owner(s) of Record (please print)	
Name: Florida Mad Men, LLC	
Address: 5532 NW 43RD STREET	
GAINESVILLE, FL 32653	
(see end of app for add'l owner)	
Phone: _____	Fax: _____
<b>(Additional owners may be listed at end of applic.)</b>	

Applicant(s)/Agent(s), if different
Name: eda consultants, inc.
Address: 720 SW 2nd Ave
South Tower, Suite 300
Gainesville, FL 32601
Phone: (352) 373-3541 Fax: _____

\*See end of application for additional owners

**Note:** It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.

**REQUEST**

**Check applicable request(s) below:**

<b>Future Land Use Map</b> <input checked="" type="checkbox"/>	<b>Zoning Map</b> <input type="checkbox"/>	<b>Master Flood Control Map</b> <input type="checkbox"/>
Present designation: Office	Present designation: _____	<b>Other</b> <input type="checkbox"/> Specify: _____
Requested designation: _____	Requested designation: _____	

Urban Mixed-Use (UMU)

**INFORMATION ON PROPERTY**

1. Street address: 1905 S. Main Street
2. Map no(s): _____
3. Tax parcel no(s): 15701-056-000 & 15701-056-001 & 15701-056-002
4. Size of property: 1.63 +/- _____ acre(s)
<i>All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more <b>must</b> be accompanied by a market analysis report.</i>

**Certified Cashier's Receipt:**

**5. Legal description (attach as separate document, using the following guidelines):**

- a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
- b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
- c. Must correctly describe the property being submitted for the petition.
- d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

**6. INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES (NOTE: All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.)**

A. What are the existing surrounding land uses?

North Moving Company Office

South Vacant Conservation

East Multifamily residential

West S Main Street ROW

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO ☒

YES ☐

If yes, please explain why the other properties cannot accommodate the proposed use?

See Justification Report



- C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets

See Justification Report

Noise and lighting

See Justification Report

- D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO ☒

YES ☐

(If yes, please explain below)

See Justification Report

- E. Does this request involve either or both of the following?

- a. Property in a historic district or property containing historic structures?

NO ☒

YES ☐

- b. Property with archaeological resources deemed significant by the State?

NO ☒

YES ☐

- F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment ☒  
Activity Center ☐  
Strip Commercial ☐

Urban Infill ☒  
Urban Fringe ☐  
Traditional Neighborhood ☐

See Justification Report

Explanation of how the proposed development will contribute to the community.

See Justification Report

- G. What are the potential long-term economic benefits (wages, jobs & tax base)?

See Justification Report

- H. What impact will the proposed change have on level of service standards?

Roadways

See Justification Report

Recreation

See Justification Report

Water and Wastewater

See Justification Report

Solid Waste

See Justification Report

Mass Transit

See Justification Report

- I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO ☐

YES ☒ (please explain)

## CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name: Nass LLC	
Address: 11745 SW 55TH ST	
MICANOPY, FL 32667	
Phone:	Fax:
Signature: See owner affidavit	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature: See owner affidavit	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

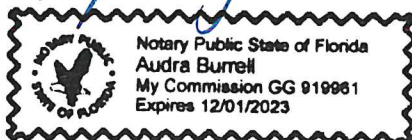
No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

*Clay*  
Owner/Agent Signature  
2/14/22  
Date

STATE OF FLORIDA  
COUNTY OF Alachua

Sworn to and subscribed before me this 14th day of February, 2022, by (Name)  
Clay Sweger




*Audra Burrell*  
Signature – Notary Public

Personally Known ☒ OR Produced Identification ☐ (Type) \_\_\_\_\_

# PROPERTY OWNER AFFIDAVIT

Owner Name: Florida Mad Men, LLC			
Address: 5532 NW 43RD STREET GAINESVILLE, FL 32653		Phone:	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 15701-056-000 & 15701-056-001			
Acreage: 1.51 +/-	S: 08	T: 10	R: 20
Requested Action: Rezoning & Land Use Change			

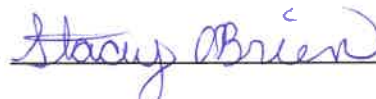
**I hereby certify that:** I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner signature: 

Printed name: Aaron M Bosshardt, Manager

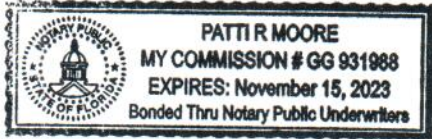
Date: 02/14/2022

The foregoing affidavit is acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 14 day of February, 2022, by Aaron Bosshardt, who is/are personally known to me, or who has/have produced \_\_\_\_\_ as identification.

NOTARY SEAL   
Signature of Notary Public, State of Florida



## PROPERTY OWNER AFFIDAVIT

Owner Name: Nass LLC			
Address: 11745 SW 55TH ST MICANOPY, FL 32667		Phone:	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 15701-056-002			
Acreage: 0.12 +/-		S: 08	T: 10 R: 20
Requested Action: Rezoning & Land Use Change			
<b>I hereby certify that:</b> I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.			
Property owner signature: _____			
Printed name: <u>Nate Bazinet</u>			
Date: <u>11/29/21</u>			
The foregoing affidavit is acknowledged before me, by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this <u>29</u> day of <u>November</u> , 20 <u>21</u> by <u>Nate Bazinet</u> , who is/are <u>personally known to me</u> , or who has/have produced _____ as identification.			
NOTARY SEAL <u>Patti R Moore</u>			
Signature of Notary Public, State of <u>Alachua</u>			
			



# Accuser takes stand in Maxwell trial

In 1st week, jury also hears from ex-employees

Tom Hays  
ASSOCIATED PRESS

NEW YORK – The first week of the sex-abuse trial of Ghislaine Maxwell saw the first of her four main accusers taking the witness stand to give emotional testimony accusing the British socialite of coaxing her – at just 14 – into sexual encounters with financier Jeffrey Epstein.

The jury at the federal trial in Manhattan also heard from former employees who offered an inside look at a lavish lifestyle Epstein shared with Maxwell, who was his girlfriend and then his employee.

Her lawyers say she’s a scapegoat for Epstein, who killed himself in 2019 while awaiting trial behind bars.

Here are snapshots from a trial drawing international attention:

End of innocence

The first Maxwell accuser’s story began innocently enough: She was a 14-year-old eating ice cream at a music camp in 1994 when she was approached by Epstein and Maxwell, walking her Yorkie. What followed over the next few years, the accuser said, scarred her for life.

The witness – a woman now in her early 40s who was introduced to jurors as “Jane” to protect her privacy – testified



In this courtroom sketch, former Palm Beach Police Officer Gregory Parkinson, right, takes the stand after examining Jeffrey Epstein’s massage table during testimony Friday in New York. ELIZABETH WILLIAMS VIA AP

that Maxwell and Epstein groomed her by taking her shopping and inviting her and her mother to Epstein’s mansion in Palm Beach, Florida.

Soon she was visiting the home by herself when, she said, Maxwell and Epstein lured her into unwanted sexual contact that Maxwell treated as “no big deal.” It was a pattern prosecutors hope to prove was repeated over and over with other girls and young women.

On Friday, the prosecution unfolded a green massage table from the Epstein home to corroborate the accuser’s testimony that massages were used as pretense for the sexual encounters.

The defense demanded to know why “Jane” had taken so long to come forward.

“I was scared,” she said, choking back tears. “I was embarrassed, ashamed. I didn’t want anybody to know any of this about me.”

Deaf, dumb and blind

Prosecutors say Maxwell created “a culture of silence” to shroud her and Epstein’s crimes.

And a piece of evidence seemed to put that culture in writing.

Those instructions were part of a 58-page booklet with rules for staff working at the mansion.

As if to drive home the point about keeping Maxwell and Epstein’s secrets, prosecutors say Epstein ordered the construction of a detached staff quarters surrounded by a tall wall that prevented

any view of the main house.

Juan Alessi, a former estate manager, testified he considered the privacy measure “a kind of warning that I was supposed to be blind, deaf and dumb, to say nothing of their lives.”

Alessi recalled seeing “Jane” several times at the residence and noticed she looked underage. But he also said he never saw her enter the master bedroom with Epstein – or noticed anything else suspicious about her and the revolving door of young women that would have indicated sex crimes were occurring in his workplace.

He claimed no one alerted him to any misconduct.

“I wish they would have because I would

Three more main accusers are waiting in the wings to testify against Maxwell. When that will happen remains unclear, with prosecutors staying tight-lipped about the order of their witnesses.

have done something,” he said.

Defense on the attack

The defense displayed some of the tactics it plans to use to discredit “Jane” and three other key accusers who are slated to testify before the end of the month.

Maxwell’s lawyers are seeking to portray their accounts of abuse as unreliable, suggesting they have faulty memories and are being manipulated by lawyers encouraging them to play up Maxwell’s role in civil claims after Epstein died. One of the lawyers went so far as to infer that “Jane” – a veteran television actor – could be using her acting skills to embellish her testimony.

The lawyer ran down some of the plot lines “Jane” has tackled over the years: protective mom, victim of bullying,

someone stalked by serial killers, prostitute. “Not my favorite role,” the witness said of the last.

When asked whether her background made her adept giving a “melodramatic and sentimental treatment of interpersonal situations,” she demurred.

“Hopefully, not melodramatic,” she said. “Just dramatic.”

Up next

Three more main accusers are waiting in the wings to testify against Maxwell. When that will happen remains unclear, with prosecutors staying tight-lipped about the order of their witnesses.

But the defense’s opening statement gave hints about the accusers up next.

A Maxwell lawyer said one is a psychotherapist who met Epstein in New York City when she was 16 and later visited his ranch in New Mexico. Another is a former model from Britain who once dated one of Maxwell’s friends. The third is someone the defense claims introduced Epstein to other victims who are not in the case.

Other evidence the prosecution still plans to introduce: flight logs of Epstein’s private planes – prosecutors say they confirm that Maxwell, Epstein and alleged victims traveled together – and FedEx records confirming that Epstein sent a gift to one victim when she was just 15 years old.

It’s projected the trial could last another five weeks.

## DAs, retailers: Calif. needs tools to thwart shoplifting

Don Thompson  
ASSOCIATED PRESS

SACRAMENTO, Calif. – Spurred by a recent run of large-scale smash-and-grab robberies, prosecutors and retailers are rejecting assertions by California’s governor and attorney general that they have enough tools to combat retail theft after voter-approved easing of related laws.

“We cannot function as a society where we have told people over and over again that there is no consequence for stealing other people’s property,” said Vern Pierson, immediate past president of the California District Attorneys Association and El Dorado County’s district attorney.

“We feel a little bit like we’re under assault,” California Retailers Association President and CEO Rachel Michelin said.

Shoplifting has been a growing problem, Michelin said, but recent large-scale thefts in California and elsewhere across the nation in which groups of individuals rush into stores and take goods in plain sight or smash and grab from display cases is “raising it to a whole new level.”

Similar brazen incidents have occurred in Minnesota, Chicago’s North Michigan Avenue and North Rush Street and many other locations. Authorities in Oak Brook, Illinois, said 14 people entered a Louis Vuitton store in the Chicago suburb last month and filled large plastic bags with clothing

and other items worth more than \$120,000.

National retail groups last month estimated the annual losses to be in the tens of billions of dollars.

Some states’ attorneys general are supporting a congressional bill that would require more prevention efforts by large online marketplaces, where experts say many of the stolen goods are fenced.

The thefts have become a political issue as well, particularly in California, where critics place blame on progressive policies like Proposition 47, a ballot measure approved by 60% of state voters in 2014 that reduced certain theft and drug possession offenses from felonies to misdemeanors.

Gov. Gavin Newsom and Attorney General Rob Bonta said police and prosecutors still have the legal tools to go after such perpetrators, and Newsom called out some local officials he said choose not to do so.

“It’s patently false to assert that we have

enough laws on the books that are fixing this problem, because it’s obviously not going away and won’t be going away,” countered John Kabateck, director of the California chapter of the National Federation of Independent Businesses, which represents small and independent business owners.

