



City of Gainesville  
Department of Doing  
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:** October 9, 2019

**ITEM NO:** 2

**PROJECT NAME AND NUMBER:** Nimba (PB-19-78 ZON)

**APPLICATION TYPE:** Rezoning (Quasi-Judicial)

**RECOMMENDATION:** Staff recommends approval of Petition PB-19-78 ZON based on a finding of compliance with all applicable review criteria. See page 10 for revised options based on August 22<sup>nd</sup> City Plan Board meeting discussion.

**CITY PROJECT CONTACT:** Brittany McMullen



Figure 1: Location Map

City Plan Board Staff Report  
 Petition Number: PB-19-78 ZON  
 (Revised 9/20/19)

**APPLICATION INFORMATION:**

Agent/Applicant: City of Gainesville  
 Property Owner(s): NIMBA Properties LLC  
 Related Petition(s): PB-19-77 LUC  
 Legislative History Annexation Ord. 180416 (Voluntary 2-21-2019)  
 Neighborhood Workshop: N/A (City initiated due to annexation)

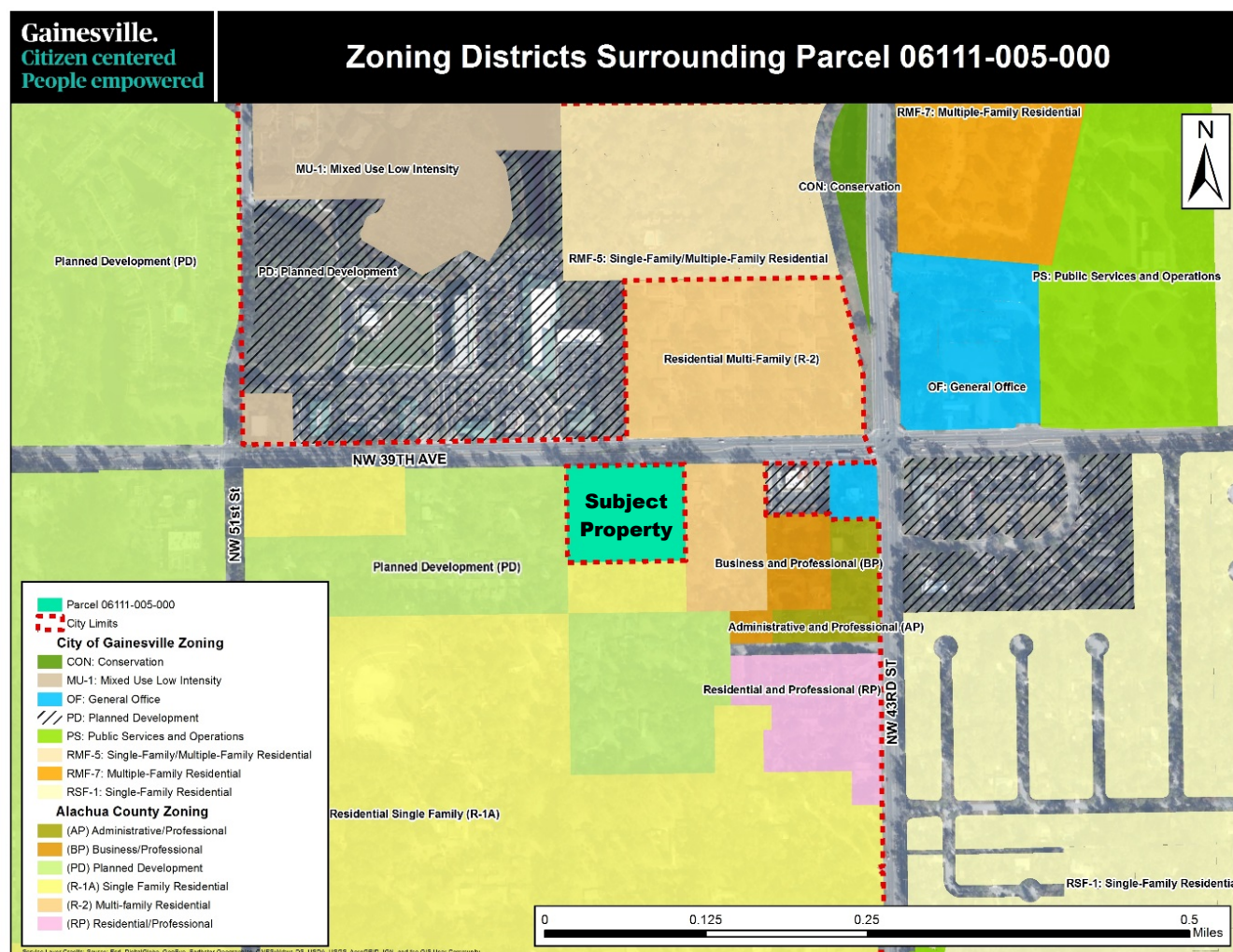
**SITE INFORMATION:**

Address: 4551 NW 39<sup>th</sup> Avenue  
 Parcel Number(s): 06111-007-000  
 Acreage: ±5.07  
 Existing Use(s): Single-Family Residential  
 Land Use Designation(s): Alachua County Residential Low Density  
 Zoning Designation(s): Alachua County R-1A (Single-Family, Low Density)  
 Overlay District(s): N/A  
 Transportation Mobility Program Area (TMPA): B  
 Census Tract: 17.01  
 Water Management District: St. Johns River Water Management District  
 Special Feature(s): N/A  
 Annexed: 2-21-2019  
 Code Violations: No active cases

**ADJACENT PROPERTY CHARACTERISTICS:**

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
North	NW 39 <sup>th</sup> Avenue R.O.W, Mixed Commercial, Multi-family Residential	NW 39 <sup>th</sup> Avenue R.O.W, PUD (City), MUL (City), Residential Medium High Density (County)	NW 39 <sup>th</sup> Avenue (R.O.W), PD (City), R-2 (County)
South	Single Family Residential, Vacant land	Low Density Residential (County)	R-1A (County)
East	Multi-Family Residential	Low Density Residential (County)	R-2 (County)
West	Single Family Residential, Vacant land	Low Density Residential (County)	PD (County)





**Figure 2: Adjacent Zoning Districts**

### PURPOSE AND DESCRIPTION:

This petition is a result of the annexation of the subject property into the City of Gainesville on February 21, 2019. In accordance with Comprehensive Plan Policy 4.4.1 of the Future Land Use Element, the City shall facilitate incorporation of an annexed property by establishing City land use designations and implementing zoning subsequent to annexation. The property is subject to a related small scale land use amendment request (PB-19-77 LUC).

The petition serves to designate the subject property with a City of Gainesville zoning district. The proposed rezoning from Alachua County Single Family Residential (R-1A) to City of Gainesville Mixed-Use Low-Intensity (MU-1) reflects a response to the existing and emerging character of areas surrounding the site. The site is currently designated for low-density single-family residential use and directly abuts lots with similar designations; however, the location of the site along a major transportation

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corridor in addition to its proximity to other commercial and mixed-use developments make it suitable for the proposed MU-1 zoning.

At the August 22<sup>nd</sup> City Plan Board meeting the Board continued the petition, expressing interest in rezoning the subject property to a residential district; therefore, staff has presented two additional options for consideration by the Board for the rezoning of the property:

- Rezone the property from Alachua County Single Family R-1A: 1-4du/acre to City of Gainesville Residential Multi-family (RMF-8): 8-20 dwelling units per acre.
- Rezone the property from Alachua County Single Family R-1A: 1-4du/acre to City of Gainesville Residential Single/Multi-family (RMF-5): up to 12 dwelling units per acre.

With consideration of the Alachua County Cottage Neighborhood allowance for additional density and attached dwelling units, which is currently an option for the subject property, the most equivalent City of Gainesville zoning category is RMF-5 (Single/Multi-family).

The potential impact of the zoning change in terms of development density is summarized in Table 1 below.

**Table 1. Summary of Change in Density**

	<b>Density</b>	<b>Total Units (5.07 acres)</b>
<b>Existing Zoning</b>		
Alachua County Single-Family Residential (R-1A)	1-4 du/acre	5-20 Units
Alachua County Cottage Neighborhood	2-8 du/acre	10-41 Units
<b>Proposed Zoning</b>		
Option 1: City of Gainesville Mixed-Use Low-Intensity (MU-1)	8-30 du/acre	41-152 Units
Option 2: City of Gainesville Multi-family (RMF-8)	8-20 du/acre (Up to 25 du/acre w/bonuses)	41-101 Units (Up to 127 Units w/bonuses)
Option 3: City of Gainesville Single/Multi-Family (RMF-5)	Up to 12 du/acre	Up to 61 Units

**STAFF ANALYSIS AND RECOMMENDATION:**

The City of Gainesville Land Development Code outlines criteria for reviewing rezoning requests. This petition has been reviewed according to this criteria.

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

The subject property is located along NW 39<sup>th</sup> Avenue (SR 222), a major arterial road, and is within Alachua County's Urban Cluster Transportation Mobility District. The site is located in close proximity to several existing mixed-use office and retail developments. These include developments at the intersection of NW 43<sup>rd</sup> Street and NW 39<sup>th</sup> Avenue, and Magnolia Parke

which is a mixed-use complex containing office, restaurant, and retail directly across from the site on NW 39<sup>th</sup> Avenue. The area to the northeast of the subject property is a multi-family residential district. Single-family properties abut the property to the south and west, in addition to duplexes to the east. The MUL future land use designation would allow a similar mix of residential, office, and retail uses.

Permitted uses within the RMF-5 zoning district include single-family dwellings, multi-family dwellings, multi-family small scale (2-4 units per building), adult day care homes, assisted living facilities, attached dwellings, bed and breakfast establishments, community residential homes (up to 6 residents), day care centers, family child care homes, places of religious assembly, public parks, and schools.

The primary difference between the RMF-5 and RMF-8 zoning categories is the intensity of residential development allowed, considering the type of development and number of units permissible. Up to 12 dwelling units per acre are allowed by right in the RMF-5 district, and up to 25 units per acre are permissible using density bonus points in RMF-8. Similar uses are allowed in both districts, with RMF-8 allowing for more intense residential uses.

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

The MU-1 zoning district allows a mix of residential and neighborhood scale office and retail uses which is compatible with existing mixed use office and retail development in close proximity to the site. Development of the site with a mix of uses can serve existing multi-family and single-family residential properties within walking and biking distance of the property. Some uses allowed in the MU-1 zoning district include single and multi-family residential, retail sales, restaurants, drive-through facilities, personal services, business services, and offices. This zoning district would provide for a density of 8-30 dwelling units per acre.

The RMF-5 zoning designation would provide for a density of up to 12 dwelling units per acre, an increase in maximum density of up to 4 dwelling units per acre over the maximum of 8 dwelling units per acre allowed under the existing Alachua County Cottage Neighborhood allowance. RMF-8 would allow for a density of up to 20 dwelling units per acre, up to 25 units per acre with density bonuses, an increase of up to 17 dwelling units per acre, with the use of density bonus points. One purpose of these residential multi-family zoning districts is to provide areas for residential development that is convenient to appropriate urban services and facilities. The allowance of attached dwelling units in combination with the increase in density by the designation of RMF-5 or RMF-8 zoning would provide for flexibility for future residential development of the property with areas of regulated environmental resources.

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

The subject parcel abuts Alachua County Single-Family Low-Density zoning to the south, Alachua County Multi-Family Medium-Density to the east, and Alachua County Planned Development to the west. Properties to the south and west have been developed with single-family homes, while duplexes abut directly to the east. Mixed-use commercial development is located directly across NW 39<sup>th</sup> Avenue.

The existing residential low-density County zoning designation at the property and properties to the south allows for single-family development as well as “cottage neighborhood” development. The Alachua County Unified Land Development Code describes cottage neighborhoods as intended to provide for opportunities for creative, diverse and high quality infill development within the urban cluster in addition to promoting a variety of housing types and sizes providing for a more efficient use of land. This designation allows for twice the maximum underlying density of the zoning district.

The City of Gainesville RMF-5 or RMF-8 zoning district would similarly allow for attached dwelling units. Either zoning district would allow for a greater density than currently permitted, however the RMF-5 district is the most equivalent to existing County zoning given the character of the cottage neighborhood allowance.

The MU-1 zoning district would allow for attached dwelling units in addition to neighborhood scale commercial uses to serve the existing surrounding residential development. The character of the MU-1 zoning district is similar to existing development to the north of the site, across NW 39<sup>th</sup> Avenue (Magnolia Parke).

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

The site currently contains one existing building, a vacant single-family home, which will likely be demolished regardless of the zoning district that is designated. Allowing for infill redevelopment at the site which is located in an established area of the city will be an appropriate use of the land.

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

The proposed rezoning petition is accompanied by a corresponding land use amendment as required by the City’s Comprehensive Plan. Prior to development the property owner will be required to demonstrate that all concurrency requirements as outlined in the Comprehensive Plan and Land Development Code have been met.

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

The rezoning of the property to Mixed-Use Low-Intensity would increase the land area within the city available for multi-family and mixed-use development and thus would support the provision

of a diverse selection of housing types and access to a variety of uses within walking distance of existing residential homes.

There are approximately 1,177 residential parcels located within one-half mile of the subject site (see Appendix B), in addition to several apartment communities with hundreds of multi-family units. Allowing for commercial uses to be introduced at the property would serve the existing population of the area.

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

The area along NW 39<sup>th</sup> Avenue and NW 43<sup>rd</sup> Street has undergone substantial changes in recent years. Office, retail and other commercial uses have been introduced along these major arterials over the last two decades. Allowing for the construction of additional residential units at this location will support the continued provision of housing choices in this urbanizing area.

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

This application is consistent with the Comprehensive Plan, as stated in the finding for each goal, objective and policy listed below. Other applicable comprehensive plan goals, objectives and policies are located in Appendix A.

