



City of Gainesville  
Department of Sustainable Development  
Planning Division

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

## **CITY PLAN BOARD STAFF REPORT**

**PUBLIC HEARING DATE:** February 25, 2021  
**PROJECT NAME AND NUMBER:** PB-20-00152 LUC  
**APPLICATION TYPE:** Legislative  
**RECOMMENDATION:** Approve  
**CITY PROJECT CONTACT:** Nathaniel Chan

### **APPLICATION INFORMATION:**

**Agent/Applicant:** eda consultants, inc.

**Property Owner(s):** Hawes Family LP, Allen Z. Osbrach, David K. Crapps

**Related Petition(s):** PB-20-00153 ZON

**Legislative History:** Ordinance 960936 (1998; Land Use Amendment from Residential Low RL and Conservation CON to Planned Use District PUD), Ordinance 960937 (1998; Rezoning from RSF-4 and Conservation to Planned Development PD). Both ordinances have lapsed.

**Neighborhood Workshop:** Yes, held on November 30<sup>th</sup>, 2020

### **SITE INFORMATION:**

**Address:** Located in the 755-1100 block on the south side of NE 39th Blvd.

**Parcel Number(s):** 08231-008-000, 08231-008-001, 08231-008-002, 08231-008-003

**Acreage:** 83.79 +/- acres

**Existing Use(s):** Vacant

**Land Use Designation(s):** Planned Use District (PUD)

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

**Overlay District(s):** N/A

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

**Annexed:** 1961

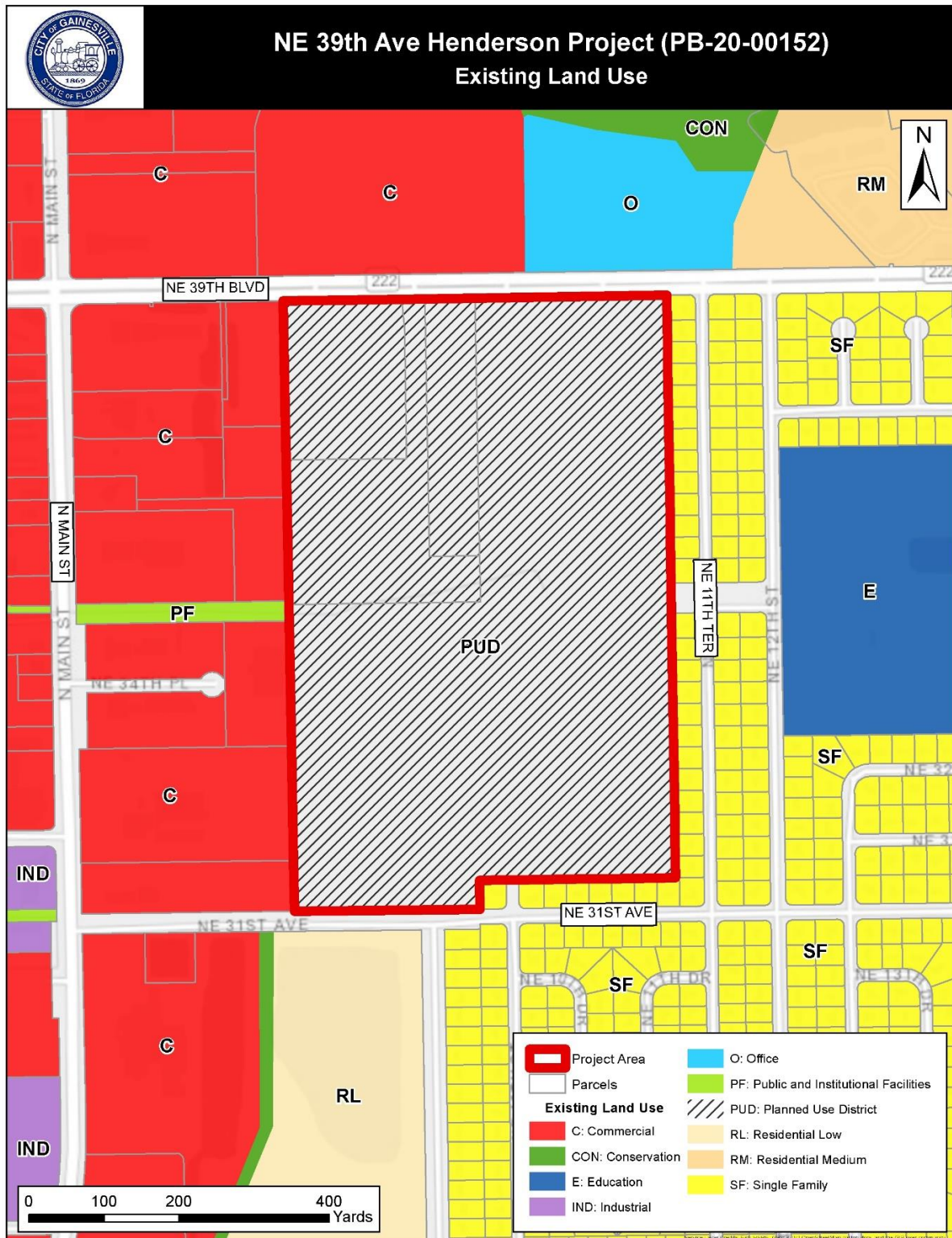
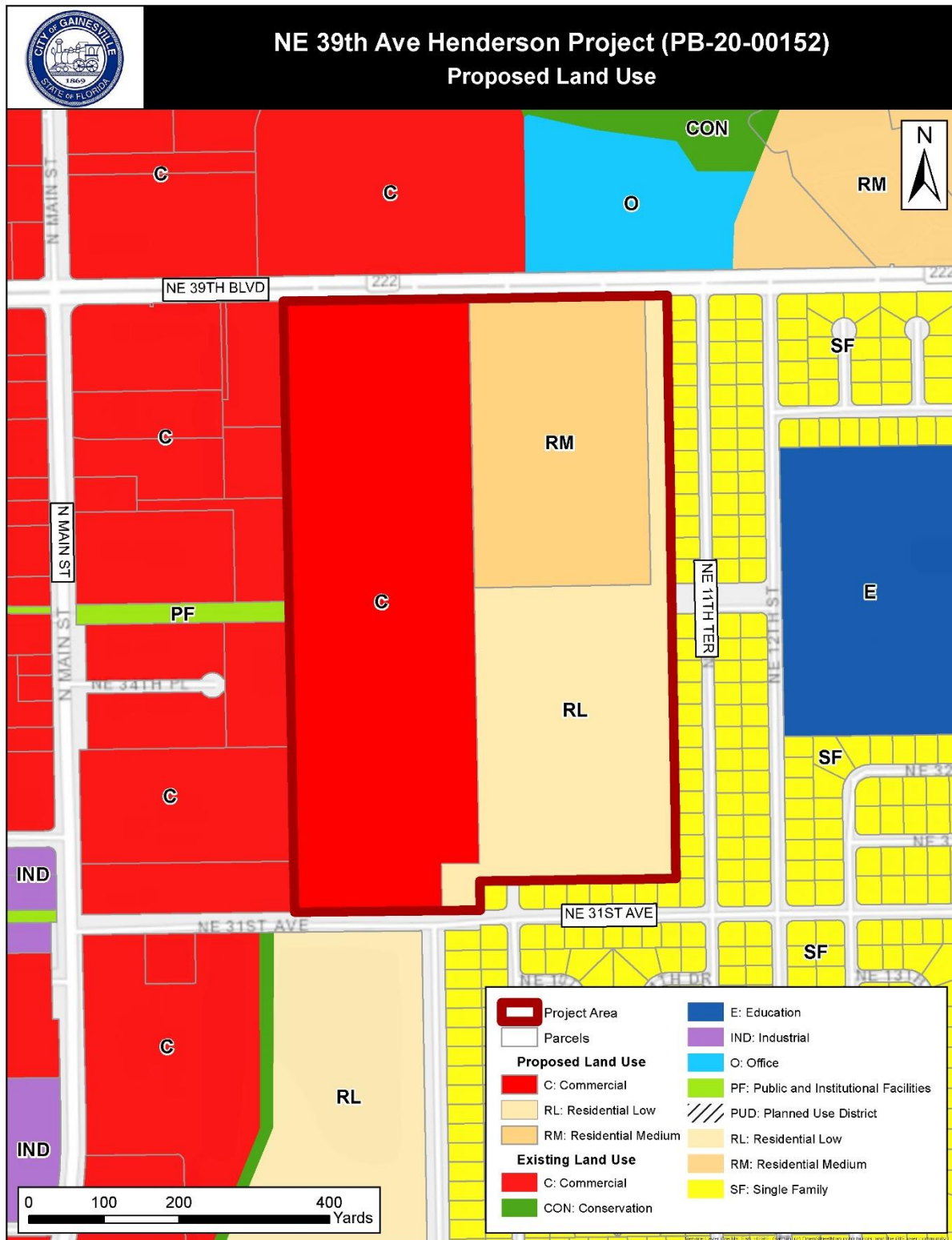


Figure 1: Existing Future Land Use: Planned Use District (PUD)





**Figure 2: Proposed Future Land Use: Commercial (C), Residential Medium (RM), Residential Low (RL)**

**ADJACENT PROPERTY CHARACTERISTICS:**

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
<b>North</b>	NE 39 <sup>th</sup> Blvd; North of NE 39 <sup>th</sup> Blvd: Vacant	Commercial (C); Office (O)	Automotive-Oriented Business (BA); General Office (OF)
<b>South</b>	Single-family dwellings; Vacant	Single-Family (SF); Residential Low (RL)	Single-Family Residential (RSF-2 and RSF-4)
<b>East</b>	Single-family dwellings	Single-Family (SF)	Single-Family Residential (RSF-2)
<b>West</b>	Vehicle Sales (automobile dealerships)	Commercial (C); Public and Institutional Facilities (PF)	Automotive-Oriented Business (BA); Public Services and Operations (PS)

**PURPOSE AND DESCRIPTION:**

This petition is privately initiated by the property owners and eda consultants, Inc. and proposes a Large-Scale Comprehensive Plan Amendment (land use change) of the subject properties located on the 755-1100 block on the south side of NE 39<sup>th</sup> Blvd. (Tax Parcel Numbers 08231-008-000, 08231-008-001, 08231-008-002, 08231-008-003). The proposed land use amendment is to change the existing land use from Planned Use District (PUD, 8 units per acre) to conventional future land use categories: Commercial (C), Residential Medium (RM, 8-30 units per acre), and Residential Low (RL, up to 15 units per acre). This petition is related to Petition PB-20-00153 ZON, a rezoning of the subject property from Planned Development (PD, 8 units per acre) to conventional zoning: Automotive-Oriented Business (BA), Multiple-Family Residential (RMF-8, 8-20 units per acre), and Single-Family Residential (RSF-4, up to 8 units per acre).