Yet authorities in Los Angeles on Thursday announced 14 arrests in 11 recent smash-and-grab robberies where nearly \$340,000 worth of merchandise was stolen.

Newsom has repeatedly said prosecutors can “stack” multiple misdemeanor thefts into a felony charge. But Pierson, the district attorney, said that “reveals a significant misunderstanding of the law in the wake of Prop 47.”

Subsequent court decisions require that the repeated thefts involve the same victim and conduct eventually amounting to a loss exceeding \$950, which Pierson said “is very difficult to prove.”

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### PUBLIC NOTICE

A neighborhood workshop will be held to discuss a proposed rezoning and land use change on tax parcel numbers 15701-056-002, 15701-056-001, and 15701-056-000 located at 1905 S. Main Street. We propose to change the land use from Office to Urban Mixed-Use, and the zoning from Planned Development to U8. This is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposed changes and to seek their comments. The meeting will be held digitally as a Zoom teleconference. The teleconference can be accessed by the following information:

**Date:** Monday, December 20, 2021  
**Time:** 6:00 PM  
**URL:** <https://us02web.zoom.us/j/5733319527>  
**Meeting ID:** 573 331 9527  
**Dial-in:** (646) 558-8656

A recording of the workshop will be posted at [www.edafl.com/neighborhoodworkshops](http://www.edafl.com/neighborhoodworkshops). You may also e-mail or call the contact below to submit comments, request a link to the meeting, or request paper copies of meeting materials.



**Contact:** Clay Sweger, AICP, LEED AP, of eda consultants inc.  
**Phone:** (352) 373-3541 **E-mail:** [csweger@edafl.com](mailto:csweger@edafl.com)

GF-27582736



## NEIGHBORHOOD WORKSHOP NOTICE

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Following the teleconference, a recording of the workshop will be available at [www.edafl.com/neighborhoodworkshops](http://www.edafl.com/neighborhoodworkshops). Upon request, a link to the meeting can be requested by e-mailing the contact below. In addition, paper copies of all materials discussed at the workshop can be provided via US Mail. Comments on the development plan may also be submitted to the e-mail address below or by calling the phone number below.

### Contact:

Clay Sweger, AICP, LEED AP csweger@edafl.com	eda consultants, inc. (352) 373-3541
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15708-052-002 Land Use & Zoning Change  
MBER LLC  
1109 W UNIVERSITY AVE  
GAINESVILLE FL 32601

**Neighborhood Workshop Notice**

15701-056-002 Land Use & Zoning Change  
NASS LLC  
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MICANOPY FL 32667

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BALA W R & ESPERANZA  
2276 CALLAWAY CT  
DAVENPORT FL 33837

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BOPP & BOPP JR & BOPP  
13307 STARFISH DR  
HUDSON FL 34667

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PO BOX 490 MS 58  
GAINESVILLE FL 32627

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COHEN CHRIS A TRUSTEE  
98 ROSEHILL CRESCENT CT  
DE BARY FL 32713

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500 VOLVO PARKWAY  
CHESAPEAKE VA 23320

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DULUTH GA 30097

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DANIEL THOMAS A  
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GAINESVILLE FL 32601-5328

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3203 AINSLEY WAY  
DULUTH GA 30097

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SARASOTA FL 34240

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COLUMBUS GA 31909-2491

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146 DEVONSHIRE TRL  
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13302 WINDING OAK COURT A  
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13302 WINDING OAK COURT A  
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GAINESVILLE, FL 32601

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Duckpond  
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ATTN: URBAN DIRECTOR  
4055 NW 86 BLVD  
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CHRIS GARCIA  
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GAINESVILLE, FL 32653





720 SW 2<sup>nd</sup> Avenue  
South Tower, Suite 300  
Gainesville, FL 32601

Neighborhood Workshop Notice  
15708-053-004 Land Use & Zoning Change  
LO & LO  
83 SE 16TH AVE #E304  
GAINESVILLE FL 32601

JACKSONVILLE FL 320

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FIRST-CLASS



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BC: 32601627199 \*1738-03722-03-41



720 SW 2<sup>nd</sup> Avenue  
South Tower, Suite 300  
Gainesville, FL 32601

*Neighborhood Workshop Notice*  
15708-042-001 Land Use & Zoning Change  
LAFERRMAN DYLAN ANDREW  
81 SE 16TH AVE #D201  
GAINESVILLE FL 32601

JACKSONVILLE FL 320

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KEY WEST FL 33040-3507

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Gainesville, FL 32601

JACKSONVILLE FL 320

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Neighborhood Workshop Notice  
15708-053-003 Land Use & Zoning Change  
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1512 BATES ST  
BRANDON FL 33510

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TIERRA VERDE FL 33715-1928

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Neighborhood Workshop Notice  
15708-052-002 Land Use & Zoning Change  
MBER LLC  
1109 W UNIVERSITY AVE  
GAINESVILLE FL 32601

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Neighborhood Workshop Notice

Elizabeth Place  
GALE FORD  
715 NW 23ST  
GAINESVILLE, FL 32607

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South Tower, Suite 300  
Gainesville, FL 32601

Neighborhood Workshop Notice  
Millennium Bank  
DANNY GILLILAND  
4340 NEWBERRY RD  
GAINESVILLE, FL 32607

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*Neighborhood Workshop Notice*  
15708-022-003 Land Use & Zoning Change  
TRUST NO 30277  
PO BOX 521  
ESTERO FL 33929



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TAMPA FL 33612

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## Neighborhood Workshop Notice

**5th Avenue  
ROBERTA PARKS  
616 NW 8 ST  
GAINESVILLE, FL 32602**

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2008-09-01



720 SW 2<sup>nd</sup> Avenue  
South Tower, Suite 300  
Gainesville, FL 32601

125

*Neighborhood Workshop Notice*  
15699-100-000 Land Use & Zoning Change  
Kirkwood Environmental Improvements  
Assoc Inc  
5745 SW 75TH ST #348  
GAINESVILLE FL 32608-5504

JACKSONVILLE FL 320

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# Notice of Online Neighborhood Workshop

**Date: Monday, December 20, 2021**      **Time: 6:00 pm**

Property Address/Location of Project:

15701-056-002, 15701-056-001, and  
15701-056-000 located at 1905 S. Main Street

Action Proposed: Land Use Change from Office to  
Urban Mixed-Use, and Rezoning from Planned  
Development to U8

The Meeting will be held digitally on Zoom.

**URL:** <https://us02web.zoom.us/j/5733319527>

**Meeting ID:**      573 331 9527

**Dial-in:**      (646) 558-8656

Please call **eda** at (352) 373-3541 with any questions  
or email [csweger@edafl.com](mailto:csweger@edafl.com) for more information.



## Neighborhood Meeting Minutes

**Project:** Proposed 1905 S Main Street Rezoning and Land Use Change

**Meeting Date & Time:** December 20, 2021 at 6 p.m. via Zoom

**Community Participants:** 18 participants in total  
Jaquie Resnick, Sergio Quintana, Vassiliki Betty Smocovitis, Jane Burman-Holton, Kerry Dowd, Russell Hurd, Lanier Harper-Dickson, JBHFL, Cooper Nolan, Peter Alcorn, Suzy Miller, Chris, Joe, Susan, John Barrow, Robert, Celia Martin, Wendy Dahl

**Project Representatives:** Onelia Lazzari, eda  
Clay Sweger, eda  
Stephanie Sutton, eda

### **Meeting Minutes:**

Onelia Lazzari introduced the proposed land use change and rezoning application of 3 parcels at 1905 S Main Street. The presentation included the property location, existing conditions, existing land use and zoning (Office land use and expired PD zoning), and proposed land use and zoning (Urban Mixed Use and U8). No new development is proposed at this time. The site was the former George F. Young office and is now vacant. The original PD was approved in 1991 and is more than 30 years old and expired. UMU/U8 is existing land use and zoning to the north and northwest from the City-initiated code changes in 2017. Property to the south is City-owned conservation area.

Onelia shared a Power Point presentation to inform the participants of the proposed application, explained that applications will be made to the city and have public hearings at the Plan Board and the City Commission. Then she opened up the floor for questions – A summarized version of questions and answers is below:

John Barrow: When was the other land rezoned?

eda: In 2017 with a large City-wide change to implement transect zoning.

Betty S: Who is changing this?

eda: the property owners – George F. Young and the plumbing business owner to the north.

Betty S: What is your role?

eda: eda is the agent for the property owners, preparing the materials for the application and representing them through the process.

Betty S: My home is not urban- urban uses don't make sense next to the creek and conservation area. We don't want more high-rise development.

Sergio Quintana: what is the density of RMF-7?

eda: 8-14 units per acre, with 3 stories by right and up to 5 with bonuses.

Sergio Q: would like to see something more at that scale. U8 is out of character for the area. 6 stories is too much. Also interested in an idea of what will be proposed on the site – suggest doing another PD.

John Barrow: This is inconsistent with the current zoning to the south and southeast – single family zoning. Asked for confirmation of size of parcel (1.63 acres) would allow 60-80 units/acre.

Peter Alcorn: Mother lives at 21<sup>st</sup> and Main Street – he also lives in Kirkwood. Insulted that this meeting is not a useful way for neighbors to influence the outcome of this application.

eda: This meeting is to introduce the application and seek input from neighbors. There will be public hearings with the Plan Board and City Commission who are the decision makers.

Lanier Harper-Dickson: participation without influence is no participation at all, PowerPoint selectively shows what areas are adjacent to the site and left off the Kirkwood neighborhood and the natural areas.

eda: shared a screen with a map further to the south. Conservation to the south is owned by the City, between this site and the Colclough Hill subdivision. Kirkwood is across the street and for the lot immediately across S. Main Street, the existing house is on the far side of the parcel (away from the site).

Lanier: Should have to stay away from conservation area with wetlands and natural resources.

eda: There are no environmental features that we are aware of on the project site – it is already developed. Any future development plan would have to comply with all applicable environmental setbacks, buffers, etc. at that time.

John Barrow: There are no side setbacks required in the U8 zoning.

eda- Environmental setbacks would still apply. Landscaping buffers would also apply between Conservation land use and UMU.

John Barrow: Is sewer available?

eda: Yes- the site is currently served by GRU water and sewer.

Peter Alcorn: What is the purpose of participation? Has a problem with the process- the end use of the property is not being shared.

eda: Comments and feedback are being recorded and submitted to the City with this application.

Peter: This is participation in name only and participants have no vote in the process.

Peter: Traffic concerns don't need to be addressed yet?

Eda: No, they will be handled at the time of any future proposed development.

Peter: Would like to give input on proposed development plans.

Cooper Nolan: This will allow 100 units on the site? Not bedrooms?

Eda: The City has a bedroom multiplier in the UF Campus Context area – max # of bedrooms per unit is 2.75.

Cooper: Concerned about traffic impacts in Kirkwood – has been increasing with redevelopment on SW 13<sup>th</sup> Street.

Will you share this input with the property owners?

eda: Yes - will share with the property owners after the meeting.

Betty S: Does not like the idea of changing zoning to increase their property values.

John Barrow: Reading from code section 30-4.11 Transects. Other transects may be more appropriate than U8 – want to have a step-down zoning here. Treehouse Village is a 2-3 story, less intense development – more appropriate for the setting – RMF-7.

Jane Burman-Holton: Have seen Haven been bought by Landmark – now Metropolitan. Had a meeting like this on that project and then input was ignored. No input from DRB on approval of the development.

Lanier Harper-Dixon: Concern that looking at short time – just from 2017 change – not previous use of the land – longer term.

John Barrow: U8 zoning here is a big mistake, south of 16<sup>th</sup> Ave – not appropriate there. This area is the edge of town/rural/near prairie.

Peter Alcorn: Not plumbing company north of site – moving company.  
eda: Correct. The property is owned by a plumbing contractor.

Betty S: The city is trying to eliminate single family zoning. The city tried to do this through mass rezoning in the GNV Rise process. This meeting is just a formality.



**APPLICATION FOR EXEMPTION  
 REGULATED NATURAL RESOURCES  
 [LDC 30-300 & 30-310]**

Petition No. \_\_\_\_\_ (Will be filled in by staff.)