**Future Land Use Element**

**GOAL 1        IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.**

Finding:        This rezoning application facilitates maintaining and creating choices in housing within walking distance of important destinations to the extent allowed by the permitted uses of the proposed zoning district.

**Objective 1.5   Discourage the proliferation of urban sprawl.**

Finding:        The rezoning supports future redevelopment at the subject property which is surrounded by residential development to the south, east, and west, and commercial development to the north.

**Policy 4.1.1   Land Use Categories on the Future Land Use Map shall be defined as follows:**

### **Mixed Use Low Intensity (MUL)**

**This land use category allows a mixture of residential and non-residential uses such as standard lot single- family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code. Residential development shall be limited to 8 to 30 units per acres. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Unified developments that include a residential and nonresidential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may be increased to a maximum of 8 stories by Special Use Permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest front setbacks.**

**This category shall not be used to extend strip commercial development along a street. Land development regulations shall ensure a compact**

Finding: The MU-1 zoning category aims at developing a mix of residential, office, and commercial uses within walking distance of residential development, consistent with the vision for development in the Comprehensive Plan. Designating the property with the MU-1 zoning district would allow for neighborhood scaled commercial uses to serve the established residential development in the area.



**Residential Low-Density (RL): up to 15 units per acre**

This land use category shall allow dwellings at densities up to 15 units per acre. The Residential Low-Density land use category identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

Finding: The intent of the Residential Low land use category is to allow for lower density residential development, which would be similar to the existing development pattern directly adjacent to the subject site.

**Residential Medium-Density (RM): 8-30 units per acre**

This land use category shall allow single-family and multi-family development at densities from 8 to 30 dwelling units per acre. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. The land shown as Residential Medium-Density on the Future Land Use Map identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family, and medium-intensity multi-family development. Land development regulations shall determine gradations of density and specific uses. Land development regulations shall specify criteria for the siting of appropriate medium-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations within certain limitations.

Finding: If designated as Residential Medium-Density, continued residential development would be permitted in an area surrounded by established single and multi-family dwellings at a higher density than currently permitted.

## **Transportation Element**

### **Objective 2.1 Create an environment that promotes transportation choices, compact development, and a livable city.**

Finding: The proposed zoning district will be applied to a largely undeveloped property within close proximity to existing transportation facilities (e.g., roadways, sidewalks, and bus routes).

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

The facts, testimony, and reports of this petition will be presented at both the City Plan Board meeting and the City Commission meeting. The public will have the opportunity to examine the petition and the Board and Commission will make a determination as to whether this petition meets the stated criteria in the Land Development Code and Comprehensive Plan.

## **CONCLUSION AND RECOMMENDATION**

Staff has evaluated the rezoning according to the criteria outlined in the Land Development Code. The location of the subject parcel along an arterial road makes it easily accessible and presents an opportunity to place a mix of uses at a higher density close to existing residential uses as well as public facilities and services. This meets goals of both the Comprehensive Plan and the Land Development Code. The designation of MU-1 zoning would be compatible with existing uses and the emerging mixed-use character of the 39<sup>th</sup> Avenue corridor.

At its August 22<sup>nd</sup> meeting the City Plan Board expressed interest in rezoning the subject property to a residential zoning district. Therefore, the following three options are presented for consideration by the Board:

Option 1: Rezone the property from Alachua County Single Family R-1A: 1-4du/acre to City of Gainesville Mixed-Use Low-Intensity (MU-1): 8-30 dwelling units per acre.

Option 2: Rezone the property from Alachua County Single Family R-1A: 1-4du/acre to City of Gainesville Residential Multi-family (RMF-8): 8-20 dwelling units per acre.

Option 3: Rezone the property from Alachua County Single Family R-1A: 1-4du/acre to City of Gainesville Single/Multi-family (RMF-5): up to 12 dwelling units per acre.

## **LIST OF APPENDICES:**

### **Appendix A Comprehensive Plan Goals, Objectives and Policies**

**Appendix B Area Maps**

Existing Zoning

**Appendix C Supplemental Documents**

Ordinance No. 180416 (Annexation Ordinance)

Rezoning Application

Owner/Agent Narrative and Map Set

Letter of Objection from Neighboring Property Owner

**Appendix A: Comprehensive Plan Goals, Objectives and Policies**

**Future Land Use Element:**

**GOAL 1**            **IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.**

**Policy 1.1.1**      **To the extent possible, all planning shall be in the form of complete and integrated communities containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the residents.**

**Objective 1.5**     **Discourage the proliferation of urban sprawl.**

Policy 1.5.5        The City recognizes Alachua County's use of the Urban Cluster, as adopted on their Future Land Use Map, as an urban growth boundary.

Policy 1.5.7        The Future Land Use Map should designate appropriate areas for multi-family residential development in close proximity to neighborhood centers and important transit routes. When appropriate and in a way not detrimental to single-family neighborhoods, the City should encourage the establishment of residential, retail, office, and civic uses within 1/4 mile of the center of neighborhood centers as an effective way to reduce car trips and promote transit, walking, and bicycling.

**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.**

Policy 3.4.1        The City shall determine and monitor whether facilities and services that will serve proposed development meet adopted LOS standards. The Concurrency Management System shall be used to maintain adopted LOS standards. Transportation LOS is excluded from the Concurrency Management System.

**Objective 4.4**     **Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.**

- Policy 4.4.1 Land use amendments should be prepared for all annexed properties within one year of annexation.
- Policy 4.4.2 Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.

**Transportation Mobility Element:**

**GOAL 2 DEVELOP AND MAINTAIN A SAFE, CONVENIENT, AND ENERGY EFFICIENT MOTORIZED AND NON-MOTORIZED TRANSPORTATION SYSTEM TO ACCOMMODATE THE SPECIAL NEEDS OF THE SERVICE POPULATION AND THE TRANSPORTATION DISADVANTAGED THAT PROVIDES ACCESS TO MAJOR TRIP GENERATORS AND ATTRACTORS.**

Objective 2.1 Create an environment that promotes transportation choices, compact development, and a livable city.

**GOAL 10 IMPLEMENT A TRANSPORTATION MOBILITY PROGRAM THAT PROMOTES AND ENHANCES:**

- A. URBAN REDEVELOPMENT;**
- B. INFILL DEVELOPMENT;**
- C. A VARIETY OF TRANSPORTATION CHOICES AND OPPORTUNITIES INCLUDING AUTOMOTIVE, PEDESTRIAN, BICYCLE AND TRANSIT;**
- D. THE CITY'S ECONOMIC VIABILITY;**
- E. DESIRABLE URBAN DESIGN AND FORM;**
- F. A MIX OF RESIDENTIAL AND NON-RESIDENTIAL USES;**
- G. STREETSCAPING/LANDSCAPING OF ROADWAYS WITHIN THE CITY; AND**
- H. PEDESTRIAN AND BICYCLIST COMFORT, SAFETY AND CONVENIENCE.**

Policy 10.1.6 For any development or redevelopment within Zone B, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the



City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

<b>Net, New Average Daily Trip Generation</b>	<b>Number of Criteria That Shall Be Met</b>
50 or less	At least 1
51 to 100	At least 2
101 to 400	At least 3
401 to 1,000	At least 5
1,001 to 5,000	At least 8
Greater than 5,000	At least 12 and meet either a. or b.:  a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours. b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.

### **Zone B Criteria**

- a. Intersection and/or signalization modifications to address congestion management, including, but not limited to: signal timing studies, fiber optic interconnection for traffic signals, roundabouts, OPTICOM signal preemption, transit signal prioritization, and/or implementation of the Gainesville Traffic Signalization Master Plan. The Master Plan includes installation of Intelligent Transportation System (ITS) features such as state of the art traffic signal controllers, dynamic message signs, and traffic monitoring cameras designed to maximize the efficiency of the roadway network by reducing congestion and delay.
- b. Addition of lanes on existing road facilities (including, but not limited to, the 4-lane expansion of SR 121 north of US 441 to CR 231), where acceptable to the City and/or MTPO, as relevant.
- c. Construction of new road facilities that provide alternate routes, reduce congestion, and create a better gridded network.
- d. Use of joint driveways or cross-access to reduce curb cuts.


- e. Participation in a transportation demand management program that provides funding or incentives for transportation modes other than single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.
- f. Provision of ride sharing or van pooling programs.
- g. Provision of Park and Ride facilities, built to RTS needs and specifications.
- h. Provision of bus pass programs provided to residents and/or employees of the development. The bus passes must be negotiated as part of a contract with the Regional Transit System.
- i. Deeding of land for the addition and construction of bicycle lanes that meet City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- j. Provision of additional bicycle parking over the minimum required by the Land Development Code. Additional bicycle parking may be used to substitute for the required motorized vehicle parking.
- k. Enhancements to the City's off-street paved trail network (as shown in the Transportation Mobility Map Series) that increase its utility as a multi-modal transportation route. Such enhancements may include, but shall not be limited to: 1) trail amenities such as benches, directional signage, or safety systems; 2) bicycle parking at entry points or connections with transit lines; 3) land acquisition for expansion or better connectivity; 4) additional entry points to the off-street paved trail network; 5) bridges spanning creeks or wetland areas; and 6) appropriate off-street trail surfacing.
- l. Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public rights-of-way or medians, as coordinated with the implementation of the City's streetscaping plans.
- m. In order to increase the attractiveness of the streetscape and reduce visual clutter along roadways to promote a more walkable environment, provision of no ground-mounted signage at the site for parcels with 100 linear feet or less of property frontage, or removal of non-conforming signage or billboards at the site. Signage must meet all other regulations in the Land Development Code.
- n. Widening of existing public sidewalks to increase pedestrian mobility and safety.

- o. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- p. Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.
- q. Funding for the construction of new or expanded transit facilities.
- r. Construction of bus shelters built to City specifications.
- s. Bus shelter lighting using solar technology designed and constructed to City specifications.
- t. Construction of bus turn-out facilities to City specifications.
- u. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- v. Business operations shown to have limited or no peak-hour roadway impact.
- w. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

**Appendix B**

Existing Zoning

**Petition  
PB-19-78 ZON  
Existing Zoning**

 Area under petition consideration

**City of Gainesville  
Existing Zoning**

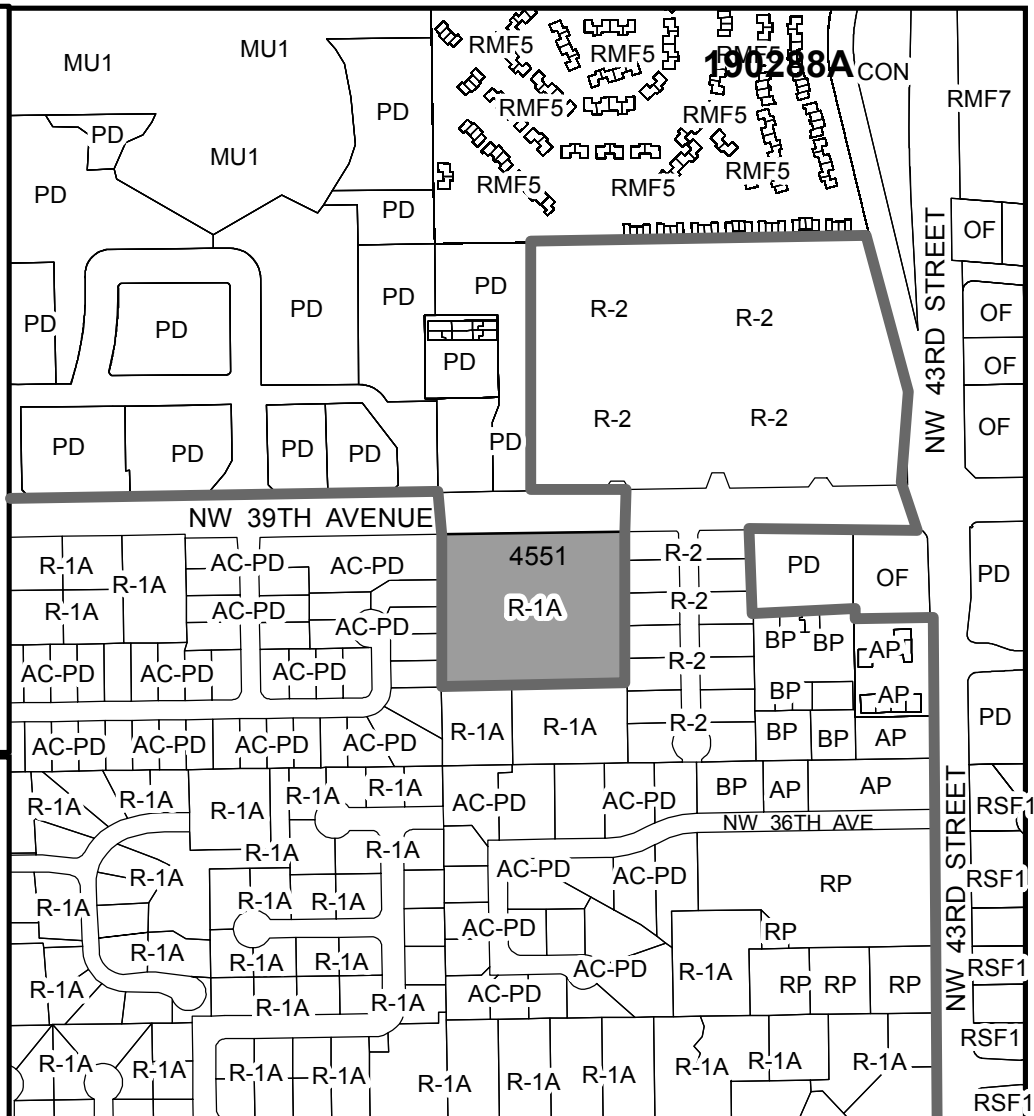
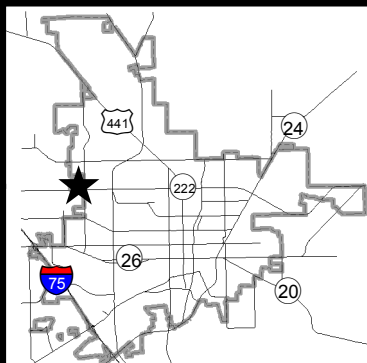
RSF1 Single Family Residential  
RMF5 Single Family -Multiple  
Family Residential  
RMF7 Multiple Family Residential  
MU1 Mixed Use Low Intensity  
OF Office  
PD Planned Development  
CON Conservation