**STAFF ANALYSIS AND RECOMMENDATION:**

The staff recommendation is based on the 11 factors stated in the Future Land Use Element of the Comprehensive Plan (Future Land Use Element Policy 4.1.3) and State Statute criteria. The following factors are stated below:

1. Consistency with the Comprehensive Plan
2. Compatibility and surrounding land uses
3. Environmental impacts and constraints

4. Support for urban infill and redevelopment
5. Impacts on affordable housing
6. Impacts on the transportation system
7. Availability of facilities and services
8. Need for the additional acreage in the proposed future land use category
9. Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177 (6)9, F.S.
10. Need for job creation, capital investment, and economic development to 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.

## ANALYSIS

### 1. Consistency with the Comprehensive Plan

The proposed Large-Scale Comprehensive Plan Amendment (land use amendment) of the subject properties are consistent with the goals, policies, and objectives of the Comprehensive Plan (Appendix C), as outlined below:

#### Future Land Use Element

##### Policy 1.2.3

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

##### Objective 1.5

Discourage the proliferation of urban sprawl.

##### Objective 4.1

The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban form by allowing a



range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.

Policy 4.2.4

The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16<sup>th</sup> Avenue.

Transportation Mobility Element

Policy 10.1.3

Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

2. Compatibility and surrounding land uses

The existing future land use category on the subject properties is Planned Use District (PUD, 8 units per acre). The existing PUD (Ordinance 960936, established in 1998), amended the future land use categories from Residential Low-Density (RL) and Conservation (CON) to Planned Use District (PUD); the PUD had areas designated for Commercial, Single-Family Residential, Warehousing, Retention, and several built-in buffer areas between uses.

The proposed future land use categories are as follows: Commercial for Tax Parcels 08231-008-001, 08231-008-002, 08231-008-003, and a portion of 08321-008-000 (42.22 +/- acres); Residential Low for a portion of Tax Parcel 08321-008-000 (22.75 +/- acres); and Residential Medium for a portion of Tax Parcel 08321-008-000 (18.82 +/- acres).

The proposed future land use categories are compatible with the future land use categories surrounding the subject properties in the following ways:

- The proposed Commercial future land use on the western portion of the subject area is consistent with the existing Commercial (C) future land use to the abutting west and adjacent north, across from NE 39<sup>th</sup> Blvd.

- The proposed Residential Medium (RM) future land use on the northeastern portion of the subject area is consistent and acts as a transitional area between the Commercial (C) and Residential Low (RL) properties.
- The proposed Residential Low (RL) future land use on the southeast and parts of the northeast/southwest portions of the subject area are consistent with the existing Single-Family (SF) future land use to the abutting east and south. The proposed RL future land use extends along the east corner of the subject area, creating a small “buffer” between the proposed RM future land use and the existing SF future land use. Similarly, City staff coordinated with the applicant to extend the proposed RL future land use into the small southeastern corner of the proposed Commercial (C) future land use to provide a small residential buffer to the existing SF properties to the abutting south and across from NE 31<sup>st</sup> Avenue.

No development is proposed on the subject properties at this time. Internal compatibility between the proposed future land use categories will be subject to the appropriate compatibility buffer required in Section 30-8.5. Compatibility Buffers in the Land Development Code. Additionally, existing wetlands on the subject properties will be subject to wetlands buffers required in Section 30-8.20. General Requirements and Procedures in the Land Development Code.

3. Environmental impacts and constraints

The applicant submitted a comprehensive Environmental Resources Assessment as part of this land use amendment petition. The Environmental Coordinator reviewed the Environmental Resources Assessment and the proposed activities for considerations relating to environmental resources which are regulated by the City’s Land Development Code. Please see the Environmental Memo for more information regarding environmental impacts and constraints (Appendix D).

There are approximately 13.67 acres of wetlands and surface waters on the subject property. In the southeastern quadrant of the subject area, where RL future land use is proposed, there are approximately 6.23 acres of Wetlands on Fill. In the northeastern quadrant of the subject area, where RM future land use is proposed, there are approximately 3.32 acres of Drained Wetland. The wetlands in the eastern portion of the subject property are subject to wetlands buffers required in Section 30-8.20. General

Requirements and Procedures in the LDC. In the northwestern quadrant of the subject area, where Commercial future land use is proposed, there are scattered manmade surface waters. These manmade surface waters are exempt from provisions of the surface waters and wetlands section of the LDC, provided development activities in those areas will not adversely affect natural or mitigation surface waters and wetlands based on Section 30-8.18 of the LDC. Please see the Environmental Memo for more information regarding environmental impacts and constraints (Appendix D).

4. Support for urban infill and redevelopment

The proposed Commercial (C), Residential Low (RL) and Residential Medium (RM) future land use categories will support urban infill on the subject property. The subject properties are located within the urbanized portion of the City of Gainesville. The properties were vacant for many years under the existing PUD and PD ordinances. A large-scale land-use amendment and rezoning to conventional zoning districts will promote development and infill on the subject properties. These properties are adjacent to existing centralized utilities, transit service, public roadways, bike lanes and sidewalks. Development of the western portion of the subject area would complement the existing adjacent commercial land uses, while development on the eastern portion would complement the existing adjacent and abutting residential land uses.

5. Impacts on affordable housing

The subject land use amendment and rezoning proposals are not expected to impact affordable housing. The proposed land use change from PUD/PD land use and zoning to conventional land use and zoning districts will allow a greater number of residential units. The proposed addition of Residential Medium (RM) future land use in the northeastern part of the subject area will allow for multi-family development on the site. The additional density and potential for multi-family units may create affordable housing opportunities on the site by reducing the unit and land costs from construction.

6. Impacts on the transportation system

The proposed large-scale land use amendment is not expected to negatively impact the transportation system. The subject properties are served by NE 39<sup>th</sup> Blvd, NE 11<sup>th</sup> Ter, and NE 31<sup>st</sup> Ave. This approximately 83.79 acres of land is located on the south side of NE 39<sup>th</sup> Ave. which has sidewalks and bike lanes on the north and south side. On NE 31<sup>st</sup> Ave,



there is an existing sidewalk on the south side. Upon development of the subject properties, there are opportunities along the abutting roadways to extend existing road connections to promote connectivity and permeability throughout the site.

The site is currently served by RTS Routes 15 and 39. The subject area falls within the Transportation Mobility Program Area (TMPA) Zone B and will have to abide by the regulations set forth in Policy 10.1.3 of the Transportation Mobility Element of the Comprehensive Plan (Appendix B). As part of this application for land use amendment, the applicant submitted a traffic study on Potential Net Trip Generation. Prior to development of the subject properties, the developments must submit a more detailed traffic analysis for development plan review by the City.

7. Availability of facilities and services

The subject properties are available to be served by potable water, wastewater, and electric services by Gainesville Regional Utilities (GRU). As forementioned, there are opportunities to extend access into the site via the adjacent roadways NE 39<sup>th</sup> Blvd, NE 11<sup>th</sup> Ter, and NE 31<sup>st</sup> Ave. There are existing sidewalks on NE 39<sup>th</sup> Blvd and NE 31<sup>st</sup> Ave, and existing bike lanes on NE 39<sup>th</sup> Ave. As part of their justification report, the applicant submitted a Level of Service report detailing the impact of development on the site under maximum development scenarios (Appendix A).

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

According to recent statistical analysis of land use patterns in the City, approximately 1881.02 +/- acres have Residential Medium (RM) land use, 2313.19 +/- acres have Residential Low (RL) land use, and 648.9 +/- acres have Commercial (C) land use. The amount of vacant land in each of the proposed future land use categories is as follows: 153.33 acres vacant in RM (8.15% of total), 249.16 acres vacant in RL (10.77% of total) and 86.78 acres vacant in C (13.37% of total). The small percentages of vacant land in each of the proposed future land use categories (RL, RM, and C) for the subject properties shows the need for additional acreage (Appendix C).

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

In Chapter 163, Section 3164 of Florida Statute, "Urban sprawl means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses." The proposed future land use amendment and rezoning discourage urban sprawl in the following ways:

- a) Future development on the subject property is connected to existing transportation facilities and services, including NE 39<sup>th</sup> Blvd, NE 31<sup>st</sup> Ave, NE 11<sup>th</sup> Ter, and existing bike lanes, sidewalks, and RTS bus routes.
- b) The related rezoning petition (PB-20-00153 ZON) will adjust the maximum development potential of the subject properties from approximately 54.08 developable residential acres of PD (8 units per acre) to 18.82 acres of RMF-8 (8-20 units per acre) and 22.75 acres of RSF-4 (up to 8 units per acre).
- c) Future residential development on the eastern half of the subject area would promote urban infill since surrounding properties have existing residential uses. Future commercial development on the western half of the subject area would complement existing commercial uses to the abutting west.
- d) The extension of existing public roadway may be required for future development of the subject properties, mainly for access and connectivity from NE 39<sup>th</sup> Blvd, NE 31<sup>st</sup> Ave, and NE 11<sup>th</sup> Ter. While no extensions are proposed as part of this petition, future roadway extensions through the subject properties would promote connectivity and permeability of the surrounding area.

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

The proposed land use amendment and supporting rezoning will improve the development potential of the subject properties. Future development on the subject properties, either commercial development on the western portion of the subject area or residential on the eastern portion of the subject area, will directly support job creation and strengthen the City's economic development.

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

This criterion is not applicable to the subject properties because the subject properties are not within an antiquated subdivision.

## RECOMMENDATION

Staff recommends approval of Petition PB-20-00152 LUC Land Use Amendment of parcels located on the 755-1100 block on the south side of NE 39<sup>th</sup> Boulevard (Tax Parcel Numbers 08231-008-000, 08231-008-001, 08231-008-002, 08231-008-003) from City of Gainesville Planned Use District (PUD, 8 units per acre) to City of Gainesville Commercial (C), Residential Medium (RM, 8-30 units per acre), and Residential Low (RL, up to 15 units per acre).

## DRAFT MOTION FOR CONSIDERATION

I move to approve Petition PB-20-00152 LUC Land Use Amendment of parcels located on the 755-1100 block on the south side of NE 39<sup>th</sup> Boulevard from City of Gainesville Planned Use District (PUD, 8 units per acre) to City of Gainesville Commercial (C), Residential Medium (RM, 8-30 units per acre), and Residential Low (RL, up to 15 units per acre).

### POST-APPROVAL REQUIREMENTS:

Requirements to be met after the vote on the future land use amendment include compliance with any conditions that may be imposed by the City Plan Board.

### LIST OF APPENDICES:

**Appendix A Application Documents**

**Appendix B Legislative History**

**Appendix C Comprehensive Plan Goals, Objectives, and Policies**

**Appendix D Maps and Tables**

**Appendix E Environmental Memo**



## **Appendix A**

### Application Documents



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

**OFFICE USE ONLY**

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

Owner(s) of Record (please print)	
Name: Hawes Family LP	
Address:	
830 Fruit Cove Rd	
Fruit Cove, FL 32259-2851	
Phone:	Fax:
(Additional owners may be listed at end of applic.)	