OFFICE USE ONLY		
[ ] Approved	[ ] Denied	Approval expiration date _____
Signature: _____ Date: _____ Department of Planning & Development Services		

**NOTICE:** The applicant is responsible for supplying all information necessary to determine exemption from the City's natural resource regulatory requirements. Any evidence supporting a claim of exemption must be attached to this form. Failure to answer all questions will result in the application being returned to the applicant. Additional information may be requested in order to process this application. Verification/concurrence with this application for exemption will be provided in writing to the address shown on this form.

Owner Name(s) (please print)
Name(s): <b>FLORIDA MAD MEN, LLC</b>
Mailing Address: <b>5532 NW 43RD STREET</b>
<b>GAINESVILLE, FL 32653</b>
Phone: _____ Fax: _____
(If additional owners, please include on separate sheet)

(see end of app for add'l owner)

Applicant(s) Name (please print)
Name: <b>eda consultants, inc.</b>
Mailing Address: <b>720 SW 2nd Avenue</b>
<b>South Tower, Suite 300</b>
<b>Gainesville, FL 32601</b>
Phone: <b>352-373-3541</b> Fax: _____

PROJECT INFORMATION
Project name: <b>1905 S. Main Street Rezoning &amp; LUC</b>
Project location: <b>1905 S. Main Street</b>
Tax parcel #(s): <b>15701-056-000 &amp; 15701-056-001 &amp; 15701-056-002</b>
Type of development application to which exemption will apply: <b>Rezoning &amp; LUC</b>

**EXEMPTIONS: REGULATED SURFACE WATERS & WETLANDS (LDC 30-300)**

Please check the box next to the reason(s) why you claim exemption. (Conditions apply. See full text of City Land Development Code 30-304 before checking exemption.)

1. ☒ No regulated surface water or wetland on or adjacent to the development parcel.
2. ☐ The proposed construction, development, or use is authorized by a valid building permit or approved development plan issued or approved before April 12, 2004. (Please attach a copy of the permit or approved plan.)
3. ☐ Public works or utilities project.
4. ☐ Repair or replacement of an existing site structure(s) that does not increase site impervious surface.
5. ☐ Addition or accessory structure(s) which does not add more than 100 square feet of impervious area, and meets the minimum setbacks from surface waters and wetlands.
6. ☐ The proposed construction or development was approved under a planned development prior to April 12, 2004.
7. ☐ Construction of public or private nature trails.
8. ☐ Reestablishment of native vegetation on single-family residential property.
9. ☐ The proposed activity is located in or adjacent to a human-built surface water or wetland which was not created as a mitigation project, and which was originally constructed in uplands.
10. ☐ Construction of a stormwater management facility within a wetland buffer.

**EXEMPTIONS: REGULATED NATURAL & ARCHAEOLOGICAL RESOURCES (LDC 30-310)**

Please check the box next to the reason(s) why you claim exemption. [Conditions apply. See full text of City Land Development Code 30-310(d) before checking exemption.]

1. ☒ Any parcel of record as of November 13, 1991, that is less than or equal to five (5) acres in size and does not contain listed species or an archaeological site identified by Florida Master Site file number.
2. ☐ Bona-fide agricultural/silvicultural activities.
3. ☐ Removal of invasive non-native vegetation on conservation lands.
4. ☐ Alteration of vegetation pursuant to an adopted management or restoration plan on government-maintained land.

5. ☐ Activities authorized by City-approved management plan.
6. ☐ Alteration of vegetation within existing utility, drainage or stormwater easements, and road right-of-ways.
7. ☐ Clearing and vegetation removal to construct a fence or wall, or establish a firebreak.
8. ☐ Vegetation alteration to conduct a survey or other required test.
9. ☐ Text Amendments to Planned Development zoning or Planned Use District land use ordinances that are unrelated to development activity.
10. ☐ Activities determined by the city manager or designee as having *de minimis* impact.
11. ☐ The County land use and zoning remains in effect and the development application will be reviewed under County regulations.
12. ☐ The property has a final master plan approved by the City prior to August 2, 2012; or has a valid Planned Development zoning ordinance approved by the City prior to August 2, 2012 that includes protection of natural and archaeological resources.
13. ☐ Sinkholes which pose threat of property loss or structural or functional damage to an existing building or facility.

I certify that I am the owner of the subject property and authorize the agent listed above to initiate this application for environmental exemption. (Signature by the owner on this application or in a letter is necessary.) I further certify that all of the information contained in this application is accurate and up-to-date.

Owner's signature: See Affidavits Date: \_\_\_\_\_

Applicant's signature:  Date: 2/19/22  
(if not the same as owner)

Applications & Guidelines  
Environmental exemptions

Appendix B  
Justification Report





# ***Land Use Change & Rezoning Justification Report***

***3 Parcels (15701-056-000; 15701-056-001; 15701-056-003)***

**1905 S. Main Street**

**Prepared for Submittal to:**

**City of Gainesville**

**Prepared by:**

**eda consultants, inc.**



***February 17, 2022***

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## **Proposal and Background**

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This application proposes a Small-Scale Comprehensive Plan Amendment (land use change) and rezoning for three parcels (15701-056-000; 15701-056-001; and 15701-056-002) located at 1905 S. Main Street. The property is developed with an office building that is currently unoccupied. The building was constructed in 1991 according to the Property Appraiser's records. It was the location of the George F. Young offices (civil engineering and surveying firm). The properties and office building/parking lot front on S. Main Street. The parcels are 1.63 +/- acres in size.

The proposed future land use amendment is to amend the future land use map designation of the property from Office (OF) to Urban Mixed-Use (UMU). The proposed companion rezoning is to change the property from Planned Development (PD) to U6 (a transect zoning).

It should be noted that the applicant's original rezoning proposal was U8 for this site, and that was what was advertised and explained during the Neighborhood Workshop that was held on December 20, 2021. During that meeting, several participants indicated that the U8 zoning density and intensity was out of character for the area due to the single-family neighborhood area (Kirkwood) to the southwest of the site. Neighborhood Workshop participants requested that this information be shared with the property owner/applicant. Participants wanted to see a step-down zoning from the U8 to the north and northwest down to the Conservation and Single-family zoning areas. As a result of that input, the applicant has changed the request from U8 to U6 in this application. The newly proposed U6 zoning reduces both the density and the height intensity of development that would be allowed on the site and removes many of the more intense uses (such as alcoholic beverage establishments, car washes, hotels/motels, mini-warehouses, and vehicle sales and services) that would have been permitted under the U8 zoning.

The property is located in the urbanized portion of Gainesville. The property is surrounded on the north and east by existing developments that date back to 1961 and 1985 respectively (with urban transect zoning (U8) to the north and multifamily (RMF-7) to the east. To the west is South Main Street. Across South Main Street to the west is a single-family lot that has Conservation land use and zoning on most of the portion of the lot that fronts on S. Main Street. To the south is Conservation land owned by the City of Gainesville. Centralized utilities and an existing road (S. Main Street) serve the existing development on the site.

The existing office building on the site includes a parking lot serving the development. The office development is a one-story building constructed in 1991 after the adoption of Ordinance 3703, which zoned the property Planned Development (PD) to allow an office park development on the site. The George F. Young office at the site has closed, and the property has been sold for potential redevelopment at a future point in time. The small-scale land use amendment and rezoning are proposed to help facilitate the redevelopment of the site consistent with the transect zoning north of the site (implemented by the City of Gainesville in 2017).

Vehicular access is available to the property from S. Main Street (a City-maintained roadway), which is a paved, three-lane divided roadway fronting the subject property. Existing sidewalks are along both sides of S. Main Street. Transit service is available via nearby service that runs along SW and SE 16<sup>th</sup> Avenue (Route 16).

The property is located in Zone A of the Transportation Mobility Program Area (TMPA). The site is also located in the UF Context Area.

The most recent rezoning activity on the parcels occurred as a result of a Planned Development ordinance. Ordinance 3703, adopted on March 18, 1991, changed the zoning on the property from RMF-7 (a multi-family medium density type zoning) to Planned Development (PD). A companion land use change adopted an Office land use designation on the property. It should be noted that PD Ordinance 3703 predates the two most recent Land Development Code updates (1992 and 2017), which means it includes several antiquated references within it (for example, it references the O-2 zoning district which was eliminated in 1992). In addition, the PD required construction in multiple phases and that the phases be constructed within 5 years of adoption. Only the first phase of the development was completed (5,000 +/- SF office building). Therefore, the PD has expired.

The PD ordinance contains a number of conditions related to future property development and uses. Since one phase of the development already has been constructed, some of the conditions in the PD are no longer relevant. In addition, the PD governing the property is over 30 years old and given the changes to transect zoning in the area and general changed conditions in Gainesville, the property owners are interested in updating the zoning district and future land use category on the property to allow added flexibility for ongoing use/site redevelopment to better fit the City's current concepts on zoning and land use for the area. For example, one of the conditions limits the building height to one story with a maximum height of 15 feet. Additional stories/height on a site make for more efficient use of the land and reduce urban sprawl (one of the City's goals in the Comprehensive Plan). The PD ordinance also references the Florida Department of Transportation (FDOT) as the permitting agency for South Main Street. As indicated earlier, South Main Street in this area is now a City-maintained street. The PD also contained a list of permitted uses (in the Development Plan Report (Exhibit B to the ordinance)) that specified the "northernmost 25 feet of the property will provide parking for the adjacent commercial building to the north." That portion of the PD is now in separate ownership by the owner of the building to the north (currently contains the office of a moving business). That property has U8 zoning already, so it is logical to connect that designated parking area within the existing PD to the U8 zoned property to the north by rezoning it to transect zoning (proposed for U6 as a step down from the U8).

In discussions with the City of Gainesville Department of Sustainable Development concerning rezoning the property (and the associated small-scale land use change), City staff discussed the subject property and the transect zoning that was adopted in the surrounding area in 2017. The input from City staff was that the continuation south of the Urban 8 (U8) transect zoning with the Urban Mixed-Use (UMU) land use designation would be a logical path away from the existing Planned Development zoning on the property. City staff has expressed a desire to reduce the number of PDs in the City (especially older and expired PDs). Based on the discussions with City staff, and after input from the Neighborhood Workshop participants, this application proposes to change the land use category from Office to Urban Mixed-Use (UMU) and zoning district to Urban 6 (U6).

The aerial photo below (Figure 1) illustrates the location of the 3 parcels along the east side of South Main Street in the 1900 block. The parcels are located south of the intersection of South Main Street with SW/SE 16<sup>th</sup> Avenue. As can be noted from the aerial photo, the property is