**Alachua County  
Existing Zoning**

R-1A Residential Single Family  
R-2 Multifamily Residential  
AC-PD Planned Development  
AP Administrative & Professional  
BP Business & Professional  
RP Residential Professional

--- Division line between two  
land use categories

 City Limits





**Appendix C**

Ordinance No. 180416 (Annexation Ordinance)

Rezoning Application

Owner/Agent Narrative and Map Set

Letter of Objection from Neighboring Property Owner

## ORDINANCE NO. 180416

An ordinance of the City of Gainesville, Florida, annexing approximately 5.07 acres of privately-owned property that is generally located south of NW 39<sup>th</sup> Avenue, west of NW 45<sup>th</sup> Street, north of parcel number 06111-007-000, and east of parcel number 06112-010-046, as more specifically described in this ordinance, as petitioned for by the property owner pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

**WHEREAS**, on October 18, 2018, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

**WHEREAS**, the subject property meets the criteria for annexation under the Act; and

**WHEREAS**, the City has provided all notices required pursuant to the Act, including: 1) notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general description of the area proposed to be annexed together with a map clearly showing the area, and c) a statement that the ordinance and a complete legal description by metes and bounds of the annexation area can be obtained from the office of the Clerk of the Commission; and 2) not fewer than ten calendar days prior to publishing the newspaper notice, the City Commission has

provided a copy of the notice, via certified mail, to the Alachua County Board of County Commissioners; and

**WHEREAS**, public hearings were held pursuant to the notice described above during which the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

**SECTION 1.** The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property.

**SECTION 2.** The property described in **Exhibit A**, which is attached hereto and made a part hereof as if set forth in full, is annexed and incorporated within the corporate limits of the City of Gainesville, Florida.

**SECTION 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I, Charter Laws of the City of Gainesville, are amended and revised to include the property described in Section 2 of this ordinance.

**SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the

Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

**SECTION 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2019, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2019.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property area described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective date of this ordinance.

**SECTION 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to the following parties within seven calendar days after the adoption of this ordinance: 1) the Florida Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

**SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.


**SECTION 9.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 21st day of February, 2019.

  
\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

  
\_\_\_\_\_  
OMICHELE D. GAINNEY  
CLERK OF THE COMMISSION  
\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed on first reading this 7th day of February, 2019.

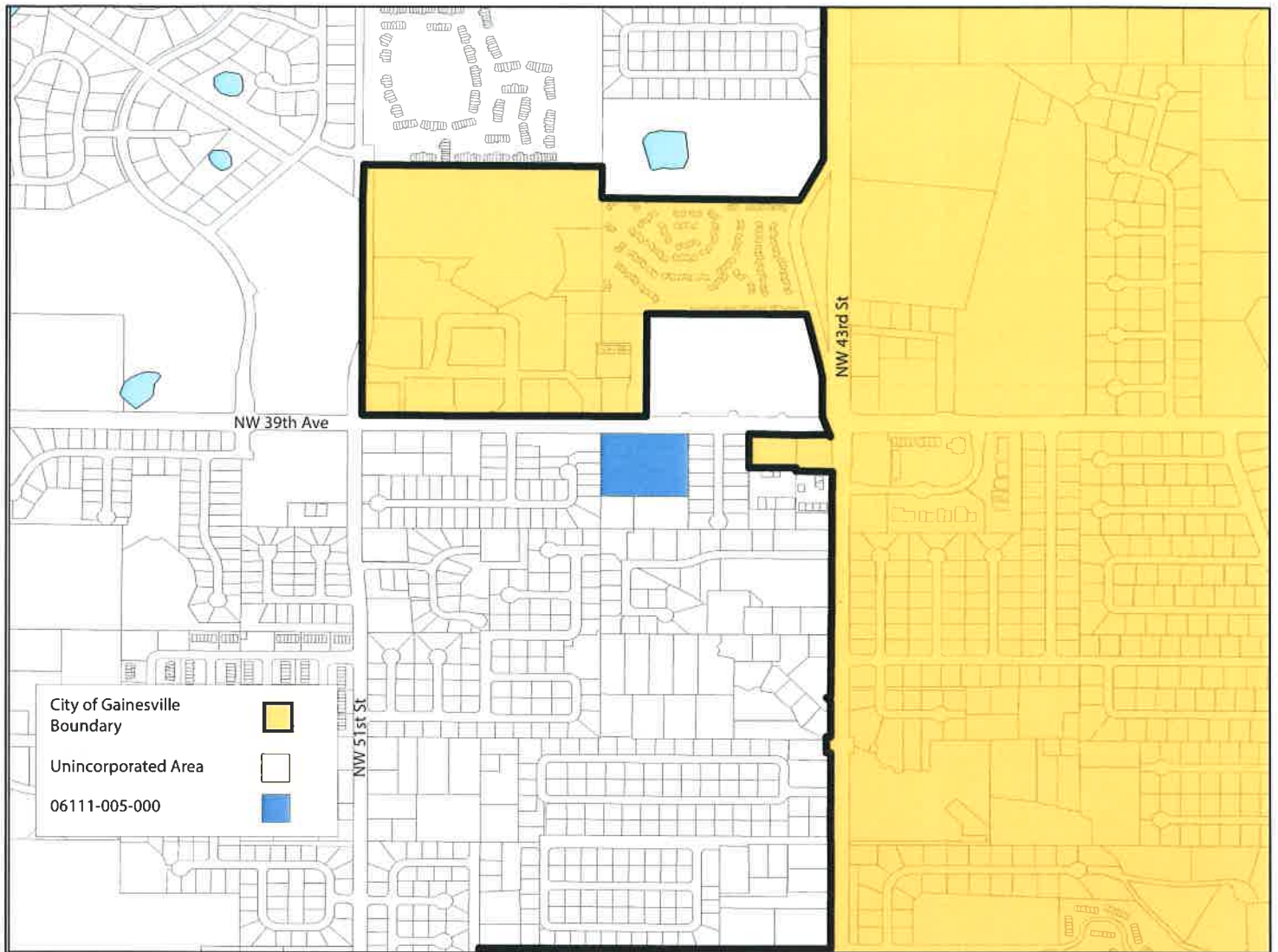
This ordinance passed on second reading this 21st day of February, 2019.



Legal Description

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT MARKING THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, AND THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 39<sup>TH</sup> AVENUE ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 990947 AND ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2212, PAGE 1500; THENCE LEAVING SAID WEST LINE, NORTH RIGHT-OF-WAY LINE AND CITY LIMIT LINE RUN SOUTH APPROXIMATELY 100.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39<sup>TH</sup> AVENUE ALSO BEING A POINT ON THE WEST LINE OF THE WEST 484.56 FEET OF LOT 2 OF SECTION 27 TOWNSHIP 9 SOUTH, RANGE 19 EAST AND THE NORTHEAST CORNER OF AUTUMN WOODS A PLANNED UNIT DEVELOPMENT AS RECORDED IN PLAT BOOK "M", PAGE 44 OF THE PUBLIC RECORDS OF SAID ALACHUA COUNTY, FLORIDA; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE CONTINUE SOUTH ALONG THE WEST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 ALSO BEING THE EAST LINE OF SAID AUTUMN WOODS, APPROXIMATELY 404.19 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 208.71 FEET OF SAID LOT 2; THENCE LEAVING SAID WEST LINE OF THE WEST 484.56 FEET OF LOT 2 AND SAID EAST LINE OF AUTUMN WOODS RUN EAST ALONG THE NORTH LINE OF SAID SOUTH 208.71 FEET APPROXIMATELY 484.56 FEET TO A POINT ON THE EAST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 ALSO BEING ON THE WEST LINE OF CHULA VISTA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "G", PAGE 67 OF SAID PUBLIC RECORDS; THENCE LEAVING THE NORTH LINE OF SAID SOUTH 208.81 FEET RUN NORTH ALONG SAID WEST LINE OF CHULA VISTA PARK AND EAST LINE OF SAID WEST 484.56 FEET OF LOT 2 APPROXIMATELY 404.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39<sup>TH</sup> AVENUE; THENCE LEAVING SAID WEST LINE OF CHULA VISTA PARK AND EAST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 RUN WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE APPROXIMATELY 234.56 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 990947 ALSO BEING THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2212, PAGE 1500; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 39<sup>TH</sup> AVENUE RUN NORTH ALONG SAID SOUTHERLY EXTENSION TO THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39<sup>TH</sup> AVENUE ALSO BEING ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 990947; THENCE RUN WEST ALONG SAID NORTH RIGHT OF WAY LINE AND EXISTING CITY LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 5.07 ACRES MORE OR LESS.



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

**OFFICE USE ONLY**

Petition No. PB-19-78 ZON Fee: \$ N/A  
1<sup>st</sup> Step Mtg Date: N/A EZ Fee: \$ N/A  
Tax Map No. 06111-005-000 Receipt No. N/A  
**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: NIMBA PARTNERS I LLC	
Address: 132 NW 76TH DR GAINESVILLE, FL 32607	
Phone: _____	Fax: _____
(Additional owners may be listed at end of applic.)	

Applicant(s)/Agent(s), if different	
Name: City of Gainesville	
Address: Department of Doing, 302 NE 6th Avenue Gainesville, FL 32601	
Phone: 352-393-8687	Fax: _____

**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:

Future Land Use Map [ ]	Zoning Map [X]	Master Flood Control Map [ ]
Present designation: _____	Present designation: R-1A (County)	<b>Other</b> [ ] Specify: _____
Requested designation: _____	Requested designation: MU-1 (City)	

**INFORMATION ON PROPERTY**

1. Street address: 4551 NW 39th Avenue, Gainesville FL
2. Map no(s): 3543
3. Tax parcel no(s): 06111-005-000
4. Size of property: <u>5.07</u> 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      NW 39th Ave. (R.O.W), MUL, PUD, Medium high density residential (County)

South      Low Density Residential (County)

East      Low Density Residential (County)

West      Low Density Residential (County)

**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   X  

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

- 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

N/A Rezoning with no development proposal

Noise and lighting

N/A Rezoning with no development proposal

- 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 X \_\_\_\_\_ (If yes, please explain below)

There is a creek running across the site

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

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

NO X \_\_\_\_\_ YES \_\_\_\_\_

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

NO X \_\_\_\_\_ 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 X \_\_\_\_\_

Activity Center \_\_\_\_\_

Strip Commercial \_\_\_\_\_

Urban Infill \_\_\_\_\_

Urban Fringe \_\_\_\_\_

Traditional Neighborhood \_\_\_\_\_

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

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

The proposed rezoning to MU-1 allows a mix of commercial and residential uses which would allow commercial uses, and may contribute to jobs, wages and an increased tax base.

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

Roadways

May increase trips along 39th Avenue depending on uses within new development.

Recreation

No known impact. May increase recreational amenities if recreational use is incorporated into new development.

Water and Wastewater

Higher density allowed by MU-1 may increase demand for water, and discharge of wastewater

Solid Waste

Higher density allowed by MU-1 may increase solid waste

Mass Transit

Higher density allowed by MU-1 may increase transit ridership

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

NO \_\_\_\_

YES X (please explain)

Along 39th Avenue, which is a transit corridor

**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).

<b>Owner of Record</b>	
Name: NIMBA PARTNERS I LLC	
Address: 132 NW 76TH DR	
GAINESVILLE, FL 32607	
Phone: _____	Fax: _____
Signature: _____	

<b>Owner of Record</b>	
Name: _____	
Address: _____	
Phone: _____	Fax: _____
Signature: _____	

<b>Owner of Record</b>	
Name: _____	
Address: _____	
Phone: _____	Fax: _____
Signature: _____	

<b>Owner of Record</b>	
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.

City of Gainesville (Florence Buaku, Planner)

Owner/Agent Signature

6/26/2019

Date

STATE OF FLORDIA

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (Name)

\_\_\_\_\_.