\*See end of application for additional owners

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

*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 <input checked="" type="checkbox"/>	Zoning Map <input checked="" type="checkbox"/>	Master Flood Control Map <input type="checkbox"/>
Present designation: PUD	Present designation: PD	Other <input type="checkbox"/> Specify:
Requested designation:	Requested designation: RMF-8, RSF-4, BA	

Commercial, Res Med & Res Low

**INFORMATION ON PROPERTY**

1. Street address: 750 - 1100 blocks of NE 39th Ave., South Side , east of N. Main Street
2. Map no(s):
3. Tax parcel no(s): 08231-000-000, 08231-008-001, 08231-008-003, 08231-008-002
4. Size of property: 83.79 +/- _____ 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):
- Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
  - 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.
  - Must correctly describe the property being submitted for the petition.
  - 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 NE 39th Ave.; Vacant Commercial & Office land use

South Developed Single-family land use; Vacant Residential Low (used for wetland mitigation)

East Developed Single-family residential

West Developed Commercial (primarily automobile dealerships)

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

NO ☒

YES ☐

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

See Justification Report



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

Residential streets

See Justification Report

Noise and lighting

See Justification Report

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

NO ☐

YES ☐

(If yes, please explain below)

See Justification Report

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

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

NO ☒

YES ☐

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

NO ☒

YES ☐

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

Redevelopment ☐

Activity Center ☐

Strip Commercial ☐

Urban Infill ☒

Urban Fringe ☐

Traditional Neighborhood ☐

See Justification Report

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

See Justification Report

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

See Justification Report

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

Roadways

See Justification Report

Recreation

See Justification Report

Water and Wastewater

See Justification Report

Solid Waste

See Justification Report

Mass Transit

See Justification Report

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

NO ☐

YES ☒ (please explain)

There are existing sidewalks along NE 39th Avenue. There is a sidewalk along the south side of NE 31st Ave. Transit Routes 15 & 39 run on NE 39th Avenue in front of the property. There are existing painted bike lanes on both sides of NE 39th Ave.

## CERTIFICATION

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

Owner of Record	
Name: Allen Z. Osbrach	
Address:	
1255 Faulkingham Rd	
Merritt Island, FL 32952	
Phone:	Fax:
Signature: See owner affidavit	

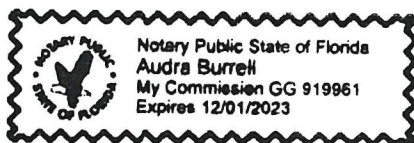
Owner of Record	
Name: David K. Crapps	
Address:	
5000 SW 25th Blvd, Apt 2111	
Gainesville, FL 32608	
Phone:	Fax:
Signature: See owner affidavit	

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

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

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

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



[Signature]  
Owner/Agent Signature

12/1/20  
Date

STATE OF FLORIDA  
COUNTY OF Alachua

Sworn to and subscribed before me this 1st day of December 2020 by (Name)  
Clay Sweger

Audra Burrell  
Signature – Notary Public

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

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

***Hawes, Crapps, & Osbrach Properties***

**750 – 1100 Blocks of NE 39<sup>th</sup> Avenue, south side**

**Prepared for Submittal to:**

City of Gainesville

**Prepared by:**

**eda** consultants, inc.

*December 3, 2020*

*Revised January 7, 2021*

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## Proposal and Background

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This application proposes a Large-Scale Comprehensive Plan Amendment (land use change) and rezoning for four parcels (08231-008-000, 08231-008-001, 08231-008-002, 08231-008-003) located in the 755-1100 block, south side of NE 39<sup>th</sup> Avenue. The parcels are all vacant and total to 83.79 +/- acres. The proposed future land use amendment is to take the properties from Planned Use District (PUD) to Commercial (42.22 +/- acres); Residential Medium (18.82 +/- acres), and Residential Low (22.75 +/- acres). The proposed rezoning is to change the property from Planned Development (PD) to BA (42.22 +/- acres), RMF-8 (18.82 +/- acres), and RSF-4 (22.75 +/- acres).

The property is located in the urbanized section of northeast Gainesville. It is considered an urban infill site due to surrounding development to the west (commercial), east (residential), and south (residential) and existing infrastructure in the area. Centralized utilities and existing roads are available to serve future urban development on the site. The site is currently vacant.

Vehicular access is available to the property from NE 39<sup>th</sup> Avenue (an FDOT roadway known as State Road 222), NE 31<sup>st</sup> Avenue (local street) and extension of NE 35<sup>th</sup> Avenue (local street). These are all existing paved streets.

The parcels are east of North Main Street in the 755- 1100 blocks of NE 39<sup>th</sup> Avenue. Properties to the west contain automotive dealerships (Honda, Volkswagen, Indi Car Credit, Acura, Ford, and Hyundai) and an Ameris Bank. To the south are NE 31<sup>st</sup> Avenue and 8 single-family residential homes. South of NE 31<sup>st</sup> Avenue is property owned by Gatorland Toyota that has a Residential Low land use designation but is used for wetland mitigation (regulated by an easement), so it will not be developed. To the east, all the property is developed as single-family residential with a Single-Family land use designation. To the north is NE 39<sup>th</sup> Avenue (State Road 222), a four-lane divided highway. To the north of NE 39<sup>th</sup> Avenue is vacant land with Commercial and Office land use designations.

The properties are all located in Zone A of the Transportation Mobility Program Area (TMPA). Any future development of the site will be subject to the Zone A requirements in the Transportation Mobility Element. The site is also within the City's Opportunity Zone.

The most recent land use change and rezoning activity on the parcels occurred as a result of the following two ordinances. Ordinance 980226 amended the land use on the property to Planned Use District (PUD) on October 12, 1998. Ordinance 960937, adopted on October 12, 1998, changed the zoning on the property from RSF-4 and Conservation to Planned Development (PD). Both the PUD and PD ordinances contain a number of conditions related to future property development. Both these ordinances have expired; therefore, it is necessary to initiate land use and zoning actions on the property to allow for future development.

In talks with the Department of Sustainable Development, both the property owners and the City staff discussed the desirability of moving to conventional land use and zoning categories due to the number of different property owners and desire to reduce the number of PDs in the City. After several meetings with City staff, this proposal to change the land use categories to Commercial, Residential Medium, and Residential Low and zoning districts to Business Automotive, RSF-8 (multi-family), and RSF-4 (single-family) emerged.

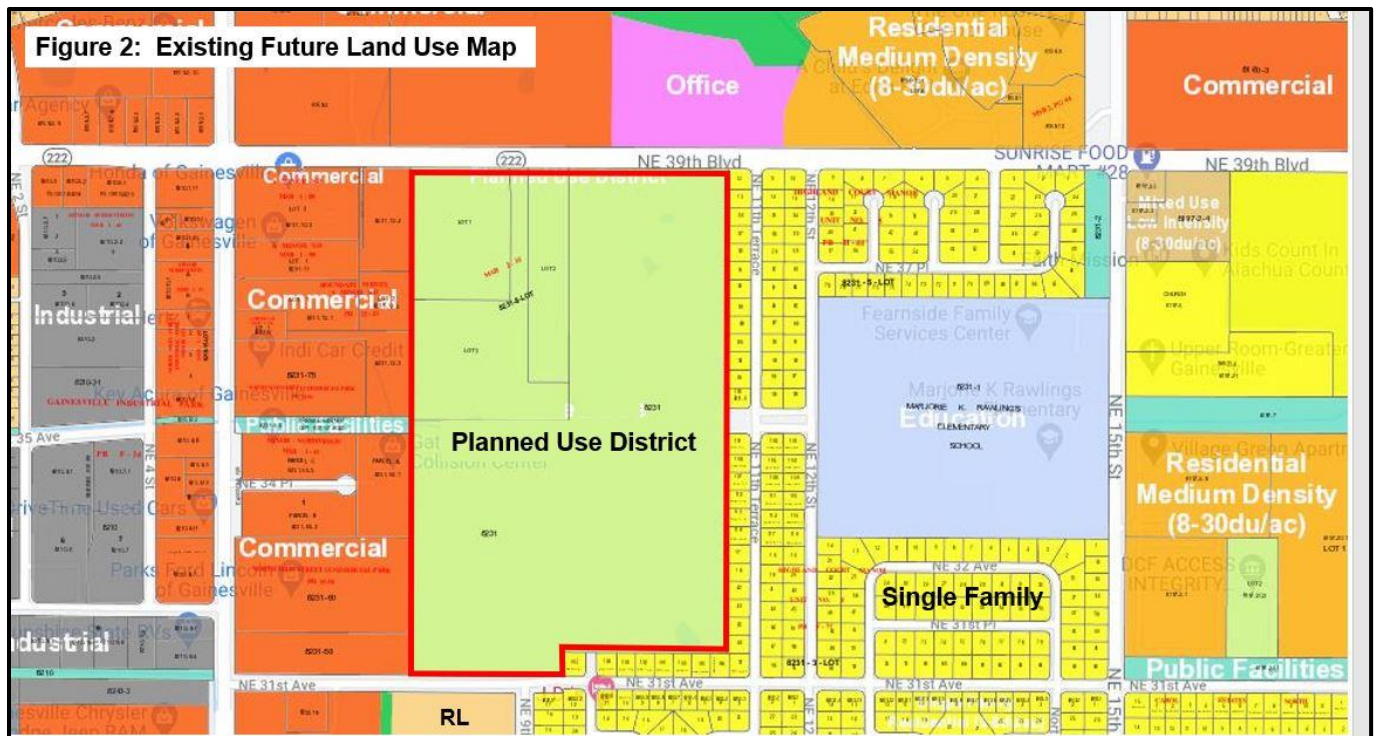
The aerial photo below (Figure 1) illustrates the parcel locations east of North Main Street on the south side of NE 39<sup>th</sup> Avenue, west of NE 11<sup>th</sup> Terrace in northeast Gainesville. As can be noted from the aerial photo, the properties are currently undeveloped but are surrounded by developed properties on the east, west, and south sides.