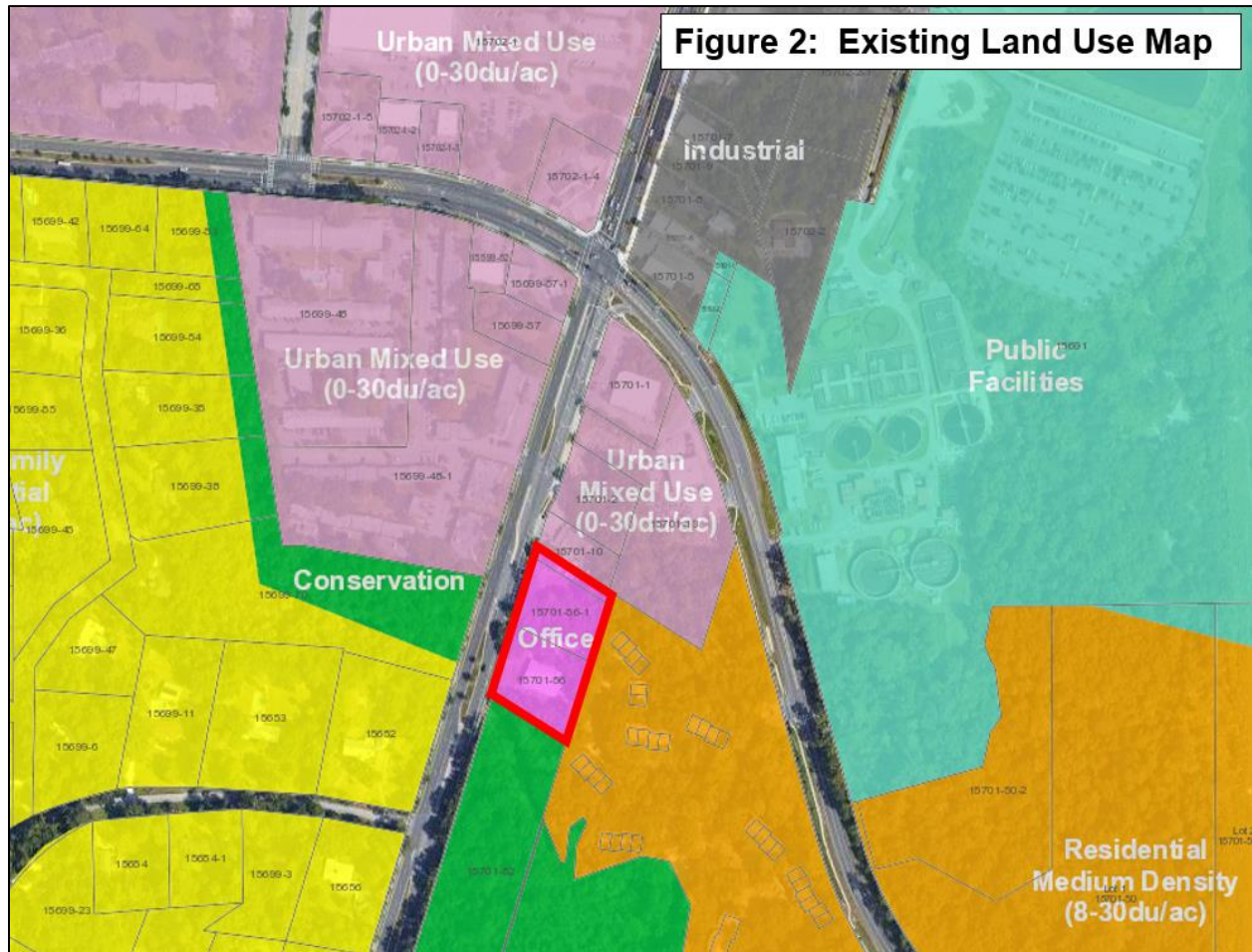
currently developed with an office building and associated parking. It is surrounded by developed properties on the east (residential multi-family) and north (moving company office) sides and partially on the west side across South Main Street (residential multi-family). To the south and partially to the west is vacant land with a Conservation designation.





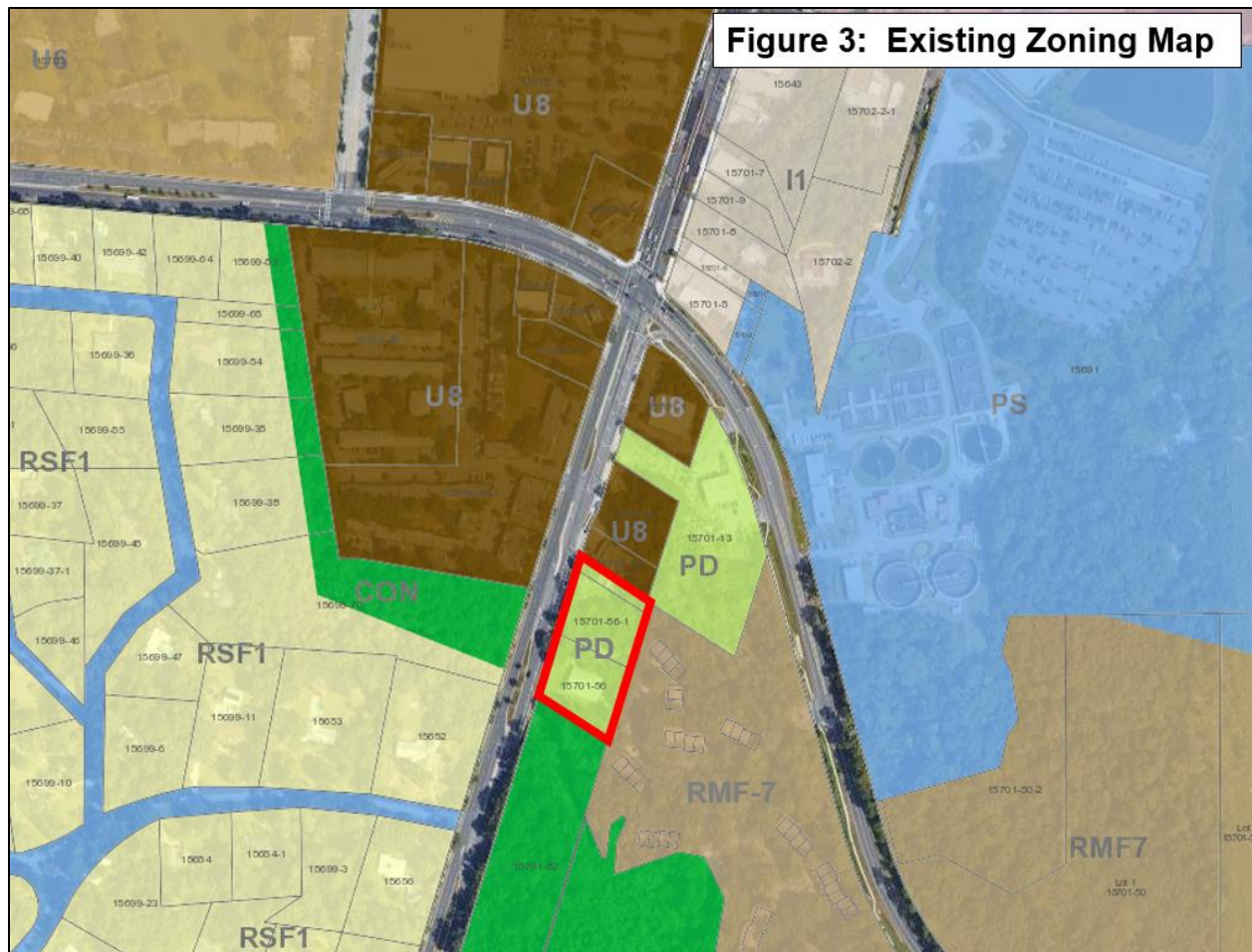
## Existing Future Land Use Designation and Zoning District

The current future land use designation of the property is Office (OF) as indicated in Figure 2 below.



To the west across South Main Street, the properties have the following land use designations: Single Family (small sliver fronting on S. Main Street); Conservation; and Urban Mixed Use (multi-family residential). To the east, the future land use designation is Residential Medium with the Treehouse Village Condominiums. To the south, the designation is Conservation (City-owned property). To the north, the designation is Urban Mixed Use (moving company office).

The existing zoning district on the property is Planned Development as illustrated on Figure 3 below. This PD, adopted in 1991, allowed a 1-story office building, O-2 uses (antiquated zoning district) with the exception of: retransmission and microwave transmission towers, day care centers, and membership sports and recreation clubs.



Properties to the west of the site, across South Main Street, have: RSF-1 zoning (small sliver fronting S. Main Street); Conservation (fronting S. Main Street) and the Urban 8 (U8) zoning. The property abutting to the north has the U8 zoning district designation. Property to the east is zoned RMF-7 (multi-family). Property to the south is designated Conservation and is owned by the City of Gainesville.

### **Statement of Proposed Change / Proposed Future Land Use and Zoning Designations**

As stated above, the site currently has a future land use (FLU) designation of Office (OF) and a zoning district of Planned Development (PD). The PD zoning district designation dates back to 1991 when the PD was adopted by Ordinance 3703. The PD ordinance has expired because only the first phase was developed. The terms and conditions within the PD are dated and lack flexibility. In the years since the office building was constructed in 1991, change has occurred in the area, and transect zoning was adopted for many of the surrounding parcels, especially those along the South Main Street corridor.

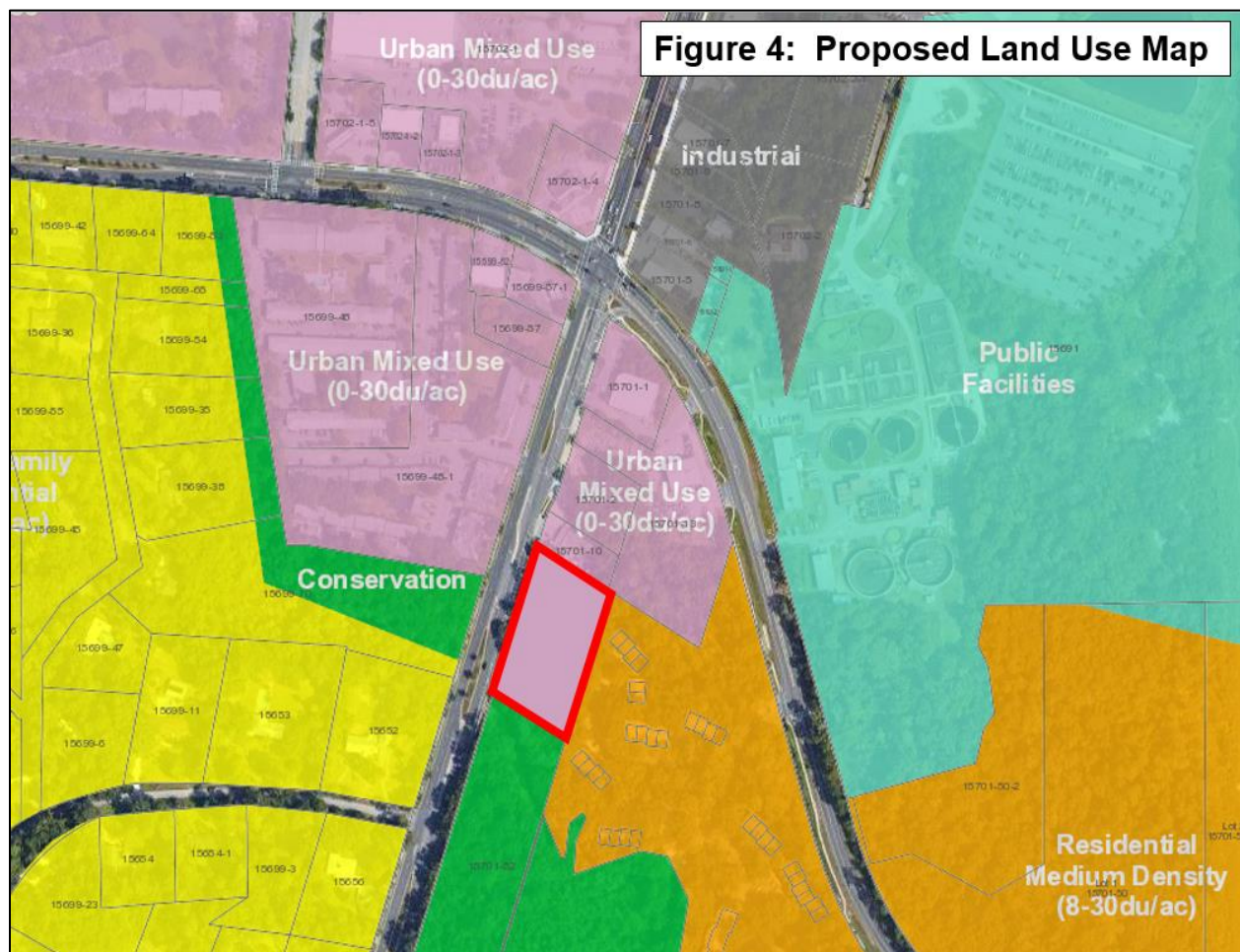
The one-story building was constructed in 1991 and has been in operation as an office since it opened. However, the former property owner (George F. Young of Florida, Inc., a civil engineering and surveying firm) has closed at this location and moved to another site. The office building currently is vacant, and the property has been sold. The applicants believe that changing the land