\_\_\_\_\_  
Signature – Notary Public

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



# NIMBA

## Rezoning – Justification Report May 20, 2019

**Prepared for:**  
City of Gainesville Department of Doing

**Prepared on behalf of:**  
NIMBA Partners I, LLC

**Prepared by:**  
CHW

**PN# 18-0188**  
N:\2018\18-0188\Planning\Reports\RPT\_190524\_NIMBA\_JR\_RZ.docx



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# 1. Executive Summary

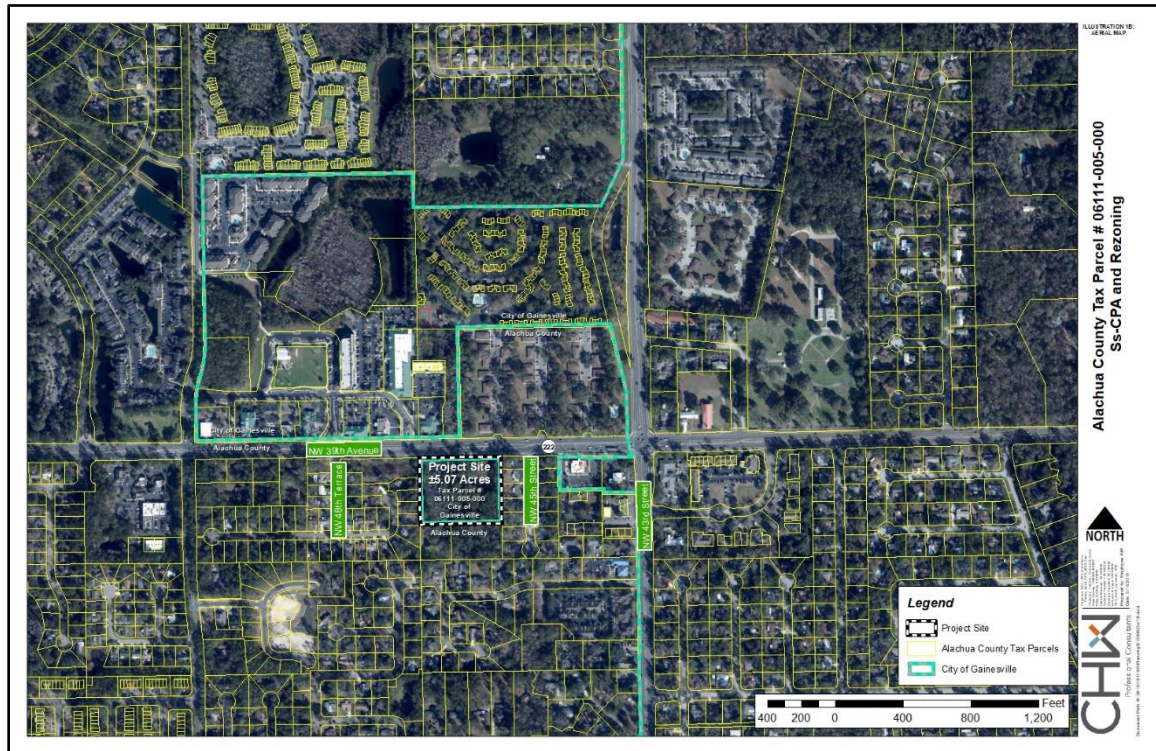
**To:** Andrew Persons, AICP, Department of Doing Director (Interim) PN #18-0188  
**From:** Ryan Thompson, AICP, Project Manager  
**Date:** May 20, 2019  
**Re:** NIMBA – Rezoning Application

<b><u>Jurisdiction:</u></b> City of Gainesville	<b><u>Intent of Application:</u></b> Apply a City of Gainesville zoning category to the NIMBA annexation (Ordinance No. 180416).
<b><u>Physical Address:</u></b> 4551 NW 39th Ave, Gainesville, FL 32606	
<b><u>Parcel Number:</u></b> 06111-005-000	<b><u>Acres:</u></b> ±5.07 acres (ac)  <i>(Source: City of Gainesville Ordinance No. 180416)</i>
<b><u>Existing Future Land Use (FLU) Classification:</u></b> <i>Low Density Residential (1-4 du/ac)(County)</i> <ul style="list-style-type: none"> <li>Low Density residential land use category shall provide for single residential detached and attached dwellings. In addition, traditional neighborhood developments (TND), transit oriented developments (TOD) and planned developments may include mixed housing types and mixed uses. The Low Density residential land use category shall provide for various housing types, such as conventional site-built single family homes, accessory living units, attached structures including townhouses, multi-family developments in planned developments, dwellings with zero lot line orientation, factory-built modular units, manufactured homes, or mobile homes.</li> </ul> <i>Cottage Neighborhoods</i> <ul style="list-style-type: none"> <li>Policy 1.8.3: Cottage Neighborhoods meeting the design requirements for such neighborhoods in the Unified Land Development Code <b>shall be allowed to develop at two times the maximum units per acre</b> of the underlying future land use designation.</li> </ul>	<b><u>Proposed Future Land Use (FLU) Classification:</u></b> <i>MUL: Mixed-Use Low Intensity (8-30 du/ac)</i> <ul style="list-style-type: none"> <li>This land use category allows a mixture of residential and non-residential uses such as standard lot single- family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code. Residential development shall be limited to 8 to 30 units per acres. Unified developments that include a residential and nonresidential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height maybe increased to a maximum of 8 stories by Special Use Permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6</li> </ul>

	units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest front setbacks. This category shall not be used to extend strip commercial development along a street. Land development regulations shall ensure a compact, pedestrian-friendly environment for these areas, and provide guidelines or standards for the compatibility of permitted uses.
<p><b>Existing Zoning District:</b>  <i>R-1A: Single-family Residential (1-4 du/ac) (County)</i></p> <ul style="list-style-type: none"> <li>The single family residential districts implement the estate residential, urban residential, and rural cluster policies of the comprehensive plan and the associated designations on the future land use map.</li> </ul>	<p><b>Proposed Zoning District:</b>  <i>MU-1: Mixed-Use Low-Intensity (8-30 du/ac)</i></p> <ul style="list-style-type: none"> <li>This district allows for a mix of uses that consists of single-family, attached dwellings, multi-family, adult day care homes, community residential homes, family child care homes, assisted living facility, bed and breakfast establishments, daycare center, drive-through facility, emergency shelters, food truck, health services, offices, places of religious assembly, restaurants, retail sales, etc.</li> </ul>
<p><b>Net Density/Intensity Change:</b>  The requested Mixed-Use Low Intensity FLU and MU-1 Zoning will maximize development potential for this urbanized site. The intent is to apply a FLU category and corresponding zoning district that meets the site's highest and best use while remaining compatible with development patterns in this area. The request for Mixed-Use Low Intensity FLU and MU-1 Zoning reflects the mixed-use development pattern in and around the NW 43<sup>rd</sup> Street/NW 39<sup>th</sup> Avenue intersection and along the NW 39<sup>th</sup> Avenue corridor, which has a combination of retail sales, service, and residential uses.</p> <p>Cottage neighborhoods provide opportunities for creative infill development with the intent to promote a variety of housing types and sizes and a more efficient use of land. The existing R-1A Zoning District permits up to four (4) dwelling units per acre, or 20 dwelling units (<math>\pm 5.07</math> acres <math>\times</math> 4 du/ac.) However, Policy 1.8.3 of the Alachua County Future Land Use Element allows for cottage neighborhoods meeting the design requirements of the Unified Land Development Code (ULDC) §407.154 to develop at two times the maximum units per acre of the underlying FLU designation, resulting in the site having a maximum permitted density of <b>40 dwelling units</b> (<math>\pm 5.07</math> acres <math>\times</math> 8 du/ac.)</p> <p>Based on the dimensional standards in Table V-8, the requested MU-1 Zoning permits a maximum density of 30 units per acre, a maximum nonresidential Gross Leasable Area (GLA) of 100,000 ft<sup>2</sup>, or a combination thereof. Based on the subject property size, adjacent uses, and mixture of uses in Magnolia Parke, it is anticipated that the following proposed uses are suitable for the subject property:</p> <p><b>Proposed Residential Units:</b></p> <ul style="list-style-type: none"> <li><math>\pm 2.535</math> acres <math>\times</math> 30 du/ac = <b>76 du</b></li> </ul> <p><b>Proposed Nonresidential Uses:</b></p> <ul style="list-style-type: none"> <li>100,000 GLA / 2 = <b>50,000 GLA</b> <ul style="list-style-type: none"> <li>Coffee/Donut Shop with Drive-Through Window: <b><math>\pm 3,000</math> ft<sup>2</sup></b></li> <li>Walk-in Bank: <b><math>\pm 3,000</math> ft<sup>2</sup></b></li> <li>High-Turnover (Sit-Down) Restaurant: <b><math>\pm 7,500</math> ft<sup>2</sup></b></li> <li>General Office Building: <b><math>\pm 36,500</math> ft<sup>2</sup></b></li> </ul> </li> </ul>	

## 2. STATEMENT OF PROPOSED CHANGE

This Rezoning application requests to amend the City of Gainesville Official Zoning Atlas on ±5.07 acres (Alachua County Tax Parcels 06111-005-000.) The subject property is located north of Tax Parcel 06111-007-000 and 06111-007-001 (owned by the Florida Department of Transportation (FDOT)), east of Tax Parcel 06112-010-046, west of NW 45<sup>th</sup> Street, and south of NW 39<sup>th</sup> Avenue. An aerial of the site's location can be found in Figure 1.



**Figure 1: Aerial Map**

This submittal is a result of the NIMBA annexation into the City of Gainesville. The annexation was approved on February 21, 2019 by Ordinance No. 180416. The project site currently retains Alachua County Low Density Residential Future Land Use (FLU) and R-1A Zoning designations. This application requests Mixed-Use, Low-Intensity (MU-1) Zoning, which will maximize development potential for this urbanized site. The intent is to apply a zoning district and corresponding FLU category that meets the site's highest and best use while remaining compatible with development in this area. The request for Mixed-Use Low Intensity FLU and MU-1 Zoning reflects the development pattern at the NW 43<sup>rd</sup> Street/NW 39<sup>th</sup> Avenue intersection and along the NW 39<sup>th</sup> Avenue corridor, which has a combination of retail sales, service, and residential uses. A companion Small-scale Comprehensive Plan Amendment (Ss-CPA) application requesting Mixed-Use Low Intensity (MUL) FLU was also submitted.

Both applications are consistent with City of Gainesville Comprehensive Plan Goals, Objectives, and Policies and Land Development Code (LDC) regulations. Adjacent FLU and Zoning designations are identified in Table 1 and Figures 2-4.



Table 1: Adjacent Future Land Use and Zoning Designations

Direction	FLU Designation	Zoning Designation
North	NW 39 <sup>th</sup> Avenue (SR 222) right-of-way (R.O.W.)/ Medium High Density Residential (County)/ Planned Use District (City)	NW 39 <sup>th</sup> Avenue (SR 222) R.O.W./ R-2 (County)/ PD (City)
East	Low Density Residential (County)	R-2 (County)
South	Low Density Residential (County)	R-1A (County)
West	Low Density Residential (County)	PD (County)

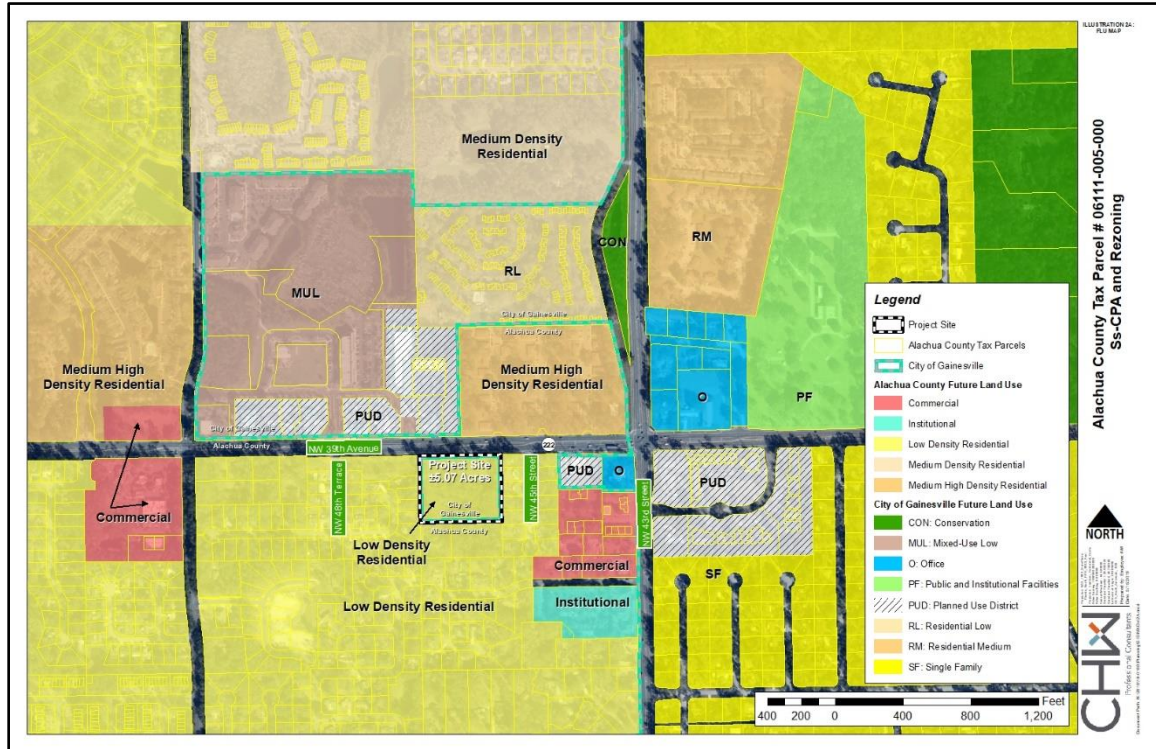
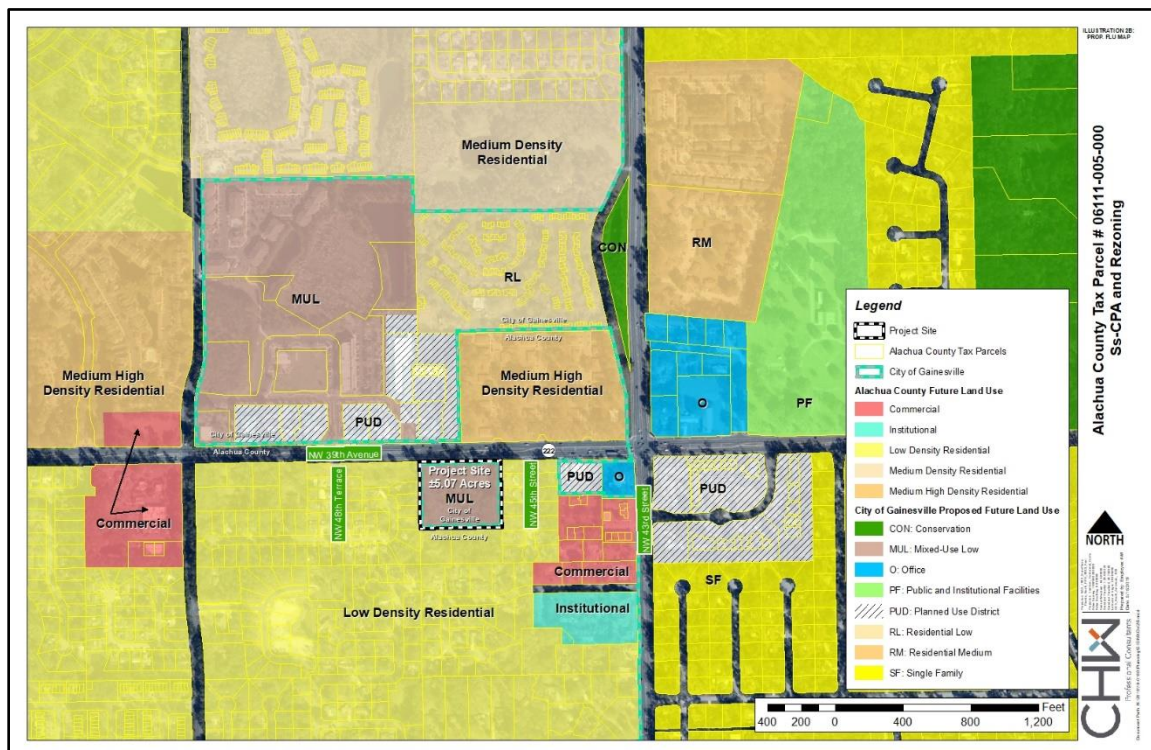
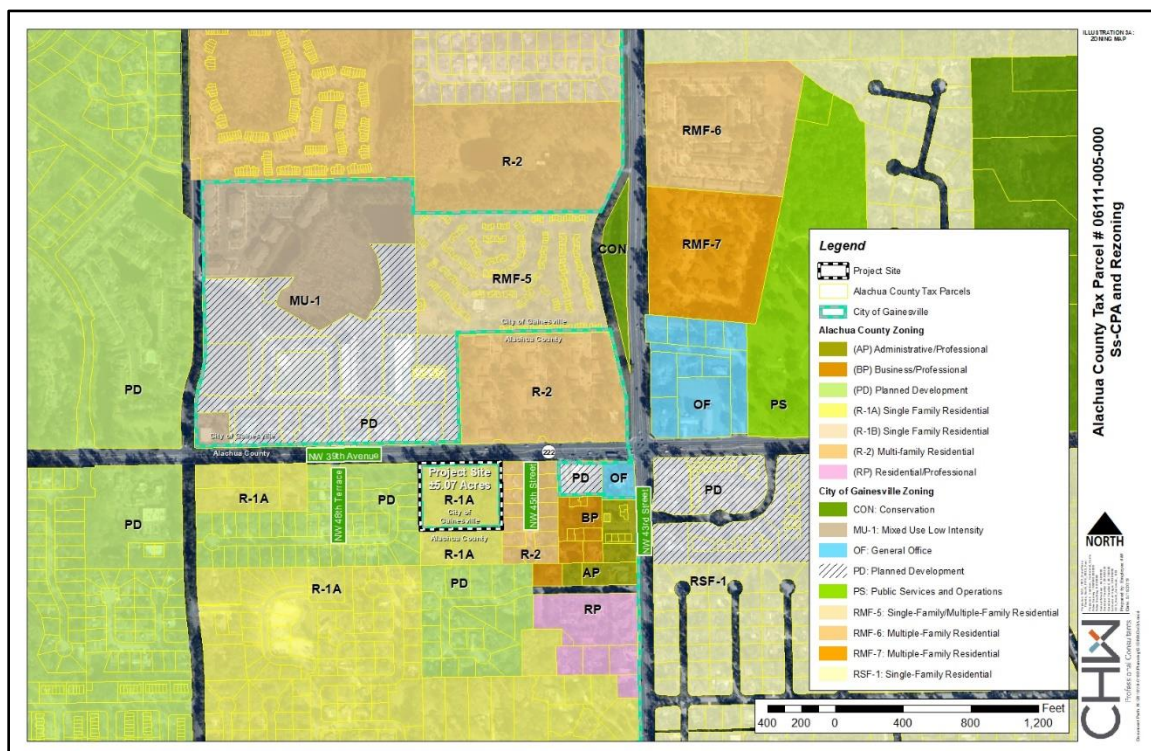