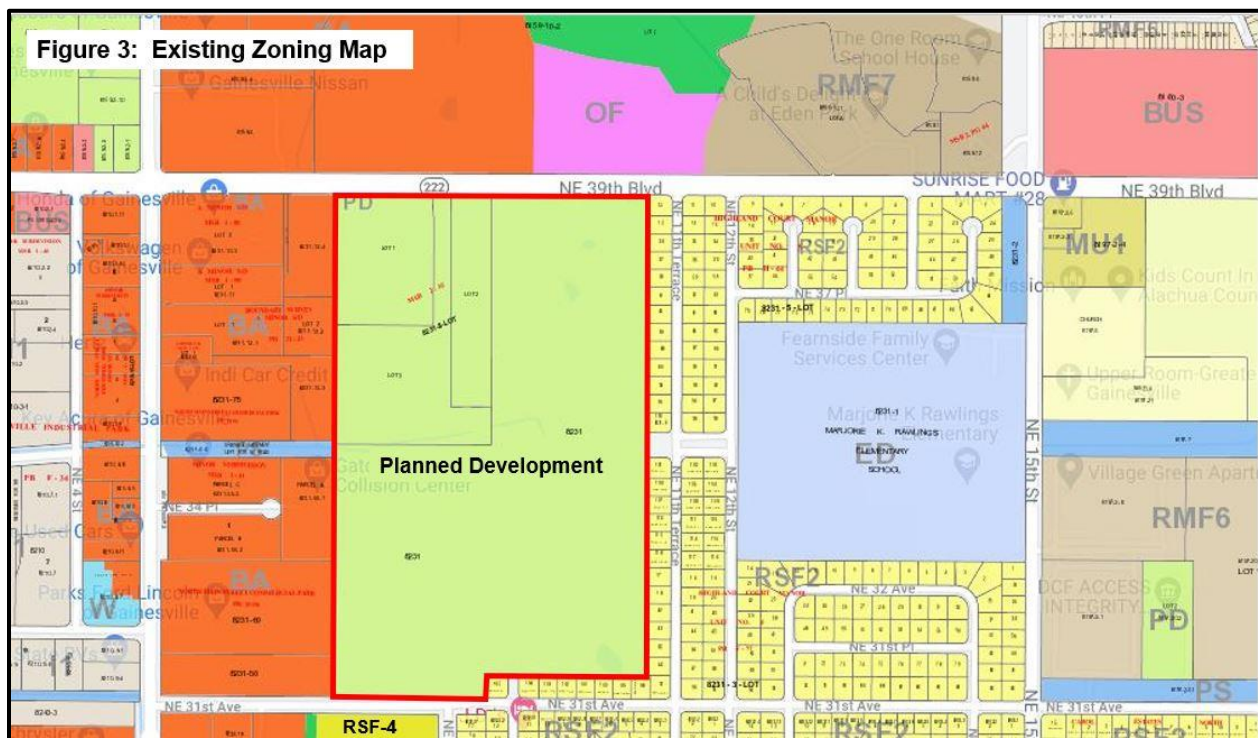
### Existing Future Land Use Designation and Zoning District

The current future land use designation of the four parcels is Planned Use District (PUD) as indicated in Figure 2 below. To the west, the properties all have Commercial future land use designations. To the east, the land use designation is Single-family. To the north, the designations are Commercial and Office. To the south, the designations are Residential Low and Single-family.





The existing zoning district on the property is Planned Development as illustrated on Figure 3 below. This zoning district allowed for Business Automotive uses, self-service storage, and single-family dwellings at a maximum density of 8 units/acre by right.





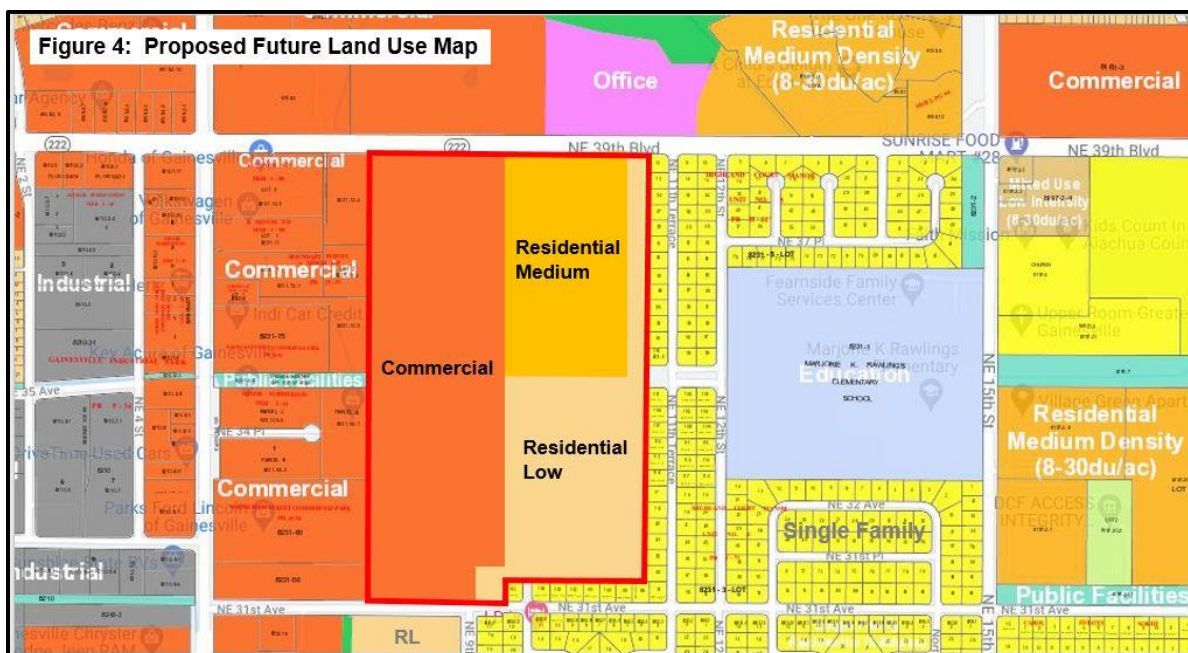
## Statement of Proposed Change / Proposed Future Land Use Category and Zoning District

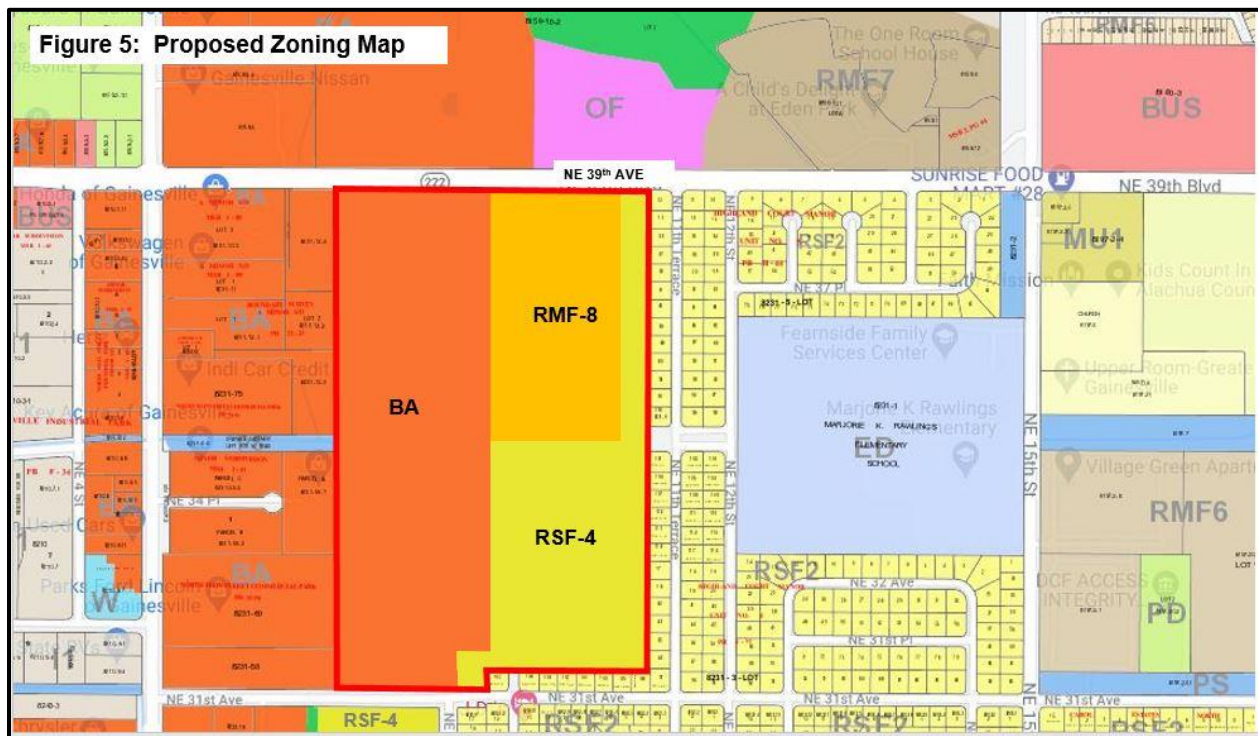
As stated above, the site currently has a future land use (FLU) designation of Planned Use District (PUD) and a zoning district of Planned Development (PD). These designations date back to 1998 when they were adopted by ordinance. The PUD and PD ordinances have lapsed.

The site has been vacant for many years. The four parcels are in 3 separate ownerships, which makes developing under PD zoning very complicated. Since the PUD and PD have lapsed, the applicants believe that changing the land use category and zoning district on these properties will better enable future development of the property under conventional land use categories and zoning districts.

The proposed future land use map amendment is to change the future land use category from PUD to Commercial for Tax Parcels 08231-008-001, 08231-008-002, 08231-008-003 and a portion of 08231-008-000 (21.53 +/- acres); and, to change from PUD to Residential Low (22.02 +/- acres) and Residential Medium (18.82 +/- acres) for a portion of Tax Parcel 08231-008-000.

The proposed Commercial future land use category (with proposed BA zoning) for roughly the western half of the site is consistent with the Commercial designation (and BA zoning) for the abutting properties to the west. The proposed Residential Low designation (with RSF-4 zoning) along the eastern property line and in the southeastern portion of the site is consistent with the single-family land use and existing single-family uses on the eastern and southern sides of site. The proposed Residential Medium future land use category with RMF-8 zoning in the northeastern portion of the site will serve as a transition between the Commercial land use area and the Residential Low area. The City's Land Development Code includes required landscape buffers between Commercial and Residential land use categories that will ensure compatibility between the land uses. The proposed land use categories and zoning districts for the subject property are consistent with each other and appropriate given the surrounding uses. Figures 4 & 5 below indicate the proposed future land use and zoning designations for the subject property.





The proposed land use and zoning designations will create an opportunity for urban infill development that is consistent with the existing and future surrounding development pattern in the area. This change may result in a mix of uses that can provide goods and services and new residential opportunities to the neighboring residential properties in a walkable setting. Under the proposed designations and under the existing City of Gainesville Land Development Regulations, future development activity within the subject property can occur in harmony with surrounding land uses and will occur in compliance with all applicable regulations associated with the Comprehensive Plan and Land Development Code. Future development on the property will create an asset to the City that will help spur development and redevelopment in northeast Gainesville.

The proposed Commercial land use category will support neighborhood goods services at a scale appropriate for the surrounding residential areas. The proposed Residential Low and Residential Medium land use designations will support new single-family and multi-family housing opportunities for Northeast Gainesville.

This area is served by GRU centralized utilities with adequate capacity and two transit routes: RTS Routes 15 and 39. Transit stops on the south side of NE 39<sup>th</sup> Avenue exist proximate to the subject property (one is approximately 351 feet from the eastern property line, and one is approximately 647 feet from the western property line). It is likely that RTS would add an additional stop (perhaps at the property itself) when development occurs. There are existing paved streets to serve the development (NE 39<sup>th</sup> Avenue, a 4-lane divided highway) and NE 31<sup>st</sup> Avenue (a local street) along the southern property frontage. An extension of NE 35<sup>th</sup> Avenue to the west into the property could occur when development occurs. There are existing sidewalks along both sides of NE 39<sup>th</sup> Avenue. There is an existing sidewalk along the southern side of NE 31<sup>st</sup> Avenue. Painted bicycle lanes exist on both sides of NE 39<sup>th</sup> Avenue.