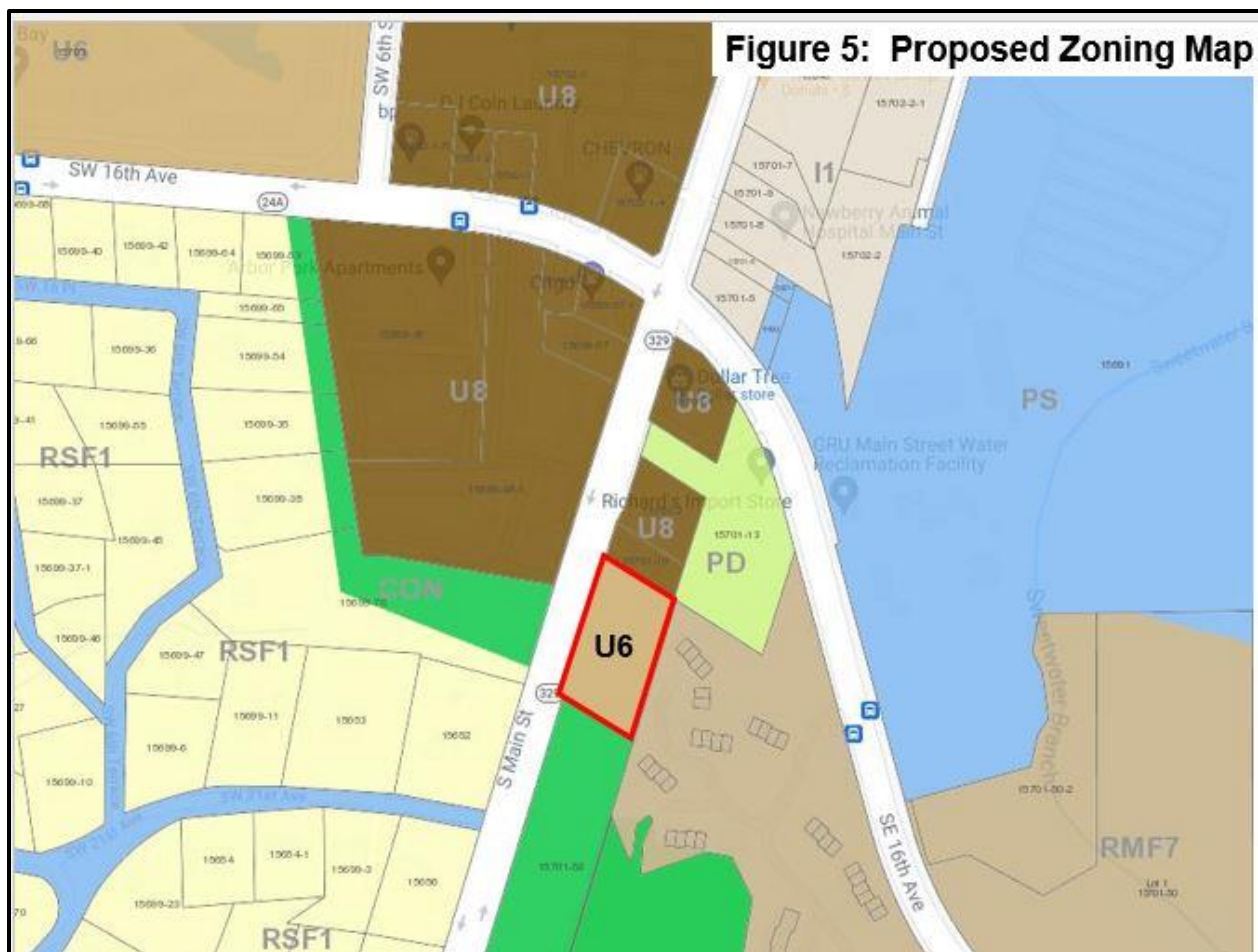


use category and zoning district on the property will allow more flexibility in the use and redevelopment of the property since the existing PD has expired and contains dated language and provisions.

The proposed Urban Mixed-Use future land use category (with proposed U6 zoning) for the site is consistent with the UMU designation (and U8 zoning) for the properties to the north and northwest across South Main Street. The proposed U6 zoning serves as a step down/transition from the U8 to the north and the Conservation zoning to the south and Single-family designation of the Kirkwood neighborhood to the southwest. It is also consistent with the Residential Medium future land use category for the multi-family property to the east and the Conservation designated land to the south (which forms a generous buffer to the south). The proposed land use category (UMU) and zoning district (U6) for the subject property are consistent with each other and appropriate given the surrounding uses.

Figures 4 & 5 below illustrate the proposed future land use category (UMU) and zoning designation (U6) for the subject property.





The proposed land use category (UMU) and zoning district (U6) will add properties to the transect zoning and related land use categories that the City implemented in this area in 2017. This is consistent with the existing and future surrounding development pattern in the area. This change will allow for infill and redevelopment on these properties and additional uses for the existing, unoccupied office building on the site. Any future expansion of development on the property would require compliance with all applicable regulations associated with the Comprehensive Plan and Land Development Code, including site plan applications.

The site currently is served by GRU centralized utilities with adequate capacity. Vehicular access exists from South Main Street (a 3-lane divided, City-maintained roadway). There are existing sidewalks along both sides of South Main Street.

The closest stop for transit service is located on SW 16<sup>th</sup> Avenue. Route 16 that runs along SW and SE 16<sup>th</sup> Avenue (Route 16) serves the route from Beaty Towers on the UF Campus to Sugar Hill. Service on Route 16 runs Monday through Friday every 30-34 minutes.

City of Gainesville Comprehensive Plan Policy 4.1.1 defines the proposed Urban Mixed Use (UMU) future land use category as follows:

***Urban Mixed-Use (UMU): up to 60 units per acre; and up to 20 additional units per acre by Special Use Permit***

*This land use category allows residential, office, retail and service uses either as stand-alone uses or combined in a mixed-use development format. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed in specified zoning districts as specially regulated by the Land Development Code. Structures in this category shall be oriented to the street and encourage multi-modal transportation through the development design. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 60 units per acre with provisions to add up to 20 additional units per acre by Special Use permit as specified in the land development regulations. Maximum building height shall range between 4 to 5 stories, depending upon the implementing zoning district, with provisions to add up to an additional 1 to 2 stories by a height bonus system as established in the Land Development Code. Land development regulations shall set the appropriate densities, the types of uses; design criteria; landscaping; and pedestrian/vehicular access. Public and private schools, places of religious assembly and community facilities are appropriate within this category.*

The proposed zoning to implement the proposed Urban Mixed-Use future land use category is U6 (Urban 6), a transect zoning district. The City of Gainesville Land Development Code Sec. 30-4.12 establishes the permitted uses in the U6 zoning district.

The table below indicates the permitted uses for the U6 zoning district.

***Sec. 30-4.12 Permitted Uses U6 Zoning District***

Use	Use Standards	U6
Accessory dwelling unit	30-5.35	A
Adult day care home	30-5.2	P
Attached dwelling (up to 6 attached units)		P
Community residential home (up to 6 residents)	30-5.6	P
Community residential home (more than 6 residents)	30-5.6	P
Family child-care home	30-5.10	P
Multi-family, small-scale (2-4 units per building)		P
Multi-family dwelling		P
Single-family dwelling		P
Single room occupancy residence	30-5.8	P
Assisted living facility		P
Bed and breakfast establishment	30-5.4	P
Business services		P
Civic, social, or fraternal organization		P

Day care center	30-5.7	P
Drive-through facility	30-5.9	P
Emergency shelter		P
Exercise studio		P
Farmers market	30-5.11	P
Food truck, not located within a food truck park	30-5.37	P
Food truck park (less than 6 pads)	30-5.13	P
Food truck park (6 or more pads) <sup>5</sup>	30-5.13	S
Funeral home or crematory		P
Gasoline or alternative fuel station	30-5.14	S
Health services		P
Laboratory, medical or dental		P
Library		P
Light assembly, fabrication and processing	30-5.17	P
Medical marijuana dispensing facility		P
Microbrewery, microwinery, or microdistillery <sup>2</sup>	30-5.18	S
Museum or art gallery		P
Office		P
Office (medical, dental, or other health-related service)		P
Personal services		P
Place of religious assembly	30-5.22	P
Professional school		P
Public administration building		S
Public park		P
Recreation, indoor <sup>2</sup>		P
Restaurant		P
Retail sales		P
School (elementary, middle, or high - public or private)		P
Skilled nursing facility		P
Veterinary services	30-5.31	P
Vocational or trade school		P
Wireless communication facility or antenna	See 30-5.32	

**LEGEND:**

P = Permitted by right; S = Special Use Permit; A = Accessory; Blank = Use not allowed.

1 = When located along a Principal Street.

2 = Prohibited where adjacent to single-family zoned property.

3 = Office uses as a home occupation.

4 = Office uses up to 20 percent of the building square footage and shall be secondary to a principal residential use. No outdoor storage.

5 = Special use permit required for any proposed food truck park with six or more food truck pads when the food truck park's boundaries would be less than 300 feet from the boundary of any single-family zoned property or property that is developed with a single-family dwelling; otherwise, such food truck park is allowed by right.

The subject property is an appropriate area for the placement of the Urban Mixed-Use land use category and the implementing zoning district of Urban 6 (U6) for two reasons. First, the proposal expands the transect-related land use category and zoning district in an area that the City had designated in 2017 for this type of land use and zoning to replace conventional zoning and land use designations. Second, the proposed land use category and zoning district provide for redevelopment and infill development opportunities on property with an expired PD zoning.

The proposed land use and zoning changes will allow flexibility for redevelopment and infill since the current PD ordinance has expired and limits uses on the site and building height to one story. The proposed Urban Mixed-Use land use category and U6 zoning would allow for flexibility and incentives for redevelopment while still maintaining compatibility and consistency with the surrounding area. The U6 zoning will serve as a step-down transition from the U8 zoning to the north.

## **Basic Level Environmental Review**

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This site is exempt from Environmental Review because:

- It is an existing, developed site;
- There are no regulated surface waters or wetlands on the site; and,
- The site contains parcels that are less than or equal to 5 acres in size and do not contain listed species or an archaeological site identified by a Florida Master Site file number.

## **Responses to Application Questions**

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### **6. A. Surrounding/Adjacent Land Uses**

The property lies within an area that contains non-residential and residential uses such as retail stores, offices, automotive repair; multi-family dwellings; and conservation.

*North:* To the immediate north of the subject property is a moving business designated with the Urban Mixed-Use future land use designation.

*South:* To south of the subject property is vacant land with a Conservation future land use designation. This property is owned by the City of Gainesville.

*East:* To the east is the Tree House Village condominium development. That property has a Residential Medium future land use designation.



*West:* Immediately to the west is South Main Street. Across from South Main Street are multi-family buildings (Arbor Park Apartments) with a Urban Mixed-Use future land use designation and a lot with a single-family home with Conservation and Single-family future land use designation.

**Adjacent Property Characteristics Table**

	Existing Use	FLU Designation	Zoning District
<b>North</b>	Moving business	Urban Mixed-Use	U8
<b>South</b>	Vacant	Conservation	Conservation
<b>East</b>	Tree House Village Condos	Residential Medium	RMF-7
<b>West</b>	S. Main Street; across S. Main Street are multi-family dwellings, a single-family dwelling, & conservation area	SF, Conservation, & Urban Mixed Use	RSF-1, Conservation, & U8

Upon analyzing these existing land use patterns, the proposed land use and zoning change will not negatively impact the nature of the existing development pattern in the area. The existing development pattern and land use & zoning mapping in the area is primarily Urban Mixed-Use to the north. To the east is multi-family land use and zoning associated with a condominium development. To the north is Urban Mixed-Use, with a mixture of office/retail/automotive repair uses. To the west (across S. Main Street) there is multi-family development with the Urban Mixed-Use land use designation with a single-family lot that has a Single-Family and Conservation land use designation. The proposed land use and zoning changes will place the property into the U6 zoning district, which will step down from the existing U8 zoning pattern to the north. This will provide a lower intensity transition to the Conservation-designated land to the south and the single-family residential designated neighborhood to the southwest (across South Main Street). This will ensure compatibility with areas to the south. Compatibility with the multi-family area to the east will be insured by Land Development Regulations. The land use and zoning changes allow for modernizing the zoning (expired PD) on the property while including neighborhood compatibility.