Figure 2: Existing Future Land Use Map



### Figure 3: Proposed Future Land Use Map



### Figure 4: Existing Zoning Map



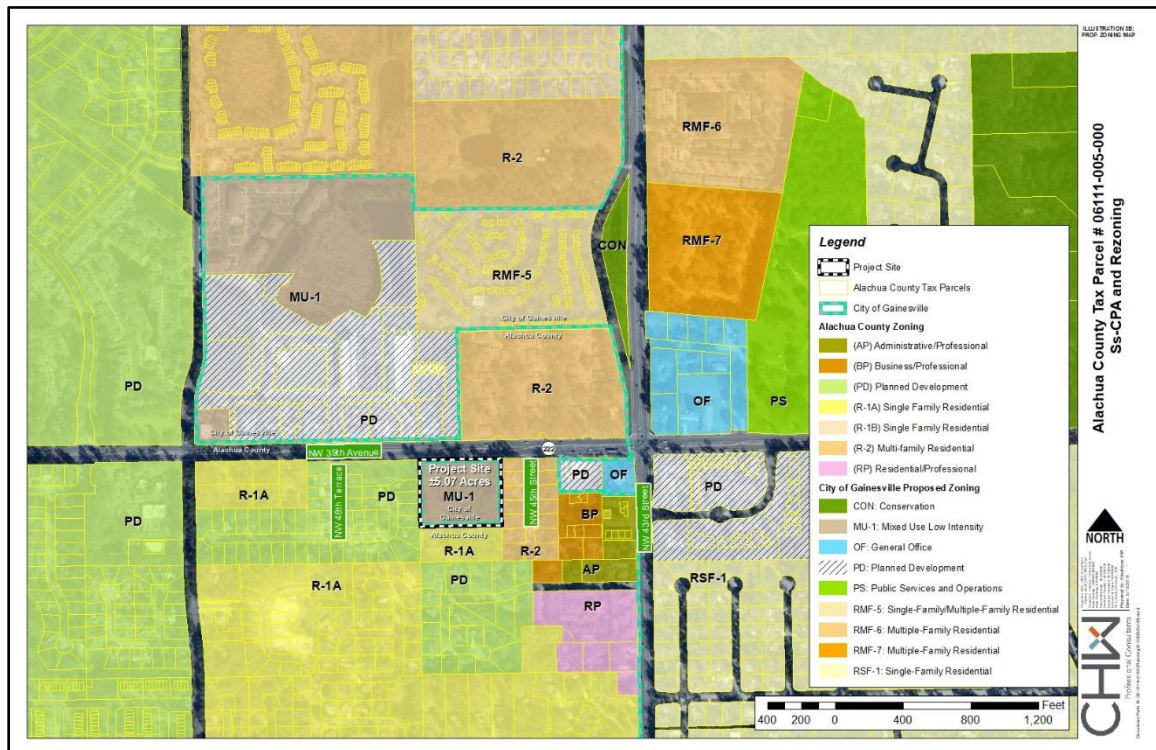


Figure 5: Proposed Zoning Map

### 3. PUBLIC FACILITIES ANALYSIS

#### IMPACT ON RESIDENTIAL STREETS

There are no anticipated impacts to residential streets. Vehicles and pedestrians will utilize NW 39<sup>th</sup> Avenue/SR 222 to enter and exit the site and will utilize internal vehicular circulation.

#### IMPACT ON NOISE AND LIGHTING

The intent of this application is to permit a mix of uses consistent with the mixed-use development in Magnolia Parke and in the NW 43<sup>rd</sup> Street/NW 39<sup>th</sup> Avenue area. NW 39<sup>th</sup> Avenue/SR 222 is a major arterial with a mix of residential and nonresidential uses. LDC §30-6.12. regulates light pollution or light trespass to protect surrounding properties. Additionally, a 9' wide Type B buffer (LDC §30-8.5.) is required between mixed-use low properties and single-family residential low to further prevent any noise and light impacts. The Type B buffer includes three (3) shade trees per 100 linear feet, two (2) understory trees per 100 linear feet, and 20 shrubs per 100 linear feet. These requirements will be addressed during development review.

#### ENVIRONMENTAL FEATURES

As illustrated on Figure 6, the project site does not contain any documented wetlands onsite and is not within a FEMA 100 Year Floodplain. The site's topography has slopes ranging from 159' to 162', from west to east respectively.

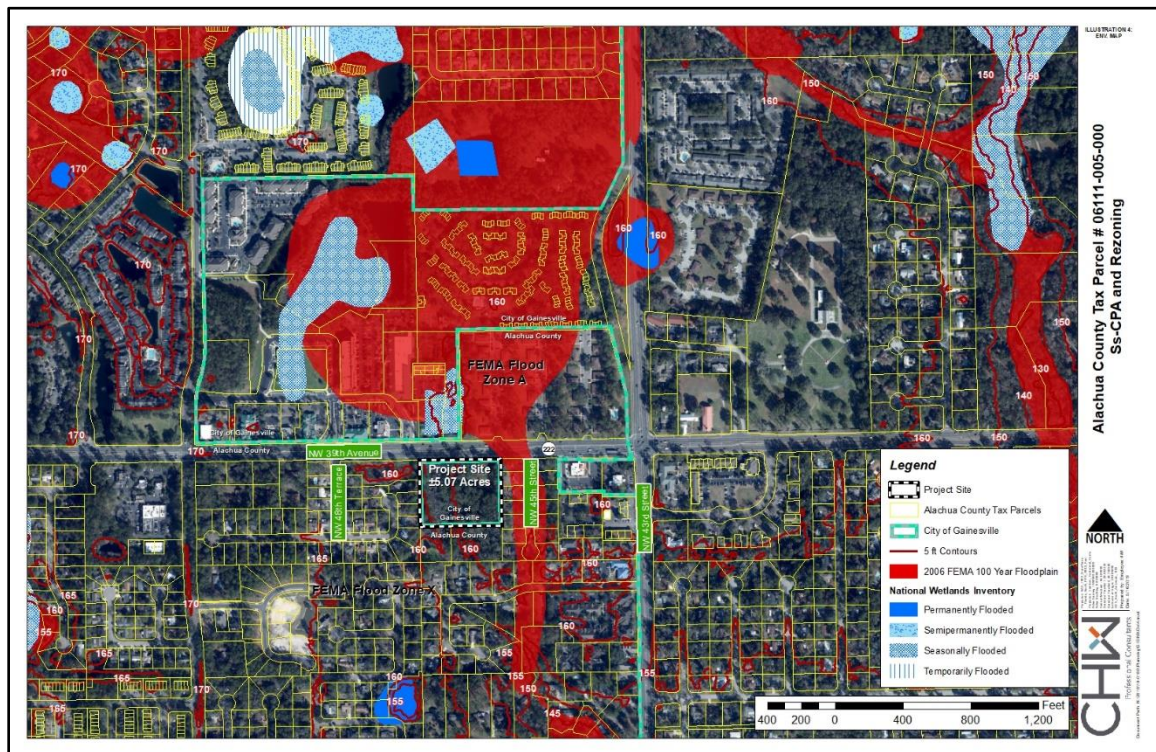
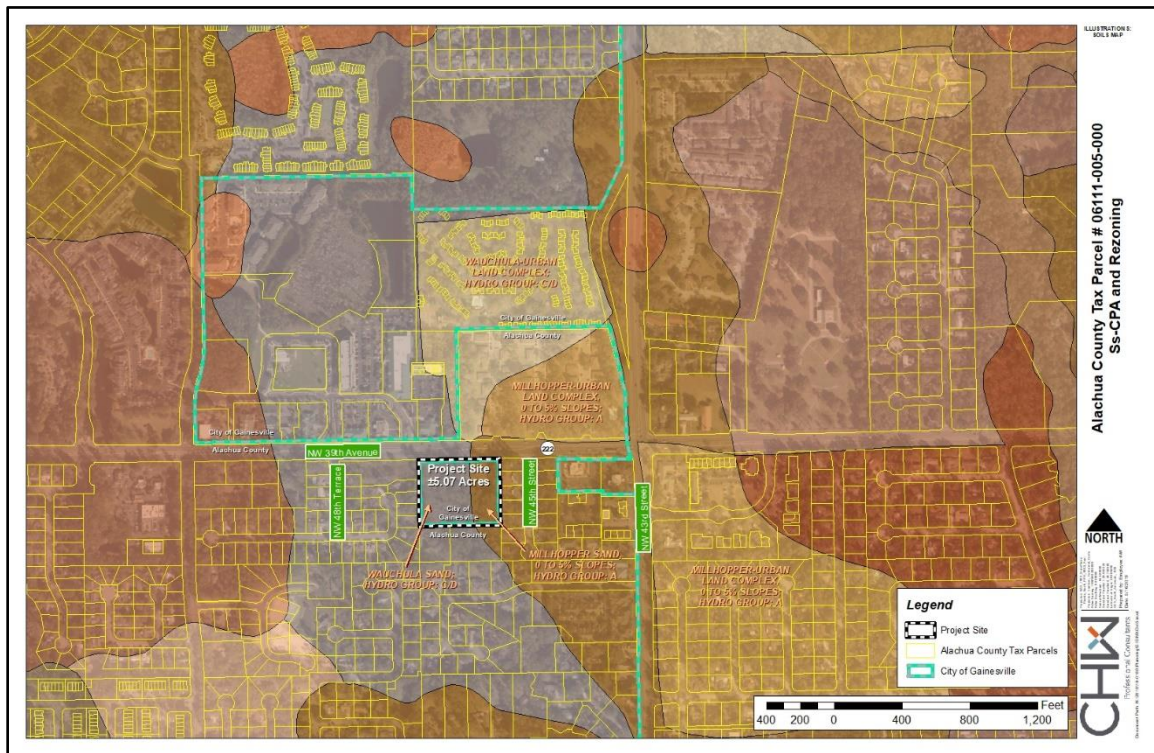


Figure 6: Topography, Wetlands, and FEMA Floodplain Map



Onsite soils are suitable and conducive to the proposed development for the site. The site is made up of two (2) types of soils:

- Wauchula Sand (Hydro Group: C/D)
- Millhopper Sand, 0 to 5% slopes (Hydro Group: A)



**Figure 7: Natural Resources Conservation Service (NRCS) Soils Map**

### *HISTORIC AND ARCHEOLOGICAL RESOURCES*

The site is not located within, nor does it possess, historical sites or structures. If any items of historical significance are discovered within the project site during any phase of permit approval or development, it will be immediately reported to the appropriate governmental body for historical analysis and preservation.