City of Gainesville Comprehensive Plan Policy 4.1.1 defines the proposed Commercial future land use category as follows:

***Commercial (C)***

*The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit.*

The proposed zoning to implement the proposed Commercial future land use category is BA (Business Automotive). The City of Gainesville Land Development Code Sec. 30-4.19 establishes the permitted uses in the BA zoning district.

The table below illustrates the permitted uses for the BA zoning district.

***Sec. 30-4.19 Permitted Uses***

	Use Standards	BA
Business services		P
Carwash	30-5.5	P
Civic, social, or fraternal organization		P
Drive-through facility	30-5.9	P
Emergency shelter		P
Equipment rental and leasing, light		P
Food truck, not located within a food truck park	30-5.37	P
Food truck park (less than 6 pads)	30-5.13	P
Food truck park (6 or more pads) <sup>4</sup>	30-5.13	S
Gasoline or alternative fuel station	30-5.14	P

Ice manufacturing/vending machines	30-5.40	S
Large-scale retail		P
Light assembly, fabrication and processing	30-5.17	P
Liquor stores		P
Medical marijuana dispensing facility		P
Office		P
Parking, surface (principal use)	30-5.21	P
Passenger transit or rail station		P
Personal services		P
Place of religious assembly	30-5.22	P
Public administration building		P
Public park		P
Recreation, indoor		P
Recreation, outdoor		P
Recreational vehicle park	30-5.23	P
Restaurant		P
Retail nursery, lawn, or garden supply store		P
Retail sales (not elsewhere classified)		P
School, professional		P
School, vocational or trade		P

Scooter or electric golf cart sales		P
Truck or bus terminal or maintenance facility		P
Vehicle repair	30-5.30	P
Vehicle rental		P
Vehicle sales (no outdoor display)		P
Vehicle sales (with outdoor display)		P
Vehicle services	30-5.30	P
Veterinary services	30-5.31	P
Wholesale trade		S
Wireless communication facility or antenna	See Sec. 30-5.32	

**LEGEND:**

P = Permitted by right; S = Special use permit; A = Accessory.

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

City of Gainesville Comprehensive Plan Policy 4.1.1 defines the proposed Residential Medium and Residential Low future land use categories as follows:

***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.

***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 multifamily 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.*

The proposed zoning districts to implement the proposed Residential Medium and Residential Low future land use categories are, respectively, RMF-8 (Medium density residential 8 – 20 du/acre by right) and RSF-4 (Residential Single-family up to 8 units/acre). The City of Gainesville Land Development Code Sec. 30-4.16 establishes the permitted uses in the RMF-8 and RSF-4 zoning districts.

The table below illustrate the permitted uses for the RSF-4 and RMF-8 zoning districts.

**Sec. 30-4.16. - Permitted Uses**

<b>USES</b>	<b>Use Standards</b>	<b>RSF-1 to 4</b>	<b>RMF-6 to 8</b>
Accessory dwelling unit	30-5.35	A	A
Adult day care home	30-5.2	P	P
Assisted living facility		-	P
Attached dwelling (up to 6 attached units)		-	P
Bed and breakfast establishment	30-5.4	S	P
Community residential home (up to 6 residents)	30-5.6	P	P
Community residential home (7 to 14 residents)	30-5.6	-	P

Community residential home (over 14 residents)	30-5.6	-	P
Day care center	30-5.7	-	P
Emergency shelter		-	P
Family child care home	30-5.10	P	P
Multi-family dwelling		-	P
Multi-family, small-scale (2-4 units per building)		-	P
Place of religious assembly	30-5.22	S	P
Library		-	S
Public park		P	P
School (elementary, middle, or high - public or private)		S	P
Single-family dwelling		P	P
Single room occupancy residence	30-5.24	-	P
Skilled nursing facility		-	S
Social service facility	30-5.28	-	S

**LEGEND:**

P = Permitted by right; S = Special use permit; A = Accessory; Blank = Use not allowed

The subject property is an appropriate area for the placement of Commercial, Residential Medium, and Residential Low land use and the implementing zoning districts of BA, RMF-8, and RSF-4 for two reasons. First, these conventional land use categories and zoning districts replace the expired PUD and PD ordinance regulations. Second, the proposed land use categories and zoning districts generally follow the old, prescribed uses in those PUD and PD ordinances, with the major changes being: the addition of additional area on the southwestern portion of the property in Commercial land use; the elimination of the warehousing and office uses in the northwestern portion of the site; and the addition of multi-family use in between the Commercial and Residential Low areas of the site.

The proposed land use and zoning changes will allow for future property development on an infill site that is located along a major, 4-lane arterial (NE 39<sup>th</sup> Avenue, also known as State Road 222) in Northeast Gainesville. The proposed Commercial land use category (and BA zoning) is compatible with the existing Commercial uses to the west (primarily automobile dealerships). And, the permitted uses in the proposed BA zoning are the same uses allowed in the existing PUD/PD ordinances. The residential development density associated with the proposed Residential Low land use category is the same density as in the existing PUD land use category (8 units/acre maximum). The proposed Residential Low density has been placed such that it abuts the existing single-family dwellings along the eastern and southern property lines. Thus, any future residential development on the property would be consistent and compatible with the type and density that exists south and east of the property. The proposed addition of the Residential Medium land use category will allow for additional multi-family dwelling units in the Northeast portion of the city, and it serves as a transitional land use between the proposed Commercial and Residential Low land use categories. Non-residential development on the western portion of the subject property could serve the retail and service needs of the residential properties to the east and south in the area. The site is within walking distance of several residential and non-residential developments using existing sidewalk connections along NE 39<sup>th</sup> Avenue.

This property can be served by existing GRU centralized utilities with adequate capacity. It is already served by two transit routes (RTS Routes 15 and 39). There are existing bike lanes on both sides of NE 39<sup>th</sup> Avenue along the property frontage. There are also existing sidewalks along NE 39<sup>th</sup> Avenue and the south side of NE 31<sup>st</sup> Avenue. Any future development along NE 31<sup>st</sup> Avenue would be required to include sidewalk construction along the property frontage on the north side of NE 31<sup>st</sup> Avenue.

### **Basic Level Environmental Review**

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Accompanying this application is an Environmental Resource Assessment dated November 30, 2020 performed by ERC. That report discusses environmental features at the site such as wetlands, surface waters, topography, soils, floodplain, and potential habitats and species on the site. Please refer to that document for the environmental analysis.

### **Responses to Application Questions**

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

The property lies within an area that contains non-residential and residential uses such as automobile dealerships, a bank, single-family dwellings, and undeveloped land (to the north across NE 39<sup>th</sup> Avenue) and to the south (across NE 31<sup>st</sup> Avenue).

*North:* To the immediate north of the subject property is NE 39<sup>th</sup> Avenue (SR 222). North, across from NE 39<sup>th</sup> Avenue, there is vacant land designated with Commercial and Office land use categories.

*South:* To south of the subject property are 8 existing single-family dwellings and NE 31<sup>st</sup> Avenue (Single-family land use designation). South of NE 31<sup>st</sup> Avenue, there is a vacant area with the RL land use designation. However, this land will not be developed in residential use because it was used as wetland mitigation for the Gatorland Toyota development. An



easement over that portion of the property limits development to its current use as wetlands mitigation.

*East:* To the east there are existing single-family dwellings with a Single-family land use designation.

*West:* Abutting to the west are automobile dealerships (Honda, Volkswagen, Acura, Ford, and Hyundai) and a bank (Ameris Bank). These properties all have a Commercial future land use designation with BA zoning.

### Adjacent Property Characteristics Table

	Existing Use	FLU Designation	Zoning District
<b>North</b>	NE 39 <sup>th</sup> Avenue; across NE 39 <sup>th</sup> Ave.: vacant land	Commercial & Office	BA & OF
<b>South</b>	Single-family dwellings & vacant land used as wetlands mitigation	Single-family (up to 8 du/acre) & RL (up to 15 units/acre)	RSF-2 (4.6 du/acre); RSF-4 (up to 8 du/acre)
<b>East</b>	Single-family dwellings	Single-family (up to 8 du/acre)	RSF-2 (4.6 du/acre)
<b>West</b>	Automobile dealerships & a bank	Commercial	BA

Upon analyzing these existing land use patterns, the proposed land use and zoning change will not negatively impact the nature of the existing development pattern in the area. The existing development pattern and land use & zoning mapping in the area is primarily single-family residential to the east and a portion to the south. There is Commercial land use to the west with the existing automobile dealerships and bank. There is vacant land to the north across NE 39<sup>th</sup> Avenue that has land use designations that will allow commercial and office development. The Residential Low land use area designated to the south, separated by NE 31<sup>st</sup> Avenue was designated as a wetland mitigation area when Gatorland Toyota was developed and it will not be used for residential use. The proposed land use and zoning changes will place the property into the BA, RMF-8, and RSF-4 zoning districts, which are compatible with the aforementioned existing and future development patterns in the area. The land use and zoning changes allow for compatible infill development with a mix of different use types in the urban services area.

**6. B. There are no vacant properties that have Residential Low or Residential Medium near the subject property. While there is some vacant Commercial property to the north, the proposed Commercial area on the subject property is already abutting existing automobile dealerships with BA zoning, which increases compatibility.**

**6. C. Residential streets: Primary access to the non-residential designated portion of the property will be from NE 39<sup>th</sup> Avenue (an FDOT, 4-lane arterial). Secondary access may occur from NE 31<sup>st</sup> Avenue, however, that residential street already provides secondary access to two existing automobile dealerships (Hyundai and Gatorland Toyota) that are commercial uses.**

**Noise and lighting:** No development on the site is proposed at this time. At the time of development review, any future development on the site will have to comply with the City's noise ordinance and provide photometric details on the site plan. Required landscape buffers will separate the Commercial uses on the subject property from residential uses.

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

Please refer to the Environmental Resource Assessment submitted with this application.

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

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

The subject property is located within an existing urban service area with developed properties to the east, south, and west. Thus, the development pattern would be characteristic of urban infill. The automobile dealerships to the west (along Main Street) generally have been developed over the last 10 to 20 years. The single-family subdivision to the east was developed in the 1970s. The single-family dwellings to the south were developed in the 1960s.

As an infill site, there is existing transportation and utility infrastructure to support future development of the land. NE 39<sup>th</sup> Avenue (SR 222) is a Florida Department of Transportation (FDOT) roadway. NE 31<sup>st</sup> Avenue is an existing City-maintained street. The site is served by two transit routes (Routes 15 & 39). Existing bus stops are located on both sides of NE 39<sup>th</sup> Avenue. The closest stop to the east is located approximately 351 feet from the eastern property line. To the west, the closest stop is near Main Street on the south side of NE 39<sup>th</sup> Avenue, and it is approximately 647 feet from the western property line of the subject property. There are existing sidewalks on both sides of NE 39<sup>th</sup> Avenue that connect to these bus stops. There are existing bike lanes on both sides of NE 39<sup>th</sup> Avenue. In addition, there is existing sidewalk on the south side of NE 31<sup>st</sup> Avenue. There are existing potable water and wastewater lines on adjacent streets that can serve as connections to this infill site.