**6. B. This is a developed property requesting a land use and zoning change. The zoning change is related to removing an older PD ordinance (adopted 1991) and changing to the new transect zoning in the area (in this case a request to rezone to U6).**

**6. C. Residential streets: Vehicular and pedestrian access to the subject property is from South Main Street, which is not classified as a residential street.**

**Noise and lighting: The site is currently developed with a vacant office building. No new development on the site is proposed at this time. In the future, if new development is proposed, noise and lighting concerns will be reviewed as part of the development plan review process.**

**6. D. Impacts from creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property.**

**This is an existing developed site. There are no impacts from creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property.**

**6.E. See response on application.**

**6. F. Development Pattern and Community Contribution**

This site is currently developed with an unoccupied office building (former George F. Young civil engineering and survey office), which has existed there since it was constructed in 1991. There is no new development proposed at this time. The pattern will remain the same after the proposed land use change and rezoning until redevelopment occurs. The development pattern proposed as a result of this application for a land use and zoning change is redevelopment and infill development. Portions of the existing, expired PD were never developed, and the existing office building is now 31 years old. Redevelopment and urban infill development will be promoted by this application.

The subject property is located within an existing urban service area with developed properties to the east, north, and west. Development has existed in this area for decades (1960s – 1980s).

As a developed site, there is existing transportation and utility infrastructure that supports the existing office building. South Main Street is a City-maintained roadway. Sidewalks exist on both sides of S. Main Street. The sidewalks on South Main Street connect to the sidewalk system along SW and SE 16<sup>th</sup> Avenue. The nearest transit stop is 0.24 miles away on SW 16<sup>th</sup> Avenue (Route 16).

**6. G. Potential long-term economic benefits**

The site contains an existing unoccupied office building. The land use change and rezoning could spur redevelopment and infill on the site, which would add to the City's tax base and create jobs during the construction phase.

**6. H. Level of Service Analysis**

Since there is an existing development (vacant office building) on the site, and there is no new proposed development at this time, there will be no impacts to level of service standards.

**B. Site Accessibility**

**Vehicular Accessibility**

The site is located within the urbanized portion of the City of Gainesville and is located along South Main Street, a City-maintained roadway. There is an existing driveway access off S. Main Street to the property.

## Multi-Modal Accessibility

The subject property is not directly on a transit route. However, there are proximate transit stops along SW and SE 16<sup>th</sup> Avenue that are within 0.24 miles of the site. Route 16 on SW and SE 16<sup>th</sup> Avenue currently runs from Beaty Towers to Sugar Hill with 30-34 minute frequencies Monday through Friday. There are sidewalks along both sides of South Main Street that provide pedestrian access and connectivity to the sidewalk system and transit opportunities along SW and SE 16<sup>th</sup> Avenue.

## Analysis for Changes to the Future Land Use Map

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Future Land Use Element Policy 4.1.3 sets the 11 review criteria for proposed changes to the Future Land Use Map. Each of the 11 criteria are listed below and responses are provided:

### *1. Consistency with the Comprehensive Plan*

**Response:** The proposed Urban Mixed-Use (UMU) future land use category is consistent with the proposed U6 zoning district per the Correspondence with Future Land Use Categories table in Land Development Code Section 30-4.2. The following objective and policy are applicable to the proposed designations:

#### *Future Land Use Element Policy 4.1.1*

**Urban Mixed-Use (UMU):** *up to 60 units per acre; and up to 20 additional units per acre by Special Use Permit*

*This land use category allows residential, office, retail and service uses either as stand-alone uses or combined in a mixed-use development format. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed in specified zoning districts as specially regulated by the Land Development Code. Structures in this category shall be oriented to the street and encourage multi-modal transportation through the development design. Developments located within this category shall be scaled to fit the character of the area. Residential density shall be limited to 60 units per acre with provisions to add up to 20 additional units per acre by Special Use permit as specified in the land development regulations. Maximum building height shall range between 4 to 5 stories, depending upon the implementing zoning district, with provisions to add up to an additional 1 to 2 stories by a height bonus system as established in the Land Development Code. Land development regulations shall set the appropriate densities, the types of uses; design criteria; landscaping; and pedestrian/vehicular access. Public and private schools, places of religious assembly and community facilities are appropriate within this category.*

**Response:** As stated in this policy, a mix of uses is appropriate uses in the UMU future land use category. The existing office building (now vacant) fits in this category as described in the policy. The subject property is appropriate in this future land use category due to the UMU abutting to the north and the proximity of the UMU to the northwest and northeast. This land use change with the implementing U6 zoning that is proposed for the site will bring

it into consistency with other transect zoning in the area that was done in 2017 along the S. Main Street corridor.

*Objective 1.5*

*Discourage the proliferation of urban sprawl.*

**Response:** The proposed land use change is for a site that is already developed (partially) and surrounded on the east, north, and west by existing development that has been in place, in many cases, since the 1960s and later time periods. In addition, the site itself and surrounding area is served by existing utilities and infrastructure such as roads and sidewalks. Changing the future land use category on the property will encourage infill and redevelopment on the site to allow more intensity and better use of the site and thus discourage urban sprawl.

*2. Compatibility and surrounding land uses*

**Response:** The subject property is presently developed and has been operating in harmony with the surrounding area and uses since 1991. Property to the south is designated Conservation and forms a buffer for other uses to the south. Properties to the north and northeast are currently designated UMU, which would form a continuation of the pattern the City established in 2017. South Main Street abuts the subject property to the west, which forms a separation between the Single-Family and Conservation land use designations to the west (the single-family dwelling is located on a large lot fronting SWW 6<sup>th</sup> Terrace, so it is not directly impacted by this proposal). Also across South Main Street to the west and northwest there is also land use designated UMU in 2017. Also contains the University of Florida. Properties to the east are in Tree House Village (multi-family condominium development) that is designated Residential Medium, which is compatible with the proposed UMU uses allowed in the proposed future land use category.

*3. Environmental impacts and constraints*

**Response:** This 1.63 +/- -acre site is currently developed with an office building (former George F. Young office) constructed in 1991. There are no environmental impacts or constraints. There are no wetlands, surface waters, or floodplains on the site, and the site is not located in the strategic ecosystem.

*4. Support for urban infill and/or redevelopment*

**Response:** The subject property is within the urbanized portion of the City of Gainesville. Urban land uses, centralized utilities, sidewalks, and public roadways are located adjacent to the parcel. Due to its location and proximity to necessary public facilities, the property is suitable to remain as existing urban development. As indicated earlier, the subject property is characteristic of urban development because it is a developed parcel surrounded by developments to the north, east, and west that occurred as early as the 1960s. The proposed land use change will allow and incentivize redevelopment and infill on the property that is currently underutilized with a vacant, single-story office building.

5. *Impacts on affordable housing*

**Response:** If the property redevelops with a mix of residential and non-residential uses, it may have an impact on affordable housing.

6. *Impacts on the transportation system*

**Response:** No development activity is proposed as part of the proposed land use and zoning change. The site is located in Zone A of the Transportation Mobility Program Area (TMPA), and if there is infill or redevelopment on the site, the development will have to meet the Zone A requirements of the TMPA. Therefore, no new impacts on the transportation system are anticipated at this time.

There are existing sidewalks available on both sides of South Main Street. Existing nearby service via Route 16 that runs along SW and SE 16<sup>th</sup> Avenue has transit stops with shelters.

7. *An analysis of the availability of facilities and services*

**Response:** The property already is developed and served by centralized Gainesville Regional Utilities potable water, wastewater, and electric services. Sidewalks are available on South Main Street (both sides). The site can be accessed by an existing, paved public street (South Main Street, a City-maintained facility). Currently the closest transit stop is RTS Route 16 along SW and SE 16<sup>th</sup> Avenue (the closest transit stop is 0.24 +/- miles away).

8. *Need for the additional acreage in the proposed future land use category*

**Response:** The subject property is 1.63 +/- -acres in size. The proposed change will not have any substantial impact on acreage counts in any of the City's future land use categories. The proposed future land use category (UMU) is consistent with the City's overall transect zoning plan for the area as implemented in 2017 (with associated future land use categories).

9. *Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6)(a)9., F.S.*

**Response:** The proposed future land use map change is on an urban site that is already developed and surrounded by existing urban development. It does not promote urban sprawl as defined in Section 163.3164, F.S. The site is located in the urban services area with existing development located north, east, and west when examining the existing land use patterns in the immediate area.



**Section 163.3177(6)(a)9.b., F.S. provides criteria to determine whether a land use amendment discourages the proliferation of urban sprawl. These criteria are listed below with responses.**

*b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:*

*(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.*

**Response: Since this is an existing, developed site that was constructed in 1991, there are no adverse impacts on natural resources and ecosystems. The site is surrounded by existing development that has existed since the 1960s and beyond.**

*(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.*

**Response: The site is already developed and utilizes existing centralized utilities. It is located in an area surrounded by uses served by existing public facilities and services (including roads, sidewalks, and centralized utilities; and transit is proximate).**

*(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.*

**Response: The existing development is located on South Main Street with existing sidewalks on both sides of the street. While there is no existing service on South Main Street, there is a transit stop for Route 16 that runs from Beaty Towers on the UF Campus to Sugar Hill. There are existing residential uses that are proximate to the site. Redevelopment and infill on the site will promote higher intensity uses. And, the UMU land use category allows up to 60 dwelling units per acre by right and an additional 20 units per acre by Special Use Permit. Retail/commercial uses are located in walking distance from the site to the north and to the east and west along SW and SE 16<sup>th</sup> Avenue.**

*(IV) Promotes conservation of water and energy.*

**Response: This is an existing developed site in an area surrounded by uses served by existing public facilities and services, thereby reducing sprawl and wasteful allocation of resources. The availability of existing sidewalks and proximate transit service also reduces transportation energy costs.**

*(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.*

**Response:** The proposed land use change does not include any existing lands designated as Agricultural on the future land use map. It is an existing, developed site that has been in place since 1991. Thus, there is no reduction in agricultural land as a result of this proposed future land use amendment.

*(VI) Preserves open space and natural lands and provides for public open space and recreation needs.*

**Response:** The subject property currently is not in a Conservation or public lands category (it is in the Office future land use category). The site is already developed in an urban area. Therefore, there is no reduction in current open space or recreational area that will occur as a result of the proposed future land use change. The Conservation designated land to the south (owned by the City of Gainesville) provides nearby open space and passive recreation opportunities.

*(VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.*

**Response:** There are existing residential developments (Tree House Village to the east; Arbor Park Apartments to the west and northwest; the Kirkwood subdivision to the west; and the Colclough Hill subdivision further to the south) proximate to the subject property. The proposed Urban Mixed Use future land use category will allow for an expanded number of non-residential uses on the property to serve the nearby residential neighborhoods. The UMU land use category also allows for a mix of residential and non-residential uses such that a mixed-use development with residential and non-residential uses may occur as a result of redevelopment of the site.

*(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.*

**Response:** This is a developed site (since 1991) that is currently in an urban area served by existing public facilities and services, so it does not constitute sprawl. The site is only 1.63 +/- acres in size. The site is developed in an urban fashion, but the proposed land use change would allow additional density and intensity on the site to create a more transit-oriented type of development on the site.

*10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and*

**Response:** The proposed land use change involves an existing, developed site (former George F. Young office). If infill and redevelopment occur on the site, there could be new jobs created during the construction phase and in any new development at the site. Redevelopment of the site will increase the City's tax base in the southern portion of the community.

11. *Need to modify land use categories and development patterns within antiquated subdivisions as defined in Section 163.3164, F.S.*

**Response:** The subject property does not include any antiquated subdivisions as defined in Section 163.3164, F.S. Therefore, this provision is not applicable.

## **Analysis for Changes to Zoning**

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Section 30-3.14 of the City's Land Development Code establishes the criteria for review of rezoning proposals. There are 10 review criteria listed as shown below. Responses to each of the criteria are provided.