### *COMMUNITY CONTRIBUTIONS*

Approval of this application would permit a mix of uses including residential and nonresidential uses. Similar to the development across NW 39<sup>th</sup> Avenue/SR 222, future development would provide more housing and commercial retail options for the City and its residents and increase tax revenues. Furthermore, residential neighborhoods are within walking distance to the site and would not have to drive to purchase goods and services.

### *POTENTIAL LONG-TERM ECONOMIC BENEFITS*

With the site currently vacant, future mixed-use development will increase the project site's tax base, which will have a long-term contribution towards City of Gainesville and Alachua County services. Residents located adjacent and within close proximity to the proposed development will be able to purchase goods and services within walking

distance, reducing vehicle miles traveled, which reduces long-term roadway infrastructure costs.

#### *LEVEL OF SERVICE (LOS)*

This application requests to change the site's existing zoning district from Alachua County R-1A to City of Gainesville MU-1 with the intent to permit a mixed-use development consistent with the existing mixed-use development in the NW 39<sup>th</sup> Avenue/NW 43<sup>rd</sup> Street area. The site's annexation was approved on February 21, 2019 by Ordinance No. 180416.

These calculations demonstrate maximum development potential for the site based on the MU-1 Zoning District. During development plan review, these values may be updated to reflect the development's actual number of proposed residential and nonresidential units. The categories chosen are based off similar mixed-use developments and may change during development.

#### **Existing Maximum Permitted Density:**

*\*Based on Policy 1.8.3 and ULDC §407.154.(d)*

- $\pm 5.07 \text{ acres} \times 8 \text{ du/ac} = \mathbf{40 \text{ du}}$

#### **Proposed Residential Units:**

- $\pm 2.535 \text{ acres} \times 30 \text{ du/ac} = \mathbf{76 \text{ du}}$

#### **Proposed Nonresidential Uses:**

- $100,000 \text{ GLA} / 2 = \mathbf{50,000 \text{ GLA}}$ 
  - Coffee/Donut Shop with Drive-Through Window:  $\pm \mathbf{3,000 \text{ ft}^2}$
  - Walk-in Bank:  $\pm \mathbf{3,000 \text{ ft}^2}$
  - High-Turnover (Sit-Down) Restaurant:  $\pm \mathbf{7,500 \text{ ft}^2}$
  - General Office Building:  $\pm \mathbf{36,500 \text{ ft}^2}$

Trip Generation Analysis

**Table 2: Potential Net Trip Generation**

Land Use	Units <sup>1</sup>	Daily		AM Peak		PM Peak	
(ITE) <sup>1</sup>		Rate <sup>2</sup>	Trips	Rate <sup>2</sup>	Trips	Rate <sup>2</sup>	Trips
Proposed							
Multifamily Housing (Low-Rise) (ITE 220)	76	7.32	35,944	.46	35	.56	43
Coffee/Donut Shop without Drive-Through Window (ITE 936)	3	-	-	101.14	303	36.31	109
Walk-in Bank (ITE 911)	3	12.13	36	22.54	68	26.40	79
High-Turnover (Sit-Down) Restaurant (ITE 932)	7.5	112.18	841	9.94	75	9.77	73
General Office Building (ITE 710)	36.5	9.74	356	1.16	42	1.15	42
Currently Permitted							
Single-Family Detached Housing (ITE 210)	40	9.44	378	.74	30	.99	40
Net Trip Generation	-	-	36,799	-	493	-	306

1. Units are calculated as follows:

- Coffee/Donut Shop with Drive-Through Window:  $\pm 3,000 \text{ ft}^2 / 1,000 \text{ ft}^2 \text{ GFA}$
- Walk-in Bank  $\pm 3,000 \text{ ft}^2 / 1,000 \text{ ft}^2 \text{ GFA}$
- High-Turnover (Sit-Down) Restaurant:  $\pm 7,500 \text{ ft}^2 / 1,000 \text{ ft}^2 \text{ GFA}$
- General Office Building:  $\pm 36,500 \text{ ft}^2 / 1,000 \text{ ft}^2 \text{ GFA}$

2. Source: ITE Trip Generation 10<sup>th</sup> Edition

**Conclusion:** Approval of this application will result in an increase of the site's theoretical daily trips generated from onsite development. Transportation mitigation will be consistent with the City's adopted Transportation Mobility Program Area B policies.

## Potable Water Analysis

Based on Figure 8, a map provided by Gainesville Regional Utilities (GRU), potable water infrastructure is available for connection to the site. There is an 8" PVC stubbed to the site that is connected to an 8" DIP that crosses NW 39<sup>th</sup> Avenue/SR 222 and connects to a 16" DIP that runs along the north right-of-way (R.O.W.) line of NW 39<sup>th</sup> Avenue/SR 222. Future development on this site will continue to utilize this potable water infrastructure.

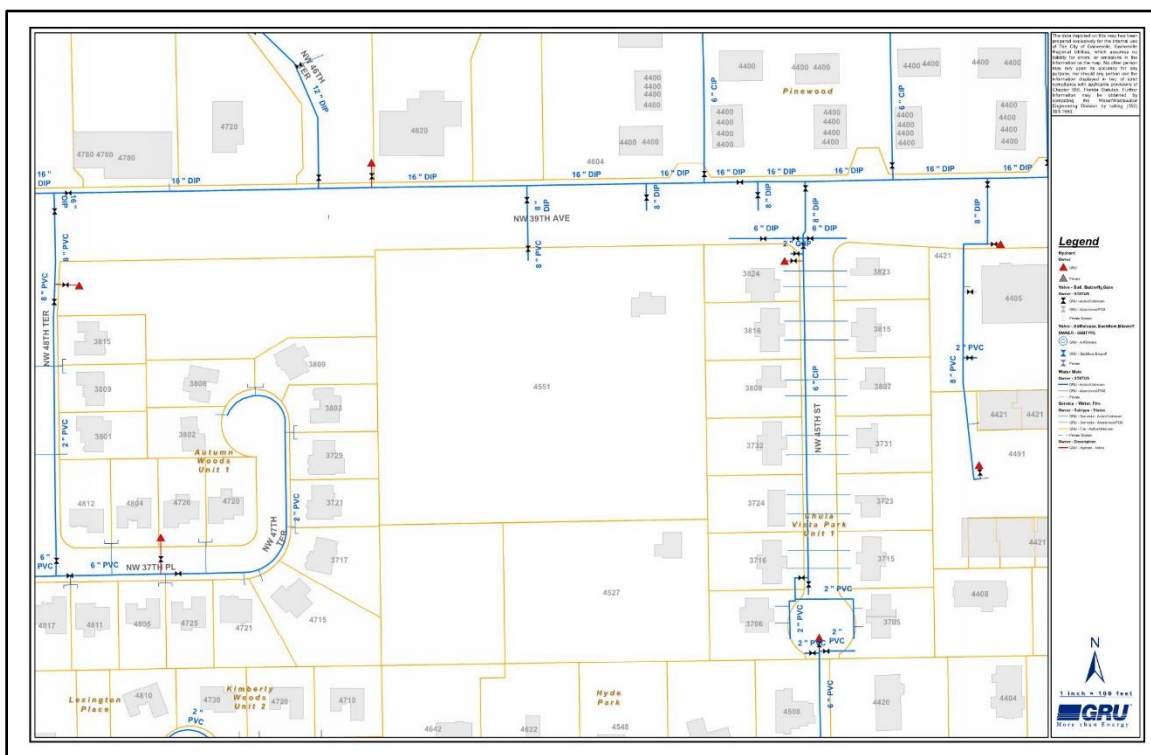


Figure 8: GRU Potable Water Map

Table 3: Potential Potable Water Impact

Land Use	Maximum Units <sup>1</sup>	Generation Rate <sup>2</sup>	Estimated Demand (GPD)
<b>Proposed</b>			
Residential	76	200 gallons / capita / day	35,112
Nonresidential	50	200 gallons / capita / day	23,100
<b>Currently Permitted</b>			
Residential	40	200 gallons / capita / day	18,480
<b>Net Demand</b>	<b>-</b>	<b>-</b>	<b>39,732</b>

1. The nonresidential units were calculated by adding the total units of all the nonresidential units from Table 2.

2. City of Gainesville Comprehensive Plan, Potable Water & Wastewater Element

**Conclusion:** Approval of this application *will* result in an increase of the site's theoretical impact to the City's potable water system by 39,732 GPD but *will not* cause it to operate below the adopted level of service (LOS).

## Sanitary Sewer Analysis

Based on Figure 9, a map provided by GRU, sanitary sewer infrastructure is available for connection to the site. An active gravity main runs along the southern R.O.W. line of NW 39<sup>th</sup> Avenue/SR 222 where it connects to manhole #55, which is located directly north of the site. The project site will most likely connect to the gravity main through manhole #55 to utilize the sanitary sewer infrastructure.

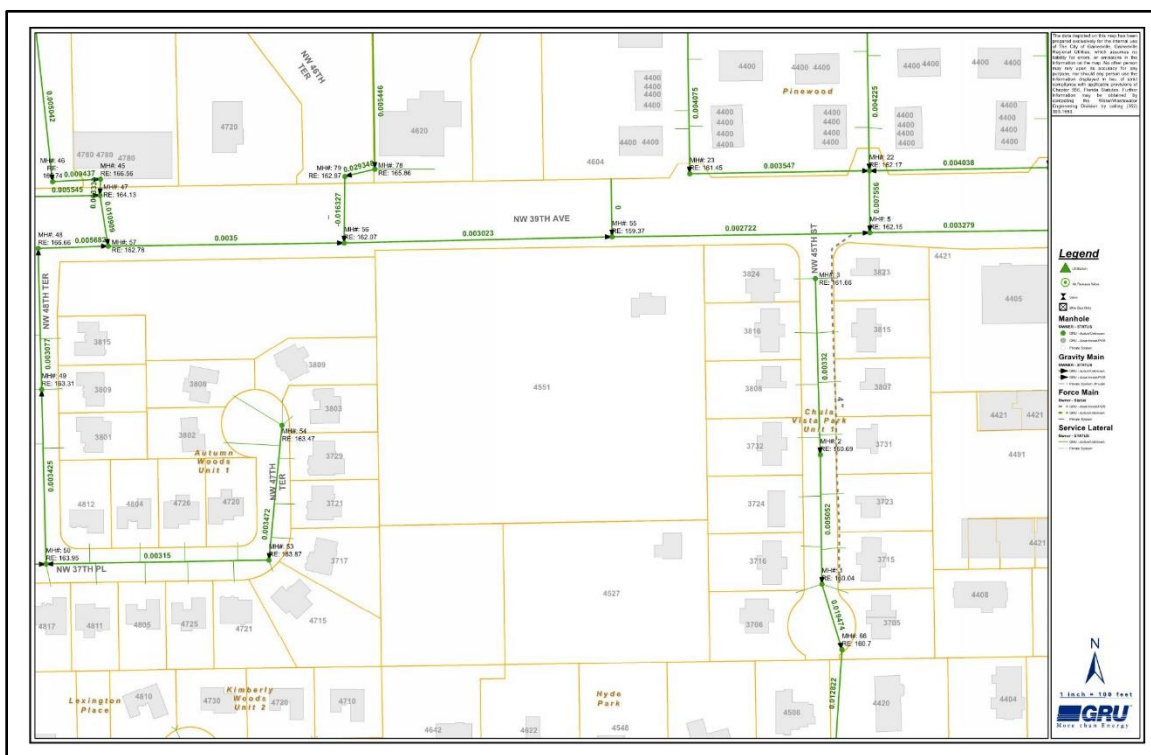


Figure 9: GRU Sanitary Sewer Map

Table 4: Potential Sanitary Sewer Impact

Land Use	Maximum Units <sup>1</sup>	Generation Rate <sup>2</sup>	Estimated Demand (GPD)
<b>Proposed</b>			
Residential	76	106 gallons / capita / day	18,609
Nonresidential	50	106 gallons / capita / day	12,243
<b>Currently Permitted</b>			
Residential	40	106 gallons / capita / day	9,794
<b>Net Demand</b>	<b>-</b>	<b>-</b>	<b>21,058</b>

1. The nonresidential units were calculated by adding the total units of all the nonresidential units from Table 2.
2. Source: City of Gainesville Comprehensive Plan, Potable Water & Wastewater Element

**Conclusion:** Approval of this application *will* result in an increase of the site's theoretical impact to the City's sanitary sewer system by 21,058 GPD but *will not* cause it to operate below the adopted level of service (LOS).

### Solid Waste Analysis

**Table 5: Potential Solid Waste Impact**

Land Use	Maximum Units <sup>1</sup>	Generation Rate <sup>2,3</sup>	Tons Per Year
<b>Proposed</b>			
Residential	76	.65 tons / person / year	114
Nonresidential	50	.65 tons / person / year	75
<b>Currently Permitted</b>			
Residential	40	.65 tons / person / year	60
<b>Net Demand</b>	-	-	<b>129</b>

1. The nonresidential units were calculated by adding the total units of all the nonresidential units from Table 2.

2. Source: Sincero and Sincero; *Environmental Engineering: A Design Approach*, Prentice Hall, New Jersey, 1996.

3. Generation rate estimates 2.31 persons per household.

*Conclusion:* Approval of this application *will* increase the site's theoretical impact to the City's solid waste system but *will not* cause it to operate below the adopted LOS.