The proposed land use and zoning changes for the subject property may be able to provide goods and services for the area as part of any future commercial development on the site.

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

Future development on the site will support overall economic prosperity and economic development opportunities in northeast Gainesville. New development on the site will add to the City's tax base and promote construction jobs during the development phase.

## 6. H. Level of Service Analysis

The following level of service analysis calculates the impacts of the proposed maximum development scenarios for permitted uses under the existing and proposed future land use and zoning categories.

### a. Land Use & Zoning Development Scenarios (Existing and Proposed)

The proposed change in future land use and zoning will change approximately 83.79 acres of land from the current City future land use designation of PUD and PD zoning to Commercial, Residential Medium, and Residential Low. The maximum development scenario comparing the existing land use designation and the proposed maximum development scenario based on the proposed City land use and zoning designations, is indicated below:

#### Existing Land Use & Zoning

For the approximately 83.79-acre parcel, the following table indicates the estimated allowable density and intensity that could be accomplished under the standard land use and zoning regulations, as permitted by right under the current future land use categories and zoning districts. It should be noted that only a portion of the site was designated for residential use (54.08 acres of the total 83.79 acres), and it was set at a maximum density of 8 dwelling units per acre. A similar restriction to 8 dwelling units/acre was specified in the PD ordinance. The Planned Use District ordinance limited the floor area ratio for the commercial and warehouse portions of the property (29.71 acres) to 0.30. Therefore, that is what will be used to calculate the non-residential square footage maximum for the development. The resulting calculation is 388,250 square feet maximum. The PD ordinance further limited the square footage to 200,000 square feet of business automotive use, 40,000 square feet of self-storage use, and 40,000 square feet of office use (for a total of 280,000 square feet).

Site Area	Density Range	Minimum / Maximum Residential Units
54.08 +/- acres PUD FLU Category	8 d.u./acre	0 - 432 Dwelling Units
54.08 +/- acres PD	8 d.u./acre	0 - 432 Dwelling Units

#### Proposed FLU and Zoning Designations

The proposed maximum future development scenario for the property is 42.95 +/- Commercial development; 18.82 acres of Residential Medium development; and 22.02 acres of Residential Low development. The following table illustrates this development scenario with the estimated allowable residential density by right that could be accomplished under the proposed Residential Medium and Residential Low land use categories. There is no FAR stated in the City's Comprehensive Plan for the Commercial land use category. Therefore, for comparative purposes, the 0.3 FAR that was used for the existing PUD land use scenario is used for the proposed land use scenario.

Site Area	Density or Intensity Range	Minimum / Maximum Development
18.82 +/- acres RM FLU Category	8 to 30 d.u./acre	150 - 564 Dwelling Units
18.82 +/- acres RMF-8 Zoning	8 to 20 d.u./acre	150 - 376 Dwelling Units
22.75 +/- acres RL FLU Category	Up to 15 d.u./acre	0 – 341 Dwelling Units
22.75 +/- acres RSF-4 Zoning	Up to 8 d.u./acre	0 – 182 Dwelling Units

#### Net Change between FLU and Zoning Designations (Maximums)

Maximum Residential Development Scenario Existing FLU (54.08 acres)	Maximum Residential Development Scenario Proposed FLU (40.84 acres)	Net Change in Maximum Development Scenario (Existing vs. Proposed)
432 Dwelling Units	905 Dwelling Units	+473

Maximum Residential Development by right Scenario Existing Zoning	Maximum Residential Development by right Scenario Proposed Zoning (40.84 acres)	Net Change in Maximum Development Scenario (Existing vs. Proposed)
432 Dwelling Units	558 Dwelling Units	+ 126 Dwelling Units

Maximum Non-Residential Development Scenario Existing FLU (29.71 acres)	Maximum Non-Residential Development Scenario Proposed FLU & Zoning (42.22 +/- acres)	Net Change in Maximum Non-Residential Development Scenario (Existing vs. Proposed)
388,350 square feet	551,731 square feet	+ 163,381 square feet

#### b. Transportation

The property is located in Transportation Mobility Program Area (TMPA) Zone A. Development within Zone A is required to meet applicable requirements within Policies 10.1.3 and 10.1.4 of the Comprehensive Plan Transportation Mobility Element. The trip generation for the proposed change (based on the maximum development land use scenario) is based on the net increase in the number of trips from what exists under the current Residential Medium future land use category to what may exist under the proposed Mixed Use Low category. The trip generation analysis for net, new trips is presented below:

#### Trip Generation (Existing and Proposed FLU)

The table below indicates the estimated trip generation for the proposed maximum 564 multi-family dwelling unit development, proposed maximum 341 single-family detached units, and 42.22 +/- acres of non-residential use (This assumes a 0.3 FAR for the proposed commercial acreage. That results in 551,731 maximum square feet of proposed commercial development ((42.22 x 0.3) x 43,560 = 551,731 square feet). The trip generation for the commercial development will use ITE Land use 820 Shopping Center to calculate the maximum development scenario.

**Potential Net Trip Generation Table**

<b>ITE Land Use</b>	<b>Units</b>	<b>Daily Rate</b>	<b>Daily Trips</b>	<b>PM Peak Rate</b>	<b>PM Trips</b>
Proposed: Multifamily (Low Rise) ITE 220	564	7.32	4,128	0.56	316
Proposed: Single-family detached ITE 210	341	9.44	3,219	0.99	338
<b>Proposed Total:</b>	<b>905</b>		<b>7,347</b>		<b>654</b>
Existing: Single-family ITE 210	432	9.44	4,078	0.99	428
<b>Net New Residential Trip Generation</b>	<b>+473</b>		<b>+3,269</b>		<b>+226</b>
Existing: Shopping Center ITE 820	388,350 SF	37.73/1,000 SF	14,660	3.81/1,000 SF	1,480
Proposed: Shopping Center ITE 820	551,731 SF	37.75/1,000 SF	20,828	3.81/1,000 SF	2,102
<b>Net New Non-residential Trip Generation</b>	<b>163,381</b>		<b>+6,168</b>		<b>+622</b>
<b>Total Net New Trip Generation</b>			<b>+9,437</b>		<b>+848</b>

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

As indicated in the table above, the proposed land use and zoning change in the maximum development scenario could result in an anticipated increase of 848 PM Peak hour trips of adjacent street traffic and 9,437 average daily trips.

Ultimately, when future development occurs at the site, the trips associated with the proposed development at the time of application will be used to determine how the development will meet the requirements in TMPA Zone A. Because this site is located outside of the UF Context Area, there will not be any required transit payments for any multi-family development on the parcel.

***c. Potable Water & Wastewater***

The site can be served by both potable water and wastewater from Gainesville Regional Utilities (GRU). There are existing potable water lines in the surrounding streets (NE 39<sup>th</sup> Avenue and NE 31<sup>st</sup> Avenue), and there is an existing wastewater line connection that can be made from the rear property lines of the single-family residential area that abuts to the east and south. According to GRU, development within this area can be served by these existing utilities with adequate capacity. On-site provision of wastewater service to the site will require developer-funded improvements, which will include the extension of these lines into the site area.

***d. Solid Waste***

The proposed change in future land use and zoning will not cause the City's solid waste system to operate below the adopted LOS. Solid waste will not exceed Gainesville's established Level of Service Standard of 0.655 tons of solid waste per capita per year disposed (3.6 pounds solid waste per capita per day disposed). There is adequate capacity to meet the required demand from any proposed development.

***e. Recreation***

The City of Gainesville is currently meeting all LOS standards for recreation. The proposed land use and zoning change will not significantly affect the required LOS. As future residential development occurs, each residential development will be required to demonstrate compliance with the adopted recreation Level of Service standards.

***f. Mass Transit***

Transit services are currently in place to serve the site. The property has access to Regional Transit System (RTS) routes 15 and 39. It is probable that RTS would add a stop in front of the development along NE 39<sup>th</sup> Avenue when future development occurs at the site.

***g. Public Schools***

A Public School Student Generation Calculation Form has been submitted as part of this application package. The potential units used on the form are based on the maximum development scenario listed for the proposed future land use and zoning. The scenario indicated 564 multi-family units on 18.82 +/- acres and 341 single-family dwelling units on 22.75 +/- acres, with the remaining 42.22 +/- acres in non-residential use. In addition, any proposed development at a future time would be required to provide a Public School Student Generation Form based on a proposed unit count at that time.

**B. Site Accessibility****Vehicular Accessibility**

The project area is located within the urbanized portion of the City of Gainesville and has direct access to NE 39<sup>th</sup> Avenue (State Road 222) and one local streets: NE 31<sup>st</sup> Avenue. These are all existing streets. Additional access could be provided by an extension of NE 35<sup>th</sup> Avenue on the eastern part of the property. Access to the site will be determined in the future at the development plan stage. In addition, any future development within the project site will provide opportunities for interconnectivity among the proposed land uses.

## Multi-Modal Accessibility

The subject property is currently served by Regional Transit Service (RTS) bus routes 15 (Rosa Parks Transfer Station to NW 13<sup>th</sup> Street at NW 23<sup>rd</sup> Avenue) and 39 (Rosa Parks Transfer Station to Santa Fe College). These transit routes will allow for alternate commute options for future residents within the site to local employment centers, including the Santa Fe College, downtown Gainesville, and the airport. Because Routes 15 and 39 connect to the Rosa Parks Transit Transfer Station, it is possible to access all transit routes from there, including connections to the Oaks Mall, Shands, the University of Florida, and Butler Plaza.

There are existing bike lanes on both sides of NE 39<sup>th</sup> Avenue in the vicinity of the subject property. Sidewalks are available on both sides of NE 39<sup>th</sup> Avenue and along the south side NE 31<sup>st</sup> Avenue. When development occurs on the southern portion of the subject property, sidewalk construction along the NE 31<sup>st</sup> Avenue frontage will be required by Code.

## Analysis for Changes to the Future Land Use Map

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

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

#### **Response:**

The proposed Commercial, Residential Medium, and Residential Low future land use categories and respective BA, RMF-8, and RSF-4 zoning districts are consistent with the City's Comprehensive Plan. The following objectives and policies are applicable to the proposed designations:

#### ***FLU Policy 1.2.3***

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

**Consistency:** The proposed changes to the future land use map for the subject property will allow for a mix of commercial, multi-family, and single-family development on the site. The commercial portion of the property may serve the surrounding residential neighborhoods. The subject property is on a principal arterial (NE 39<sup>th</sup> Avenue; SR 222) that is appropriate for mixed-use development due to vehicular access, transit availability, existing bike lanes, and existing sidewalks. It is also appropriate because this is an infill situation where centralized utilities and other public infrastructure are available to serve future development on the site.