*Sec. 30-3.14. - Rezoning criteria.*

*Applications to rezone property shall be reviewed according to the following criteria:*

- A. *Compatibility of permitted uses and allowed intensity and density with surrounding existing development.*

**Response:** The uses in the U6 zoning district are compatible with the surrounding existing development near the subject property. Abutting to the north is a moving business with U8 zoning. To the east is the Tree House Village multi-family condominium development with RMF-7 zoning. Land development regulations will require a landscape compatibility buffer between the Tree House Village development and any new proposed development on the subject property, which will ensure compatibility. A landscape compatibility buffer will also be required by the Code between the subject property and the Conservation-designated property to the south. That Conservation property provides a separation between the subject property and single-family residential much further to the south. To the west, South Main Street separates the subject property from a single-family lot (that does not front on S. Main Street and the Conservation designated area on that single-family lot). Also, to the west across S. Main Street, the Arbor Park Apartments are compatible with the proposed U6 zoning since that property is zoned U8 (established in 2017).

- B. *The character of the district and its suitability for particular uses.*

**Response:** The proposed U6 zoning district is characterized by allowing residential and non-residential uses. The existing (but vacant) office building at the site is a use specifically allowed in the zoning district.

The subject property is suited to the proposed allowed uses in the U6 zoning district due to its location: along an arterial roadway (South Main Street) and abutting existing U8 zoning to the north.

- C. *The proposed zoning district of the property in relation to surrounding properties and other similar properties.*

**Response:** The property abutting to the north has U8 zoning. Property to the west across South Main Street also has U8 zoning. In addition, there is a sliver of land zoned RSF-1

across South Main Street. This lot is large (4.6 acres) and the house on the lot fronts on SW 6<sup>th</sup> Terrace, distant from the South Main Street area). A portion of that single-family lot has Conservation zoning due to the location of wetlands. That Conservation zoned area serves as a buffer between the single-family house also. Property abutting to the south has Conservation zoning, which serves as an adequate buffer to the single-family zoned properties much further to the south.

*D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.*

**Response:** The subject property is developed with a vacant office building. This building is not in an historic district or listed on any historic register. The adopted PD allowed for additional buildings on the site that were never constructed, so those portions of the site remain undeveloped. The proposed U8 rezoning will allow for additional use of the property for construction since the PD has expired. Given the surrounding future land use categories and zoning districts and the existing development on those properties, the most appropriate use of this land is to expand the uses on the site (as was originally contemplated with the PD). The PD limited uses on the site to one-story buildings and prohibited day care centers, which is no longer an appropriate limitation on the use of the property.

*E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.*

**Response:** The subject property lies within an area that underwent major land use and zoning changes in 2017 to implement the new Land Development Code transect zoning districts. The site also falls within Transportation Mobility Program Area (TMPA) Zone A.

*F. The needs of the city for land areas for specific purposes to serve population and economic activities.*

**Response:** The site is already developed with an office building (currently unoccupied). Redevelopment and infill on this site would provide for additional uses to serve the surrounding residential areas and provide for non-residential needs.

*G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.*

**Response:** The major changed condition in the area is the adoption of transect zoning in this area in 2017 and the update of the Land Development Code that occurred at the same time. In addition, the office building on the site recently became vacant after the George F. Young office closed at this location. Subsequently, the property has been sold. Since the adoption of the existing PD zoning on the site in 1991, the office building finished construction but other phases of the PD have not been constructed.

*H. The goals, objectives, and policies of the Comprehensive Plan.*

**Response:** Rezoning of this property is being proposed to incentivize infill and redevelopment on the site. Infill and redevelopment are major themes in the City's Comprehensive Plan. It should also be noted that the proposed U6 zoning district implements the proposed Urban Mixed Use future land use category.

***FLU Objective 1.5***

***Discourage the proliferation of urban sprawl.***

***FLU Objective 2.1.***

***Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.***

*I. The facts, testimony, and reports presented at public hearings.*

**Response:** This report will be presented to the City Plan Board at a future public hearing in 2022. The supporting documents include this Justification Report submitted with the application. The Neighborhood Workshop was held on Monday, December 20, 2021. It should be noted that the rezoning proposal changed from U8 to U6 as a result of feedback during the Neighborhood Workshop. The submittal includes information about the Neighborhood Workshop and all the required application forms. After the Plan Board votes on a recommendation concerning the proposed land use and zoning changes, the items will be heard at a City Commission meeting.

*J. Applications to rezone to a transect zone shall meet the following additional criteria:*

- 1. The proposed T-Zone shall provide a logical extension of an existing zone, or an adequate transition between zones.*
- 2. The area shall have had a change in growth and development pattern to warrant the rezoning to a more or less urban T-Zone.*
- 3. The request shall be consistent with the overall City of Gainesville vision for growth and development as expressed in the City of Gainesville Comprehensive Plan.*
- 4. If not adjacent to an existing T-Zone, the rezoning site shall comprise a minimum of ten acres.*

**Response:** This is an application for rezoning to a transect zone. The proposed U6 zoning is a logical extension of the transect zoning along the South Main Street corridor that the City placed on the area in 2017. It provides a logical step-down transition from the U8 intensity to the north to the Conservation zoning to the south and the single-family residential neighborhood to the southwest. The South Main Street area has seen changes in growth and development since 1991 when the existing PD was adopted by ordinance. As indicated above in this Justification Report, the proposed U6 zoning (and corresponding UMU future land use category) are consistent with the City's Comprehensive Plan and the plan to adopt transect zoning in this area. As indicated



**above, this 1.64 +/- -acre site abuts existing transect zoning (U8) to the north and is adjacent to U8 zoning west across South Main Street.**

## **Conclusion**

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As stated in this report, the proposed small-scale land use amendment and rezoning for this property are consistent with the City of Gainesville Comprehensive Plan and Land Development Code. The existing PD ordinance that regulates the subject property is 31 years old, and the PD zoning has expired because only the first phase of the PD was constructed. The existing office building on the site has been vacated and the property has been sold. If redevelopment and infill are proposed on the site, it will not be possible due to the expired PD. The subject property is surrounded by urban development. Development in this area dates back to the 1960s and 1980s. The land use change and rezoning are being proposed to allow additional flexibility for use of the site to redevelop and infill and to add a logical extension of the transect zoning that the City adopted for this area in 2017 with the Land Development Code update.

## **APPENDIX C**

### **Current PD Ordinances and Documents**

ORDINANCE NO. 3703  
0-91-06

South Main  
Office  
Park  
map 4251

1  
2  
3  
4  
5 AN ORDINANCE OF THE CITY OF GAINESVILLE,  
6 FLORIDA, REZONING CERTAIN LANDS WITHIN THE CITY  
7 FROM "RMF-7: 14-21 UNITS/ACRE MULTIPLE-FAMILY  
8 RESIDENTIAL DISTRICT" TO "PLANNED DEVELOPMENT  
9 DISTRICT" AND COMMONLY KNOWN AS "SOUTH MAIN  
10 OFFICE PARK"; ADOPTING DEVELOPMENT PLAN MAPS  
11 AND A DEVELOPMENT PLAN REPORT; PROVIDING  
12 ADDITIONAL REGULATIONS; LOCATED IN THE VICINITY  
13 OF 1901 SOUTH MAIN STREET; PROVIDING A  
14 SEVERABILITY CLAUSE; PROVIDING A REPEALING  
15 CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE  
16 DATE.  
17

18  
19 WHEREAS, the City Plan Board authorized the publication of  
20 notice of a Public Hearing that certain lands within the City be  
21 rezoned from the Zoning District Categories of "RMF-7: 14-21  
22 units/acre multiple-family residential district" to "Planned  
Development District"; and

4 WHEREAS, notice was given and publication made as required by  
25 law on September 5, 1990 and October 31, 1990, respectively, and  
26 a Public Hearing was held on November 15, 1990; and

27 WHEREAS, notice was given and publication made on September  
28 5, 1990 and October 31, 1990, respectively, of a Public Hearing  
29 which was then held by the City Commission on December 3, 1990; and

30 WHEREAS, pursuant to law, notice has been given once by  
31 publication in a newspaper of general circulation at least ten (10)  
32 days prior to first reading of this ordinance notifying the public  
33 of this proposed ordinance an a Public Hearing in the A. Clarence

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 O'Neill Auditorium of the Municipal Building of the City of  
2 Gainesville; and

3 WHEREAS, pursuant to law, notice has also been given by mail  
4 to the petitioner whose land will be rezoned by adoption of this  
5 Ordinance at least ten (10) days prior to the date set for first  
6 reading of this Ordinance; and

7 WHEREAS, a Public Hearing was held pursuant to the published  
8 and mailed notices described above at which hearings the parties  
9 in interest and all others had an opportunity to be and were, in  
10 fact, heard.

11 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
12 CITY OF GAINESVILLE, FLORIDA:

13 Section 1. The following described property is rezoned from  
14 RMF-7: 14-21 units/acre multiple-family residential district" to  
15 "Planned Development District";

16 See Exhibit "A" attached hereto and made a part  
17 hereof as if set forth in full.  
18

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

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

- 24 1. a five (5) page Development Report entitled "South Main  
25 Office Park Development Plan Report", identified as  
26 Exhibit "B";

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additions.

1           2.   development plan maps consisting of six (6) sheets,  
2               identified as Composite Exhibit "C";  
3   are incorporated herein and made a part of this Ordinance as if set  
4   forth in full.   The terms, conditions, and limitations of the  
5   Development Plan shall regulate the use and development of the land  
6   described herein zoned to the category of Planned Development  
7   District as provided in Chapter 29, Zoning Code of the City of  
8   Gainesville.   In the event of conflict between the provisions of  
9   the development plan report (Exhibit "B") and the development plan  
10   maps (Exhibit "C"), the provisions, regulations, and restrictions  
11   of the development plan maps (Exhibit "C") shall govern and  
12   prevail.

13           Section 4.   The following conditions, restrictions and  
14   regulations shall also apply to the development and use of land  
15   described herein:

- 16           a)   Site Plan approval of the development is required in  
17               accordance with the procedure provided in Article XII of  
18               Chapter 29 of the Zoning Code of the City of Gainesville.  
19           b)   The uses permitted on this land are limited to the uses  
20               outlined in the development plan report (Exhibit "B").  
21           c)   All mechanical equipment servicing the buildings shall  
22               be adequately buffered and directed away from the east  
23               and southeast sides of the buildings to reduce and  
24               minimize noise to the residences located to the east of

CODE:   Words ~~stricken~~ are deletions; words underlined are  
additions.



1 this development.

2 d) The maximum building height in the development is limited  
3 to one story with the maximum height of 15 feet.

4 e) All existing trees to be saved on the site shall be  
5 protected by a wood or metal barricade at least four (4)  
6 feet in height which shall be installed prior to any  
7 clearing or grubbing. The storing of fill dirt or  
8 building materials within said barricade is prohibited.  
9 All existing trees located in other phases of the  
10 development which are not under construction shall be  
11 protected and saved during construction.

12 f) As-built drawings of the stormwater management facilities  
13 shall be delivered to the City Engineer for review and  
14 approval prior to the issuance of a certificate of  
15 occupancy on any building.

16 g) Prior to the issuance of any building permit in the  
17 development, a letter prepared by the Florida Department  
18 of Transportation (DOT) shall be delivered to the city  
19 Traffic Engineer which sets forth DOT's requirements and  
20 conditions relating to the improvements on South Main  
21 Street as shown on the development plan maps. The  
22 development must comply with DOT's requirements and  
23 conditions. All improvements to South Main Street,  
24 including the left turn lanes, shall be made at the sole

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additions.

1 cost and expense of the developer/owner.

2 h) Prior to the conveyance or subdivision of any property  
3 within the development, a copy of the recorded and  
4 executed easements referenced in Paragraph 9 of the  
5 development plan report (Exhibit "B") shall be delivered  
6 to the Department of Community Development.

7 i) A DOT permit is required in order to construct the sewer  
8 force main required for the development which shall be  
9 obtained at the sole cost and expense of the  
10 developer/owner.

11 j) Prior to the issuance of any building permit in the  
12 development, the DOT drainage connection permit shall be  
13 delivered to the Department of Community Development  
14 which shall be obtained at the sole cost and expense of  
15 the developer/owner.