### Education Facilities Analysis

The City of Gainesville requires all applications to evaluate public school concurrency based on the site's maximum permitted density. Therefore, the site's theoretical impact on Alachua County's Public School System is evaluated in the Public School Generation form included with this application and in Table 6 of this document:

**Table 6: Potential Public School Demand**

Land Use	Units	Elem.		Middle		High	
		Rate <sup>1</sup>	Total	Rate <sup>1</sup>	Total	Rate <sup>1</sup>	Total
Proposed							
Multi-Family	76	.09	7	.03	2	.03	2
Currently Permitted							
Single-Family	40	0.14	6	.06	2	.08	3
Net Generation	-	-	1	-	0	-	-1

1. Alachua County Public School Student Generation Calculation Form

*Conclusion:* Approval of this application *will* result in an increase of the site's theoretical impact to elementary schools but *will not* result in an increase for middle and high schools. Approval of this application *will not* cause the County's Public School System to operate below the adopted LOS. During development plan review, these values may be updated to reflect the development's actual number of proposed multi-family residential units.

### Recreation Facilities Analysis

As evidenced by Table 7, an excerpt from the City of Gainesville Comprehensive Plan's Recreation Element, the City's Existing LOS for parks exceed the Adopted LOS. This means the City currently has more recreation facilities than the minimum required to serve the existing population.

**Table 7: LOS Standards for Parks**

<b>Park<sup>1,2</sup></b>	<b>Adopted LOS Standard<sup>1,2</sup></b>	<b>Existing LOS<sup>1</sup></b>
Local Nature/Conservation	6.00 ac.	15.71 ac.
Community Park	2.00 ac.	2.13 ac.
Neighborhood Park	.80 ac.	1.33 ac.
<b>Total Acres per 1000</b>	<b>8.80 ac.</b>	<b>19.73 ac.</b>

1. Source: City of Gainesville Comprehensive Plan, Recreation Element

2. Park standards are in acres per 1,000 people

The addition of residential dwelling units will add additional residents to the City. However, this is not entirely new population growth, as some portion of residents will be relocating from elsewhere within the City of Gainesville. Therefore, it is anticipated that City Adopted LOS standards shall be maintained following this application's approval.

#### 4. CONSISTENCY WITH CITY OF GAINESVILLE COMPREHENSIVE PLAN

This section identifies specific City of Gainesville Comprehensive Plan Goals, Objectives, and Policies and explains how this application is consistent with each. The Goals, Objectives, and Policies are provided in normal font, and the consistency statements are provided in **bold** font.

##### Future Land Use Element

##### Objective 1.2

Protect and promote viable transportation choices (including transit, walking and bicycling, and calmed car traffic).

**The project site is surrounded by existing single-family/multi-family residential and nonresidential uses. Approval of this application allows for mixed use development to be within close proximity to residential uses, allowing residents to be within walking distance from goods and services.**

##### Policy 1.2.3

The City should encourage mixed-use development, where appropriate.

**The concurrent Ss-CPA application is being submitted to amend the site's current Alachua County Low Density Residential FLU to the City of Gainesville MUL FLU. This FLU category allows for a mix of residential and nonresidential uses along a major City arterial. Site development will occur consistent with City LDC regulations and remain compatible with adjacent uses and development patterns in this area.**

##### Policy 1.3.3

Centers should, to the extent feasible, contain a range of mixed land use types preferably within a one-quarter mile area including such uses as neighborhood-scaled retail, office, recreation, civic, school, day care, places of assembly, and medical uses. The uses should be compact and vertically and horizontally mixed. Multiple connections to and from surrounding areas should be provided along the edges of a mixed-use area.

**Approval of this application allows for a mix of uses that are compatible to adjacent uses and development pattern in this area. Potential onsite uses include coffee shops, banks, offices, and a variety of residential uses. The location of the site allows for it to be within walking distance of other residential and nonresidential uses.**

##### Objective 1.4

Adopt land development regulations that promote mixed-use development.

**Submitted concurrent with this application is a Ss-CPA application to rezone the site from Alachua County Low Density Residential to the City of Gainesville MUL. Approval of both applications allow for the development of a mixed-use area that will be consistent with both the Comprehensive Plan and Land Development Code (LDC).**



#### Policy 1.4.4

In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive throughs, warehouses, plasma centers, and street-level parking lots.

**With the exception of drive-throughs, uses listed in Policy 1.4.4 are either prohibited or require a Special Use Permit (SUP). To maintain compatibility with the surrounding development, the intent is to provide neighborhood-scaled uses within walking distance of other residential and nonresidential uses.**

#### Objective 1.5

Discourage the proliferation of urban sprawl.

**The project site is located within the City of Gainesville on NW 39<sup>th</sup> Avenue/SR 222, a major arterial within the City. As shown in Section 3 of this report, there are available public facilities and services for the site and future development. Future development on the site would constitute as infill development since the surrounding and adjacent areas have urban type development. This discourages urban sprawl by locating mixed-use development in areas that suitable for development, reducing the pressures on unsuitable lands.**

#### Objective 3.4

The City shall ensure that services and facilities needed to meet and maintain the Level of Service (LOS) standards adopted in this Plan are provided.

**Section 3 of this report demonstrates that there are services and facilities available to serve the site and future developments.**

#### Policy 4.1.1

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

Mixed-Use Low-Intensity (MUL): 8-30 units per acre

This land use category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses. Light assembly, fabrication, and processing uses within fully enclosed structures may be allowed as specially regulated uses through a Special Use Permit process established in the Land Development Code. Residential development shall be limited to 8 to 30 units per acres. Unified developments that include a residential and nonresidential component (either horizontally or vertically mixed) shall not be required to meet the minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may be increased to a maximum of 8 stories by Special Use Permit. Land development regulations shall establish the thresholds for the

percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest front setbacks. This category shall not be used to extend strip commercial development along a street. Land development regulations shall ensure a compact, pedestrian-friendly environment for these areas, and provide guidelines or standards for the compatibility of permitted uses.

**The concurrent Ss-CPA application is being submitted to request the Mixed-Use, Low-Intensity (MUL) FLU. The intent of this request is to permit a mixed-use development on a major City arterial supported by public facilities and services, similar to the existing mix of uses in Magnolia Parke, along NW 39<sup>th</sup> Avenue, and around the NW 43<sup>rd</sup> Street/NW 39<sup>th</sup> Avenue intersection. This application is requesting the MU-1 Zoning District which implements the MUL FLU. Section 4 of this report demonstrates how this application is consistent with the City of Gainesville Comprehensive Plan.**

#### Policy 4.1.3

The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Consistency with the Comprehensive Plan;

**This section demonstrates how this application is consistent with the City of Gainesville Comprehensive Plan. The intent of this application and concurrent Ss-CPA application is to assign a FLU and zoning category that allows for mixed-use development adjacent to a major arterial where there are available public facilities and services, in a manner that is compatible with adjacent uses.**

2. Compatibility and surrounding land uses;

**The project site is located on NW 39<sup>th</sup> Avenue/SR 222, a major arterial of the City. The site is also located in close proximity to the NW 39<sup>th</sup> Avenue/NW 43<sup>rd</sup> Street intersection, where there are a variety of nonresidential uses including office and retail sales and services. Directly north of the project site is Magnolia Parke, a mixed-use development with neighborhood-scale services. The intent of this request is to allow for mixed-use development that is compatible with the mix of uses and mixed-use developments in the surrounding area.**

**Additionally, the requested designations have development standards to ensure that there is compatibility with adjacent property. LDC §30-8.5. requires a 9' wide Type B buffer, which includes three (3) shade trees, two (2) understory trees, and 20 shrubs per 100 linear feet. The site may also have potential environmental features on the west side of the site that would create a natural buffer to the adjacent properties. LDC §30-4.8.A. and §30-4.8.C. lists additional setback requirements and a maximum building height of 3 stories or 36' when the property is within a 100' of single-family zoning. LDC § 30-6.12. has specific lighting**

requirements for the placement, height, orientation, wattage, etc. to prevent any light pollution or trespass to adjacent properties. These requirements are addressed during development review to ensure compatibility with adjacent properties.

3. Environmental impacts and constraints;

Based on online FEMA floodplain and the National Wetlands Inventory (NWI) data, the site is not within a FEMA 100 Year Floodplain and there are no known wetlands onsite (see Figure 6).

The site is comprised of two (2) different soils:

- Wauchula Sand (Hydro Group: C/D)
- Millhopper Sand, 0 to 5% slopes (Hydro Group: A)

These soils are conducive to the mixed-use development the requested FLU allows.

4. Support for urban infill and/or redevelopment;

As shown on Figure 1, the project site is surrounded by and adjacent to existing development. The site is currently undeveloped with one (1) vacant structure located on the northeastern portion of the site. Approval of this application allows for mixed-use development to occur within the City where adequate services and facilities are located and discourages urban sprawl. This reduces pressures to develop on lands that are not supported by urban infrastructure.

5. Impacts on affordable housing;

The concurrent Ss-CPA application requests for a MUL FLU Designation that promotes a mix of residential and nonresidential uses, which includes ground-floor commercial with residential above. This allows for a range of housing within the City that can serve a range of household income levels.

6. Impacts on the transportation system;

As demonstrated in Section 3 of this report, future development will not cause adjacent roadways to exceed adopted LOS. Transportation mitigation will be consistent with the City's adopted Transportation Mobility Program Area D policies. Additionally, the proposed MUL FLU allows for mixed-use development, providing goods and services within walking distance to residents and reducing the amount of vehicle miles traveled.

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

The site is currently served by Gainesville Regional Utilities (GRU), City of Gainesville, and Alachua County. As demonstrated in Section 3 of this report, future development will not cause public services to exceed adopted LOS.

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

**The City of Gainesville has goals, objectives, and policies in the Comprehensive Plan to support and promote mixed-use developments where appropriate. Approval of this application locates mixed-use development within the City in an urbanized area where there are available and adequate public facilities and services.**

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.;

**The project site is located along a major arterial of the City where there is existing development and adequate public facilities and services. Locating the MUL FLU and MU-1 Zoning Designations to the site allows for a variety of uses to be developed in an area that is able to support it and reduces the pressure to develop on lands unsuitable for urban development. Section 5 of this report addresses these requirements and demonstrates how this application discourages urban sprawl.**

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

**The construction and development of the project site will help to create jobs within the City. The additional residential units will help meet population growth while nonresidential uses will increase economic development and strengthen and diversify the City's economy.**

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

**The site currently retains the Alachua County Low Density Residential FLU which permits a maximum of four (4) dwelling units per acre, but up to eight (8) dwelling units per acre as a cottage neighborhood. North of NW 39<sup>th</sup> Avenue/SR 222 is a mixed-use development with residential and nonresidential uses within the City's boundaries. By approving this application, the City remains consistent with the development patterns in the surrounding areas of the City and allows for development to occur where there are available public facilities and services. This application and concurrent Ss-CPA application permit multi-use development that encourages multi-modal transportation and allows residents to meet daily needs without relying on an automobile.**

#### Policy 4.1.4

The City will consider amending land use designations in the City to discourage strip commercial uses and encourage a mix of residential and nonresidential uses.

**Approval of this application allows for a mixed-use development that is consistent with the mix of uses and mixed-use development in the surrounding area and supports the goals, objectives, and policies of the City of Gainesville Comprehensive Plan. The mixed-use designation prevents a development pattern of singular, isolated uses that do not maximize development potential in the urbanized area.**

## Objective 4.2

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

**This application and concurrent Ss-CPA application are being submitted to allow for a mix of neighborhood-scale uses that will serve the adjacent residential areas. Approval of this application allows for a low-intensity mixed-use development that is consistent with the existing development pattern along NW 39<sup>th</sup> Avenue/SR 222. Additionally, the City of Gainesville LDC regulations mitigate impacts between uses. For instance, LDC §30-4.20., Table V-8 outlines minimum front, side-interior, and rear building setbacks to separate the adjacent uses. A 9' wide Type B buffer (LDC §§30-8.5.) with three (3) shade trees, two (2) understory trees, and 20 shrubs per 100 linear feet are also required to further prevent noise, lighting, odors, and visuals from adjacent properties. LDC §30-4.8.A. and §30-4.8.C. lists additional setback requirements and a maximum building height of 3 stories or 36' when the property is within a 100' of single-family zoning. Any impacts from future development will be addressed during development review to ensure healthy coexistence and integration of various land uses.**

## Policy 4.2.1

The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low -intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and tree canopy.

**The requested MUL FLU and concurrent MU-1 Zoning Designations permit a mixed-use development of neighborhood-scale and low-intensity uses. This allows for transitional uses within an area that includes residential development. Approval of this application allows for a mixed-use development that is served by adequate public facilities and services and is within walking distance for residents. Additionally, the City LDC requires compatibility with adjacent and surrounding uses, including building scale, parking location, refuse and service area location, and buffers. These include parking being located to the rear and side of the building (LDC §30-4.21.A.1.), connections to public sidewalks from the principal building (LDC §30-4.21.B.1.), a 9' wide Type B buffer (LDC §§30-8.5.), refuse areas screened by a minimum 6' wall or fence from the public street (LDC §30-6.11.A.), a maximum building height of 3 stories or 36' within 100' of single-family zoning (LDC §30-4.8.C.), and main entrances of buildings located on the more primary street (LDC §60-4.21.C.). During development review, any impacts to adjacent areas will be addressed and mitigated to ensure the development will not negatively impact the surrounding areas.**

#### Objective 4.4

Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

**The concurrent Ss-CPA application is being submitted to amend the Alachua County Low Density Residential FLU to the City of Gainesville MUL FLU. This application is being submitted to amend the site's existing zoning district to MU-1, which implements the MUL FLU.**

##### Policy 4.4.1

Land use amendments should be prepared for all annexed properties within one year of annexation.