#### ***Objective 1.5***

*Discourage the proliferation of urban sprawl.*

**Consistency:** The proposed land use change is on property that is surrounded on the east, south, and west by existing development that has been in place since the 1960s and later time periods. In addition, the surrounding area is served by existing utilities and

infrastructure such as roads, transit service, sidewalks, and bike lanes. As an infill area, future development on the property would discourage urban sprawl.

*Objective 4.1*

*The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility and institutional uses at appropriate locations to meet the needs of the proposed population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.*

**Consistency:** The proposed Commercial, Residential Medium, and Residential Low land use categories for the subject property will directly contribute to the City by providing land area appropriate for infill development that utilizes existing infrastructure within close proximity to residential areas in the northeast needing goods and services. The surrounding areas east and south consist of compatible residential properties that were developed decades ago. To the west are existing automobile dealerships that were developed during the past 10-20 years. The locations of the future land use designations on the property are in keeping with the surrounding character.

*2. Compatibility and surrounding land uses*

**Response:** The subject property is presently undeveloped but does have a future land use category designation (PUD) that permits both commercial and residential development on the property. Abutting property to the south and east contains existing single-family development. To the south across NE 31<sup>st</sup> Avenue is property designated Residential Low. However, that property is in use as wetland mitigation and will not be developed for residential use. Across NE 39<sup>th</sup> Avenue to the north there is vacant land with Commercial and Office land use designations. Abutting property to the west contains existing automobile dealerships and a bank with the Commercial future land use designation.

An analysis of the existing land use pattern indicates that the proposed Commercial land use and BA zoning change on the western side of the property will not negatively impact the nature of the existing development pattern in the area since it abuts existing Commercial land use. The Residential Low land use category will abut existing single-family development (with the proposed implementing zoning of RSF-4, the abutting properties all will be detached single-family). The existing development pattern and land use & zoning mapping in the area is primarily residential to the south and east of the parcel. To the north is Commercial and Office designated vacant land that is separated by a 4-lane divided State highway (NE 39<sup>th</sup> Avenue). Any proposed future non-residential uses on the Commercial-designated portion of the site will be required to be buffered from surrounding residential uses by the landscape buffer requirements in the Land Development Code.



3. *Environmental impacts and constraints*

**Response:** See the Environmental Resources Assessment that was submitted with this application for a discussion of environmental impacts and constraints. Any future development at the site will be required to protect regulated wetlands and wetland buffer areas.

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

**Response:** The subject property is within the urbanized portion of the City of Gainesville. Urban land uses, centralized utilities, transit service, bike lanes, sidewalks, and public roadways are located adjacent to the project area. Due to its location and proximity to necessary public facilities, the property is suitable for urban infill development. The property has been vacant for many years. A change to the Commercial, Residential Medium, and Residential Low future land use categories will encourage infill development to occur at the site. This is necessary because the existing PUD land use designation has lapsed on the property due to the age of the ordinance. As indicated earlier, the subject property is characteristic of urban infill because it is a vacant parcel surrounded by developments to the east, south, and west that occurred as early as the 1960s.

5. *Impacts on affordable housing*

**Response:** The proposed land use change to include Residential Medium will allow a greater number of residential units on the property than previously allowed under the PUD/PD land use and zoning. The maximum number of dwelling units for the PUD/PD would have been 432 at 8 dwelling units/acre. The proposed Residential Medium land use with RMF-8 zoning will allow 376 dwelling units and the proposed Residential Low with RSF-4 zoning will allow 176 units for a total of 552 residential units. This is an increase of 120 residential units that include multi-family. The additional density on the site and addition of multi-family units can result in more affordable housing opportunities by lowering the unit and land costs associated with construction.

6. *Impacts on the transportation system*

**Response:** No development activity is proposed as part of the proposed land use and zoning change. However, an analysis of the net increase in trips was provided in the Responses to Application Questions section of this report (see pages 15-16). That analysis noted that the net, new average daily trips is anticipated to be 9,437 at a maximum development scenario and an increase of 848 p.m. peak hour trips of adjacent street traffic. Any future development on the site will require development plan review by the City. At that time, a more detailed traffic analysis with the exact development program would occur which must demonstrate compliance with the applicable transportation mobility program in effect at that time. The site is located in Zone A of the Transportation Mobility Program Area. Any development at the site will be required to meet the applicable criteria stated in the Transportation Mobility Element for Zone A.

Currently the site is served by RTS Routes 15 and 39. There are existing bike lane facilities in NE 39<sup>th</sup> Avenue (both sides), and sidewalks are available on NE 39<sup>th</sup> Avenue (both sides) and on the south side of NE 31<sup>st</sup> Avenue.

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

**Response:** The property is located in the urbanized portion of Gainesville with available potable water, wastewater, and electric services. The site is accessed by roadways that have adequate capacity to serve future development on-site. At the time of future development on the site, there will be a requirement to meet the TMPA Zone A standards. There is existing transit service to the site. Bike lanes are available on both sides of NE 39<sup>th</sup> Avenue. Sidewalks to serve and connect future development on the site are available on NE 39<sup>th</sup> Avenue and on the south side of NE 31<sup>st</sup> Avenue. Future development on the southern portion of the site will be required to provide sidewalk along the property frontage along the north side of NE 31<sup>st</sup> Avenue. Please refer to the section within this report titled ‘Level of Service Standards’ for additional details. The applicant has submitted a Public School Student Generation Calculation Form as part of the land use and zoning change application process.

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

**Response:** The response to this question is based on a comparison of the land uses under the existing PUD land use versus what is being proposed by this application. The existing PUD future land use allowed for 29.71 acres of Commercial/Warehousing use and 54.08 acres of Single-family residential use. The proposal is for 42.22 acres of Commercial land use (an increase of 12.51 acres) and 41.57 acres of residential use as combined using Residential Medium (18.82 acres) and Residential Low (22.75 acres). This is the corresponding reduction in residential acreage (12.51 acres) from the PUD. However, given the increased unit density allowed by the Residential Medium land use category, there will not be a reduction in residential units on the site, and in fact, there is an increase of 126 residential units allowed at the site under the proposed land use changes. Given the existing acreage allowances of the current PUD on the site and the slight addition of acreage to the Commercial land use category (12.51 more than allowed under the PUD), this is a minor change in the overall Commercial acreage for the City of Gainesville. This is an infill parcel located in Northeast Gainesville that, with the proposed changes, can provide for the commercial and residential needs of the City.

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

**Response:** The proposed change on the future land use map does not promote urban sprawl as defined in Section 163.3164, F.S. In fact, the proposed amendment discourages urban sprawl by facilitating development on an urban infill site with existing infrastructure. The site is located in the urban services area with existing development located south, east, and west when examining the existing land use patterns in the immediate area. The use of this land as proposed is considered infill in nature and will

allow for neighborhood-serving non-residential uses and residential uses in a variety of densities and sizes within close proximity to existing residential units.

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

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

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

**Response:** Any future development will be required to protect natural resources according to the stringent environmental protection standards found in the City of Gainesville Land Development Code, including LDC Chapter 30, Article VIII, Division 3 (Environmental Overlays) and Division 4 (Regulated Natural and Archaeological Resources). The accompanying Environmental Resource Assessment indicates that there are some environmental constraints on the site. Those natural resources on the site will be protected by Code requirements at the point when future development occurs. The site is surrounded by existing development that has existed since the 1960s.

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

**Response:** The site is in an area surrounded by uses served by existing public facilities and services (including roads, transit, sidewalks, and centralized utilities) and therefore, can be served by these services in an efficient manner. The property is also located near Rawlings Elementary School and The One Room School House.

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

**Response:** The proposed land use change allows for a mix of non-residential and residential uses at a density that will promote compact development. There is existing transit service via RTS Routes 15 and 39. There are existing bike lanes on both sides of NE 39<sup>th</sup> Avenue. Public sidewalks are on both sides of NE 39<sup>th</sup> Avenue and along the south side of NE 31<sup>st</sup> Avenue. Future development on the southern portion of the site will be required to provide a sidewalk on the north side of NE 31<sup>st</sup> Avenue along the property frontage. The Commercial, Residential Medium, and Residential Low land use categories allow for a mix of residential and non-residential uses that are connected by existing sidewalks along NE 39<sup>th</sup> Avenue. Any future development on the property will require internal connectivity between proposed residential and non-residential uses.

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

**Response:** The project site is in an area surrounded by uses served by existing public facilities and services, thereby reducing sprawl and wasteful allocation of resources, including water use via wells and non-centralized systems. All future development on the project site will be required to connect to centralized potable water and wastewater public facilities. The availability of transit service, bike lanes, and existing sidewalks also reduces transportation energy costs. Because the site is vacant, new construction on the site will be required to meet the current energy efficiency standards.

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

**Response:** The proposed land use change does not include any existing lands designated as Agricultural on the future land use map. Thus, there is no reduction in agricultural land as a result of this proposed future land use amendment.

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

**Response:** The subject property currently is not in a Conservation or public lands category (it is in the PUD category). The site is in an urban area. Therefore, there is no reduction in current open space or recreational area that will occur as a result of the proposed future land use change. Any future development on the site will be required to protect natural resources according to the stringent environmental protection standards found in the City of Gainesville Land Development Code. The Flatwoods Conservation Area is located approximately ½ mile from the eastern property line of the subject property, and it will provide public open space opportunities for future residents on the subject property.

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

**Response:** The proposed change to the future land use map to Conservation, Residential Medium, and Residential Low allows for a mix of non-residential and residential uses. The proposed Commercial portion of the site can provide goods and services for the neighboring residential properties. And, the Residential Medium and Residential Low portions of the subject property can provide support the non-residential uses that may occur on the site.

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

**Response:** The site is currently in an urban area served by existing public facilities and services, so it does not constitute sprawl. The density allowed within Residential Medium

is 8-30 units/acre, which is considered to be a transit-supportive density. The Residential Low land use category allows up to 8 dwelling units per acre, which is also considered transit supportive. Transit is already available (2 RTS routes: 15 and 39) to serve any future development at the site.

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

**Response:** The proposed land use change will increase the development potential of the site by facilitating non-residential development and residential development in Northeast Gainesville. As previously stated, the site lies within the urban services area, which the Comprehensive Plan promotes for urban infill development. Any future development of this property with private capital investment will lead directly to job creation and an increased tax base for the City, which are economic development goals for the City.

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

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

### Analysis for Changes to Zoning

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

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

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

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

**Response:** The permitted uses in the proposed BA zoning district (see the Permitted Uses table on page 6) are compatible with the existing BA-zoned properties that abut to the west. The RMF-8 permitted uses (primarily multi-family residential) are compatible with both the proposed BA to the west and the RSF-4 to the east. The RMF-8 zoning will serve as a transition between the commercial BA uses and the single-family detached residential to the east. The proposed RSF-4 zoning is compatible with the single-family zoned properties to the east and south of the site. Since RSF-4 requires single-family detached units, this ensures compatibility with those existing single-family detached homes to the south and east.

To the north, the land is undeveloped across NE 39<sup>th</sup> Avenue (4-lane divided highway). Those undeveloped properties have Commercial and Office future land use designations, which will be compatible with the Commercial and Residential Medium proposed on the subject property.