16 k) The construction of all phases of the development shall  
17 be completed within five (5) years of the adoption of  
18 this Ordinance. However, the City Plan Board may grant  
19 two additional five year extensions upon good cause  
20 shown, and provided the development otherwise complies  
21 with all applicable laws, statutes, regulations, and  
22 policies of all governmental and regulatory agencies then  
23 in effect.

CODE: Words ~~stricken~~ are deletions; words underlined are  
additions.

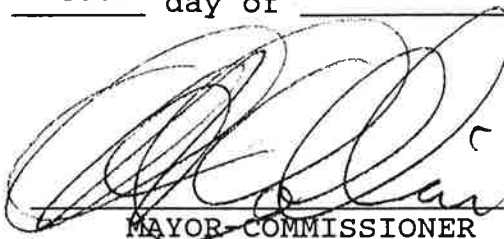
1 Section 5. If any section, sentence, clause or phrase of this  
2 Ordinance is held to be invalid or unconstitutional by any court  
3 of competent jurisdiction, then said holding shall in no way affect  
4 the validity of the remaining portions of this Ordinance.

5 Section 6. All Ordinances, or parts of Ordinances, in  
6 conflict herewith are to the extent of such conflict hereby  
7 repealed.


8 Section 7. This Ordinance shall become effective immediately  
9 upon final adoption.

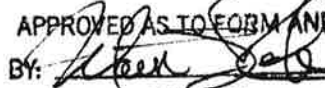
10 PASSED AND ADOPTED this 18th day of March  
11 1991.

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MAYOR-COMMISSIONER

ATTEST:

  
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY  
BY:   
MARION J. RADSON, CITY ATTORNEY  
CITY OF GAINESVILLE, FLORIDA

This Ordinance passed on first reading this 4th day of  
February, 1991.

This Ordinance passed on second reading this 18th day of  
March, 1991.

MJR/afm  
1/18/91  
157PDV.PET

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additions.

# LEGAL DESCRIPTION FOR PETITION # 128LUC-90PB and 157PDV-90PB

## Description

A parcel of land situated inside the D.L. Clinch Grant, Township 10 South, Range 20 East, Alachua County, Florida, said parcel of land being more particularly described as follows.

Commence at the centerline intersection of Rocky Point Road (a 100 foot right-of-way also known as South Main Street and State Road No. 239) and the North line of the D.L. Clinch Grant for a Point of Reference and run S 17°03'32" W along said centerline, a distance of 846.66 feet; thence run S 72°56'28" E, a distance of 50.00 feet to a point on a curve located on the easterly right-of-way line of said Rocky Point Road, said curve being concave easterly and having a central angle of 00°56'32", a radius of 34,326.78 feet and a chord bearing and distance of S 16°35'16" W, 564.51 feet, respectively; thence run southwesterly, along said right-of-way line and with said curve, an arc distance of 564.51 feet to the POINT OF BEGINNING, located on a curve, said curve being concave easterly, having a central angle of 00°11'28", a radius of 34,326.78 feet, and a chord bearing and distance of S 16°01'16" W, 114.50 feet, respectively; thence continue southwesterly along said right-of-way line and with said curve, an arc distance of 114.50 feet; thence run S 15°55'32" W, along said right-of-way line, a distance of 243.00 feet; thence run S 58°37'24" E, a distance of 206.46 feet; thence run N 15°55'32" E, a distance of 357.54 feet; thence run N 58°37'24" W, a distance of 206.26 feet to the POINT OF BEGINNING. Said parcel contains 1.633 acres, more or less.

Subject to and together easements of record, if any.

**EXHIBIT "A"**

EXHIBIT "B"

SOUTH MAIN OFFICE PARK

DEVELOPMENT PLAN REPORT

- (1) The purpose of this project is to develop a small office park comprising two or three office buildings sharing a common entrance drive, parking area, and drainage system, and also to provide parking on the northernmost portion of the property designed to serve an existing commercial building adjacent to and north of the property. Access to this parking area serving the adjacent commercial parcel will be via an existing curb cut on the adjacent commercial parcel.

This proposed planned development complies with the goals and policies of the City's Comprehensive Development Plan in the following manner:

- (a) Places offices on an existing major arterial, four lane roadway with excess traffic capacity available.
  - (b) Establishes a logical ending to a strip of commercial uses with a transition from commercial uses to the north to conservation and single-family uses to the south and southwest, and multi-family uses to the east.
  - (c) Places urban uses (offices) in an infill situation where all urban services including public transportation, fire/EMS, water and sewer, and police are already available.
- (2) Internal land use compatibility will be maintained by limiting uses on the site to those listed in the O-2 category of the City Zoning code on all of the site except for the northernmost 25 feet of the property which will provide parking for the adjacent commercial building to the north, with the exception of the following uses:

- 1) Retransmission and microwave transmission towers
- 2) Day care centers
- 3) Membership sports and recreation clubs

As an alternative to commercial parking, this 25 foot strip may also be used as the location for a fence or hedge and paved parking for the office building in the office park, and/or an expanded office building envelope.



The office uses on the site will provide an appropriate transition between the commercial uses to the north and the vacant single family zoned area to the south owned by the Florida Audubon Society, the apartment complexes to the east and west (across Main Street), and the single-family neighborhood to the southwest across Main Street. Note also that ownership of a 3 foot wide parcel of land along the eastern boundary of the property was deeded to Colclough Hill, Inc. in 1971, to ensure that vehicular traffic from the multi-family projects to the east will never have access to Main Street across this property. All buildings shall be limited to one story.

- (3) The office park will have only one entrance as shown on the Development Plan Map. If the northernmost 25 feet of the property is utilized for paved parking for the adjacent commercial building, then access to this parking area shall be via the existing curb cut and drive-way on that adjacent parcel. Sidewalks shall be provided for pedestrian traffic, bicycle racks shall be provided for each building, as well as required handicap facilities. Because of the O-2 Office Park uses and a maximum of 13,000 square feet of office space on the site, it is anticipated that the total traffic will not exceed 148 trips per day at 11.4 trips per 1,000 square feet. Phase I, a 5,000 square foot office building is expected to generate 57 trips per day beginning after April, 1991. Modifications in Main Street will be made at owners expense if required by the Florida Department of Transportation.

(4) Statistical Information:

(a) Total acreage of the site:	1.63
(b) Maximum building coverage:	18.4 percent
(c) Maximum impervious space:	60.0 percent
(d) No residential use	
(e) No residential use	
(f) Office buildings only	13,000 sq. ft.
(g) Offices and parking land use:	1.63 acres
(h) Publicly owned areas:	None
Open spaces for trees, plantings and landscaped drainage swales and basins:	40.0 percent
Common area paved parking and drives:	41.6 percent

(5) Drainage Concept

All stormwater from the developed area will be routed to a master basin. At least the first 0.5 inches of run-off will be treated by retention method. The system will be designed to meet the requirements of the City of Gainesville, the St. Johns River Water Management District and the Florida Dept. of Transportation.

(6) Landscaping Plan and Buffering

The primary element of the landscaping plan will be the preservation of existing trees with the installation of additional trees, plants, and ground cover throughout the site. An irrigation system will be installed. Landscaping at a minimum, must comply with Article 15, "Landscaping", of the City of Gainesville Zoning Code. An effort has been made in Phase I to save the majority of the significant trees that exist primarily in the southern part of the property.

In accordance with Article 15.Sec.29-116, a landscaped strip of at least five (5) feet and a 6 foot high fence of pressure treated wood being at least 75% opaque shall be constructed and maintained along the eastern boundary line of the property. This fence will be constructed in two phases as described below in para. (8). The southern boundary is adjacent to a parcel of land deeded to the Florida Audubon Society in 1971 to provide a permanent open space buffer between Kirkwood subdivision and the multi-family zoning to the east. Since this property cannot be used for single-family development a masonry wall will not be required in accordance with Article 15.Sec. 29-116, but a 6 foot high green vinyl coated, chain link fence may be constructed, at the option of the owner, along this southern boundary line for security purposes and the pressure treated shadow box wood fence will be constructed adjacent to the easternmost 50 feet of the southern boundary line.

- (7) The parking areas and drives shall meet the design standards of the City of Gainesville and the curb cut will meet Florida D.O.T. standards, as well.
- (8) Site Plan Approval of the development is required in accordance with the procedure provided in Article XII of Chapter 29 of the Zoning Code of the City of Gainesville.

Phase I of the PD will include: One office building of approximately 5,000 s.f. located in the southernmost building area together with that portion of sidewalks, driveway, parking area, landscaping, irrigation system, water lines, electric lines, and lighting adequate for said building, together with the fire hydrant, the 6' foot high pressure treated wood fence along the southernmost 240 feet of the east property line, and the easternmost 50 feet of the southern boundary line, the master drainage basin, the free standing sign, a sanitary sewage pump, the sewer line, and optionally a 6' high green vinyl coated chain link fence along the southern property line.

Phase I construction will begin within twelve (12) months from the date of the adoption of this P. D. Ordinance.

The construction of subsequent Phases, following completion of Phase I, shall be defined by the filing of separate applications for site plan approval in accordance with Article XII of the Zoning Code. The application shall include a boundary survey, an office building within the remaining building envelope, as shown on the Development Plan Map, and adequate parking and driveways to serve the office building. At the time of submission of the application for site plan approval for each subsequent Phase, commencement date and completion date for the improvements shall be specified subject to the approval of the City Plan Board. However, in no event shall the construction period extend beyond five (5) years from the date of adoption of this Ordinance without approval of the City Plan Board.

The maximum floor area of all buildings in the planned development is limited to 13,000 square feet.

Phase II includes either (a) a fence or hedge along the northern boundary line or (b) a 20 to 25 foot wide paved parking area within the northernmost 25 feet of the site with a fence or hedge along the southern edge of the paved parking area. This phase could be constructed concurrently with Phase I or at a later date.

Phase III includes an additional office building of not more than 8,000 s.f. lying within the building areas shown on the site plan together with the remainder of the paved parking, landscaping, 6' high wood fence, and irrigation shown on the Development Plan Map.

Phase IV. If Phase III does not include all of the remaining office building area allowed by this PD, then a fourth Phase may be used for the construction of the remainder of the building area allowed.

Parking ratios for each Phase shall be constructed in appropriate numbers in relation to building square footages for each Phase so developed, subject to approval by the City Plan Board.

Except as expressly provided herein, the regulation of the use and development of the property described in this PD shall be governed as if this property were zoned "O-2, General Office District" of Chapter 29, Zoning Code of the City of Gainesville.

Only one free-standing sign shall be allowed on the subject property. The size of the free-standing sign shall be no more than 64 square feet at a maximum height of 18 feet. The sign shall be located no closer than 200 feet from the southern

property boundary. Except as provided for in this ordinance, all other standards pertaining to erection of the free standing sign and the placement of wall-mounted signs, shall be in conformance with Article XIV, (Signs of Street Graphics) of the Zoning Code.

Protection of trees proposed for preservation, areas to be cleared, and proposed landscaping shall, at a minimum, comply with Article 15, "Landscaping" of the City of Gainesville Zoning Code.

- (9) The owners of the 1.63 acre PD property intend to sell or lease each individual office building and lot within the PD using a metes and bounds description for the lot and building in the lease or deed in lieu of a plat.

Each building will be provided with a non-exclusive easement for pedestrian and vehicular ingress and egress from Main Street over and across the common use areas as shown on the development plan map, together with an easement for specified parking areas, a non-exclusive easement over, under, across and through said common use areas for stormwater runoff from each building to and including the master drainage basin. Each of these easements shall include a formula for division of maintenance and repair costs and provisions for the assessment, collection of assessments to cover these costs when due, and enforcement of covenants for these facilities, from and by owners and/or tenants of the buildings. Executed copies of these easements will be filed with the Department of Community Development.

A non-exclusive easement shall be conveyed at no cost or expense to the City of Gainesville over, under, across and through said common areas for water and electric prior to the issuance of a Certificate of Occupancy.

A maintenance agreement between and among all owners and/or tenants of the planned development shall provide for the maintenance of all conservation areas and common use areas, fences, walls, landscaping, irrigation, lighting, all utilities, signage, maintenance and repair. Each deed or lease of real property shall be made subject to this maintenance agreement and it shall include provisions for assessment, collection, and enforcement of collections.