**The project site's annexation was approved on February 21, 2019 by Ordinance No. 180416. This application and concurrent Ss-CPA application are being submitted to amend the site's FLU and zoning designations.**

#### Objective 4.6

The City's Land Development Code shall provide a regulating mechanism to ensure consistency between the land use categories established in this Future Land Use Element and the zoning districts established in the Land Development Code.

**This application and concurrent Ss-CPA application are being submitted to amend the zoning and FLU to MU-1 and MUL, respectively. The MU-1 Zoning District implements the MUL FLU and allows for development that is consistent with the mixed-use developments in the surrounding area.**

## 5. CONSISTENCY WITH CITY OF GAINESVILLE LAND DEVELOPMENT CODE

The following identifies how this application is consistent with the City of Gainesville Land Development Code (LDC). Language from the LDC is provided in normal font, and the consistency statements are provided in **bold font**.

### Section 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.

**The proposed City of Gainesville MU-1 Zoning District permits a variety of residential housing types at a density of up to 30 dwelling units per acre, up to 100,000 square feet neighborhood-scale nonresidential uses, or a combination of these uses. The project site is located adjacent to the NW 43<sup>rd</sup> Street/39<sup>th</sup> Avenue intersection that has a mixture of multi-family, single-family, commercial and office development. The proposed MU-1 permitted uses and allowed density/intensity is consistent with existing development around this intersection. Additionally, the mixed-use zoning district supports multiple City of Gainesville Comprehensive Plan policies that encourage a mixed-use development along arterial roadways and maximizing the use of existing and planned public services and facilities.**

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

**The proposed City of Gainesville MU-1 Zoning District is a low intensity, mixed-use district that implements the Mixed-Use Low Intensity (MUL) FLU. The MU-1 district is suitable for this site because it complements the types of uses that already exist within the area by providing a mixture of residential and neighborhood commercial uses on a single site and at an appropriate scale.**

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

**Similar uses already exist along the NW 39<sup>th</sup> Avenue corridor, especially at the NW 43<sup>rd</sup> Street intersection, which include multi-family apartment complexes, single-family homes, duplexes, general and medical offices, banks with multiple drive-throughs, restaurants with drive-throughs, and higher education. The proposed zoning district will encourage further diversity in the available housing types, as well as encourage neighboring and onsite residents to patron the nonresidential uses that will serve this neighborhood.**

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

**The site is within the City's boundaries and is currently served by available public facilities and services by GRU, City of Gainesville, and Alachua County. Future development on the site would constitute as infill development and reduce pressure to develop on lands not suitable for development. Additionally, the requested designations allow for development consistent with the existing development pattern along NW 39<sup>th</sup> Avenue/SR 222. Any impacts to adjacent**

properties will be mitigated through the City LDC requirements, including a 9' wide Type B buffer (LDC §§30-8.5.), refuse areas screened by a minimum 6' wall or fence from the public street (LDC §30-6.11.A.), a maximum building height of 3 stories or 36' within 100' of single-family zoning (LDC §30-4.8.C.), and main entrances of buildings located on the more primary street (LDC §60-4.21.C.).

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

**Sections 4 and 5 of this report demonstrate how this application is consistent with the City of Gainesville Comprehensive Plan and LDC. Additionally, Section 3 of this report demonstrates that there are adequate traffic, recreation, and school facilities to support any future development.**

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

**This application and the concurrent Ss-CPA application are being submitted as a result of the subject property annexing into the City limits. The proposed FLU and zoning district designations support the diverse types of uses found at the NW 39<sup>th</sup> Avenue/43<sup>rd</sup> Street intersection. Approval of these applications will allow a similar mixture of residential and nonresidential development to occur on a single site. These requests are supported in the City Comprehensive Plan, which encourages mixed-use development along arterial roadways and maximizing existing and planned public facilities and services.**

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

**The project site is located on NW 39<sup>th</sup> Avenue/SR 222, a major arterial that consists of both nonresidential and residential uses that have developed over the last five (5) decades. Development in the area was initially limited to single-family detached, duplex, quadraplex, and condominium residential. Eventually, office parks developed along both the 39<sup>th</sup> Avenue and 43<sup>rd</sup> Street corridors, which were soon followed by higher density, multi-family apartment complexes. The most recognizable development is Magnolia Parke, a mixed-use development with multi-family residential and a variety of retail sales and service, office, and institutional uses. The proposed MU-1 Zoning District permits the mix of uses found in Magnolia Parke, reflective of the existing development pattern.**

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

**Section 4 of this justification report demonstrates how the proposed project is consistent with Comprehensive Plan Goals, Objectives, and Policies.**

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

**This Justification Report is intended to present facts and findings related to the proposed MU-1 Rezoning by clearly demonstrating how this application is consistent with City of Gainesville Comprehensive Goals, Objectives, and Plans, as well as City Land Development Code.**



- 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 10 acres.

**This rezoning application is being submitted to rezone the project site to MU-1, not a transect zone. The City of Gainesville only applied transect zones to the most urbanized areas within its limits. This project site is not consistent with previous transect zone applications.**

**Re: Public Meeting on Re-Zoning August 22**

O S

Mon 8/19/2019 12:25 PM

To: O S &lt;osbiz@hotmail.com&gt;

August 19, 2019

**To: Robert Ackerman, Megan Walker-Radtke, Erin Condon, Terry Clark, Stephanie Sutton, Christian Newman, & Thomas Hawkins.**

**Dear Members of the Gainesville City Planning Board:**

**I am writing in response to a card I received about a public meeting on Aug. 22.**

**It concerns a 5-acre tract of land that abuts the property of the duplex I've owned & lived in for over 20 years.**

**Application #'s are PB-19-77-LUC & PB-19-78-ZON.**

**Please consider seriously what I have written.**

**I am severely ill, disabled & mostly housebound, & unable to attend any meetings.**

**I was dismayed to learn that the property was purchased by a commercial real estate development corporation from south Florida.**

**When I read in the local newspaper that the new owner had requested re-zoning from Alachua County to the City of G'ville, I immediately wrote to the City Commission, asking that the request be denied - unless the adjacent properties (mine included) were also annexed into the City.**

**Yet the re-zoning passed.**

**So now I still live in the County on a one-block-long dead-end street surrounded by properties in the City, a situation which seems very odd to me. It's a burden because County residents pay higher property taxes than those in the City, have additional annual fire & other fees, & we pay higher GRU utility rates.**

**Now I'm writing about the proposed change from Single-Family Residential to Mixed-Use Low Intensity.**

**I met with a representative of the property's new owner.**

**He told me that the property includes protected wetlands (not the area next to mine, unfortunately).**

**I was horrified when he suggested that they want to erect a dry cleaning establishment next to a wetland.**

**I thought he was joking; he was not. Dry cleaners are one of the most polluting industries, & spew out petro-chemical toxins.**

**He also proposed to build a restaurant with live entertainment outside. (There is already one across the street.)**

**Then he suggested a drive-through coffee shop. (Starbucks is 1/10 mile away.)**

This 5-acre tract is all old-Florida woods, with 2 dilapidated structures on it, one of which has not been occupied in at least 20 years.

The other was occupied until last year, when the last surviving family member was unfortunately killed in an automobile accident near here, hence the sale of the property.

On one side of the 5 acres, there are 6 houses in Autumn Woods that will be affected by this re-zoning.

On the other side, where I live, there are 6 duplexes (12 families) that will be directly impacted by the proposed businesses.

Of course when we purchased our homes, we assumed the area would remain zoned Residential.

Re-zoning would mean that, where there are now beautiful woods & privacy & quiet for 18 families, there would be bright lights & loud noise & congested traffic in our back yards. That would be unconscionable.

The building of multi-level units in Magnolia Parke across the street has already affected the ecosystem, & driven away most of the native animals by destruction of their habitat. When I moved here, there were many deer roaming in that forest, north of NW 39th Avenue.

Now this proposal would harm the rest of the animals that are left, south of NW 39th Avenue.

Please do not even consider changing the zoning from Residential to Mixed-Use Low Intensity.

This is not an appropriate area for commercial 'development' (destruction).

It should remain an area for Single Family Residential, as it has been zoned for decades.

Re-zoning to Mixed-Use Low Intensity would ruin the quality of life for people, animals, the ecosystem, & the earth.

Why would we want our beautiful natural habitats to be destroyed? For profit?

Do we want Gainesville to become like south Florida? I do not.

I admit that this re-zoning would also affect me personally.

The commercial projects that would result from re-zoning would violently impact my health.

I have severe breathing issues from 3 types of lung disease, 3 kinds of heart disease, late-stage Lyme Disease, & multiple other illnesses.

In the 2 decades that I have made this area my home, I have made my own yard a lush dense green sanctuary for myself & the natural environment. It is filled with many types of native plants, which attract birds, bees, butterflies, dragonflies, opossums, armadillos, & other creatures.

The truth is that I am too sick to be able to tolerate having several businesses just yards from my house.

I would have an impossible decision to make about whether or not to sell my home; I do not have anywhere else to go.

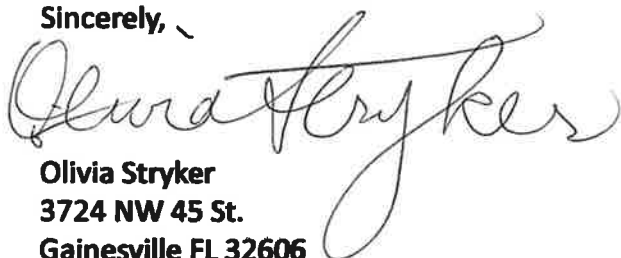
I have lived in Gainesville frequently since my parents moved here in 1947, & continuously since 1994.

I am sad to see the fragile environment & natural beauty of Gainesville, The Tree City, of Wild Spaces & Public Places, changed by destruction of trees & wildlife.

**Please do not consider changing the zoning.**

**Thank you for your serious considered attention to this urgent issue.**

**Sincerely, \**



**Olivia Stryker  
3724 NW 45 St.  
Gainesville FL 32606  
(352) 372-9580**



Virus-free. [www.avast.com](http://www.avast.com)

**annexation reading tonight February 7th - please read email today**

**O S**

Thu 2/7/2019 2:58 PM

To: citycomm@cityofgainesville.org <citycomm@cityofgainesville.org>

**Dear Gainesville City Commission Members:**

**I've just read in the Gvl Sun that there's a First Reading tonight about Voluntary Annexation into the City of Gville of a 5-acre property north of parcel #06111-007-000 & east of parcel # 06112-010-046.**

**It's south of NW 39th Ave & west of NW 45th St.**

**This parcel abuts the duplex that I have owned & lived in for over 20 years.**

**I do not know why the new owner is requesting the move into the City.**

**(I have been an advocate of being a City resident for the entire time I've lived here.)**

**I am pleading with you to seriously consider the ramifications of changing this property.**

**It is bordered on both the east & west by residences, & not by businesses.**

**It has ALWAYS been residential, & contains only 2 houses now, both in disrepair.**

**I have watched in despair as Magnolia Parke was re-zoned & built into a small town.**

**Then Las Margaritas' zoning was changed to accommodate a very busy restaurant, instead of offices.**

**The ongoing destruction of natural wildlife habitat, & of covering the ground with concrete & asphalt, & then building many large structures on it, is NOT progress.**

**This area is still forest. I beg you to consider the cost to humans & animals when you read this ordinance tonight.**

**I understand that it is not - YET - a re-zoning request for commercial buildings.**

**Please consider the consequences of any changes.**

**I am very ill & unable to attend any meetings, as I can rarely leave my house.**

**(Which obviously makes it so important to me that my back yard is preserved.)**

**Thank you for your attention to this critical issue.**

**Olivia Stryker**

**3724 NW 45th St.**

**Gainesville FL 32606**

**ph 352-372-9580**

**Re: annexation**

**O S**

Thu 2/28/2019 3:09 PM

To: citycomm@cityofgainesville.org <citycomm@cityofgainesville.org>

Hi Helen, thanks for your reply.

Shall I assume their request was passed?

And what does that mean, except that they pay lower taxes & have other benefits of being in the city, not the county?

I'm curious re what happened to the old policy of notifying impacted owners re changes in zoning?

I just happened to see the notice in the Gvl Sun.

As I wrote earlier, I've supported being included in the city as long as I've owned & lived in this duplex, over 20 years.

It's unusual that properties just east of mine, & also just north of mine, are included in the city, & my little one-block-long street is excluded.

I'm dismayed to learn that a commercial real estate development corporation based in Miami bought the property.

Magnolia Parke is across the street & 1/4 mile away from me.

While it was being developed, my entire concrete block/ slab house shook, from very early in the morn til late afternoon, for several years, from the huge equipment used there to destroy the acres of woods.

And this current property is only 50 feet from my house.

Less than 15 years ago, these woods were still teeming with deer, tortoises, raccoons, snakes, birds, armadillos, opossums, foxes, coyotes, & other native creatures.

Their habitat has been completely destroyed by the hideous asphalt & concrete & several-story-high buildings of Magnolia Parke.

There are only a few species left in the woods behind me, the property in question.

How sad that this is deemed 'development'.

It's far from that, it's destruction.

Thank you for your attention.

Peace, Olivia Stryker

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**From:** Warren, Helen K. <WarrenHK@cityofgainesville.org>

**Sent:** Thursday, February 7, 2019 9:09 PM

**To:** O S

**Subject:** Re: annexation reading tonight February 7th - please read email today

Hi Olivia,

I haven't seen you in many years. Sorry to hear that your health is restricting activities.

As for the request on the table, the owners are only requesting to be added to the city limit.

I do not know what plans the owners have for this annexation.

Would you consider annexing in your property?

Helen

Sent from my iPad

> On Feb 7, 2019, at 2:58 PM, O S <osbiz@hotmail.com> wrote:

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Olivia Stryker