The southern portion abuts NE 31<sup>st</sup> Avenue, which separates the subject property from property zoned RSF-4. However, that property is used for wetland mitigation and will not be developed in residential use as a result.

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

**Response:** The proposed BA zoning district is characterized by allowing business automotive types of uses (auto sales, auto service, auto leasing and rental, gas stations, car washes and auto parts stores). Additional retail, office, and service uses are allowed in the BA district. Currently, the subject property abuts business automotive uses to the west.

The proposed RMF-8 zoning district is characterized by multi-family types of uses. The proposed RSF-4 zoning district is characterized by allowing single-family dwellings and a limited number of non-residential uses such as schools and places of religious assembly by Special Use Permit.

The subject property is suited to the proposed allowed uses due to its location (along a principal arterial (NE 39<sup>th</sup> Avenue), abutting automotive-oriented uses to the west, and abutting single-family dwellings to the east.

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

**Response:** The properties to the east and south contain single-family dwellings. The proposed RSF-4 zoning will abut those properties for compatibility. The properties to the west all are zoned BA, which is consistent with the proposed BA zoning for the western portion of the site. The proposed BA area is north of RSF-4 property that is separated by NE 31<sup>st</sup> Avenue. However, that property is in use as wetland mitigation, and it will not be used for residential purposes. Therefore, there is no issue of incompatibility. The proposed RMF-8 portion of the property will serve as a transition zoning between the proposed BA and proposed RSF-4 zoning district to increase compatibility.

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

**Response:** The subject property is vacant. There are no buildings to be preserved on the site. Given the surrounding future land use categories and zoning districts and the existing development on those properties, the most appropriate use of this land is for business automotive on the western portion of the property and residential development on the eastern portion.

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

**Response:** The site falls within Transportation Mobility Program Area (TMPA) Zone A, which “promotes redevelopment and infill in the eastern portion of the City and the area near the University of Florida.” The proposed change to BA, RMF-8, and

RSF-4 are supportive of the infill goals of Zone A of the TMPA as stated in Transportation Mobility Element Policy 10.1.3.

The property is also located within the Opportunity Zone, which is a community investment tool to encourage long-term investments in low-income urban communities. The Opportunity Zone provides a tax incentive for investors to re-invest unrealized capital gains into dedicated opportunity funds.

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

**Response:** The proposed change zoning change is from PD to BA for 42.22 +/- acres, to RMF-8 for 18.82 +/- acres, and RSF-4 for 22.75 +/- acres of land. There is limited vacant land suitable for development in the BA zoning category. Given the fully developed single-family residential on the eastern and southern area of the development (that has been developed since the 1960s and 1970s), there is an opportunity for the City to have additional, new single-family and multi-family units built on the subject property to supply housing needs and potentially support additional affordable housing. The BA portion of the property can supply goods and services to the surrounding residential area.

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

**Response:** The major changed condition in the area is that the PUD and PD ordinances for the subject property have expired. Those ordinances were adopted in 1998, and many changes in market demand have occurred in the interim period. The expiration of the PUD and PD ordinances requires that new land use categories and zoning districts be placed on the subject property. Over the past 20 years, additional automobile dealerships have been constructed along N. Main Street in the vicinity of the subject property.

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

**Response:** Rezoning of this property is being proposed to increase the infill prospects for the site, consistent with the goals, objectives, and policies of the City's Comprehensive Plan as indicated in the following goals, objectives, and policies. It should also be noted that the proposed BA, RMF-8, and RSF-4 zoning districts are implementing districts for the proposed Commercial, Residential Medium, and Residential Low future land use categories.

#### ***FLU Policy 1.2.3***

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

#### ***FLU Objective 1.5***

*Discourage the proliferation of urban sprawl.*

#### ***FLU Objective 4.1***

*The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility and institutional uses at appropriate locations to*

*meet the needs of the proposed population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.*

***Transportation Mobility Element Policy 10.1.3.***

***Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.***

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

**Response:** This report will be presented to the City Plan Board at a future public hearing in 2021. The supporting documents include an Environmental Resources Assessment submitted with the application. The Neighborhood Workshop was held on Monday, November 30, 2020. The submittal includes information about the Neighborhood Workshop and all the required application forms. After the Plan Board votes on a recommendation concerning the proposed land use and zoning changes, the items will be heard at a City Commission meeting.

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

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

**Response:** This is not an application for rezoning to a transect zone.

## **Conclusion**

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As stated in this report, the proposed large-scale land use amendment and rezoning for this property are consistent with the City of Gainesville Comprehensive Plan and Land Development Code. The existing PUD and PD ordinances that regulate the subject property have lapsed. Therefore, it is necessary to change the future land use category and zoning for this site. The subject property contains vacant land that is surrounded by urban development. Development in this area dates back to the 1960s. This site is an infill parcel. The land use changes and rezonings are being proposed to spur infill development in Northeast Gainesville consistent with the goals of the City's Comprehensive Plan. The Commercial, Residential Medium, and Residential Low future land use categories with implementing BA, RMF-8, and RSF-4 zoning will provide opportunities for a variety of uses on the site that include residential and non-residential uses.



## **Appendix B**

### Legislative History

ORDINANCE NO. 960937  
0-97-92

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-4: 8 units/acre single-family residential district" and "CON: Conservation district" to "Planned Development District"; adopting development plan maps and a development plan report for a development commonly known as "NE 39th Ave. Park"; located in the vicinity of the 900 block of N.E. 39th Avenue, south side; providing conditions and regulations; providing for penalties; providing a severability clause; and providing an immediate effective date.

RECEIVED

OCT 28 1998

PLANNING  
DIVISION

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that certain lands within the City be rezoned from "RSF-4: 8 units/acre single-family residential district" and "CON: Conservation district" to "Planned Development District"; and

WHEREAS, notice was given and publication made as required by law of Public Hearings which were then held by the City Plan Board on August 21, 1997; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on September 25, 1997; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor, City Hall,

1 in the City of Gainesville at least seven (7) days after the  
2 day the first advertisement was published; and

3       **WHEREAS**, a second advertisement no less than two  
4 columns wide by 10 inches long was placed in the aforesaid  
5 newspaper notifying the public of the second Public Hearing  
6 to be held at the adoption stage at least five (5) days  
7 after the day the second advertisement was published; and

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

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

14       **Section 1.** The following described property is rezoned  
15 from "RSF-4: 8 units/acre single-family residential  
16 district" and "CON: Conservation district" to "Planned  
17 Development District";

18               See Exhibit "A" attached hereto and made  
19               a part hereof as if set forth in full.  
20

21       **Section 2.** The City Manager is authorized and directed to  
22 make the necessary change in the Zoning Map Atlas to comply  
23 with this Ordinance.

24       **Section 3.** The Development Plan attached to this Ordinance  
25 which consists of the following:

1           1.    the development plan report entitled "Planned Use  
2                   Development for Zach Osbrach Petition No. 38PDV-  
3                   97PB", attached and identified as Exhibit "B"; and  
4           2.    development plan maps consisting of 5 sheets as  
5 follows: 1) the "PD Layout Plan", dated March 14, 1994 and  
6 revised on November 11, 1997; 2) the "Existing  
7 Condition/Topographic Survey"; 3) the "Location Map"; 4) the  
8 "Proposed 80AC PUD for Zach Osbrach"; and 5) the Existing  
9 Cond./Aerial, are attached as Composite Exhibit "C" and  
10 incorporated herein and made a part of this Ordinance as if  
11 set forth in full. The terms, conditions, and limitations  
12 of the Development Plan shall regulate the use and  
13 development of the land described herein zoned to the  
14 category of Planned Development District as provided in  
15 Chapter 30, Land Development Code of the City of Gainesville  
16 (hereinafter referred to as "Land Development Code"). In  
17 the event of conflict between the provisions of the  
18 development plan report (Exhibit "B") and the development  
19 plan maps (Exhibit "C"), the provisions, regulations, and  
20 restrictions of the development plan maps (Exhibit "C")  
21 shall govern and prevail.

22           **Section 4.** The following conditions, restrictions and  
23 regulations (hereinafter "conditions") shall also apply to  
24 the development and use of the land. In the event of  
25 conflict between the Development Plan referenced in Section

1 3 of this Ordinance and the following conditions, the  
2 conditions shall govern and prevail.

3 (1) Permitted uses for the south 100 feet by 940 foot  
4 area marked "BA" on the PD Layout Plan (Exhibit  
5 "C") may be used for the following uses: business  
6 automotive uses, as provided in the Land

7 Development code as amended from time to time,  
8 including the storage of operable vehicles and  
9 storage of materials, equipment and general office  
10 equipment which are directly related and ancillary  
11 to said use, the sale of automobile parts, only  
12 incidental and accessory to a principal business  
13 automotive use. The storage of inoperable or junk  
14 vehicles and materials are prohibited. No public  
15 address system is permitted.

16 (2) In order to ensure maintenance and upkeep of the  
17 areas identified as "buffer/ditch" or "buffer" or  
18 "buffer-natural", gated openings shall be  
19 constructed and maintained along the south  
20 boundary of the area identified as "BA" on the  
21 P.D. Layout Plan (Exhibit "C").

22 (3) Development standards: A maximum floor area of  
23 200,000 square feet is permitted within the area  
24 identified as "BA". Preliminary concurrency  
25 approval is granted for only 40,000 square feet of  
26 floor area for business automotive uses consisting  
27 of a maximum of 20,000 square feet of auto sales

1 and a maximum of 20,000 square feet of auto  
2 services and repairs. Floor area in excess of the  
3 40,000 square feet also requires preliminary  
4 concurrency approval. The aforesaid preliminary  
5 concurrency approval for the development is  
6 granted for a period of three (3) years from the  
7 effective date of this ordinance as provided in  
8 Section 7.

9 (4) Except as provided herein, the development  
10 standards for the areas identified as "BA" section  
11 shall be in accordance with the "BA: (Automotive-  
12 oriented business district" requirements of the  
13 Land Development Code and other applicable  
14 ordinances.

15 (5) The permitted use within the area identified as  
16 "Warehousing" on the PD Layout Plan (Exhibit "C")  
17 is self-service storage. This term is defined to  
18 mean a building or buildings used to rent or lease  
19 individual dead storage space to tenants. The  
20 following activities are not permitted: storage  
21 of hazardous materials as defined by Alachua  
22 County Ordinance 91-6, Hazardous Materials Code,  
23 as amended from time to time, habitation, music  
24 rehearsal studios, auctions, flea markets, sales  
25 activities, service, repair, fabrication, or  
26 transfer/storage businesses, operation of power  
27 tools, any activities which generate odor, noise,

fumes, vibration, or dust. Electrical receptacles and water service are not permitted within any of the self-service storage units and may not be used by any tenants of a storage unit. All storage shall be within completely enclosed buildings.

(6) Self-service storage shall not exceed 40,000 square feet in gross floor area.

(7) Security lighting of the "warehousing" area shall be designed so that the cone of illumination is limited to the self-service storage facility and shall not illuminate the adjacent residential areas. Lighting shall be used and designed so that it adequately illuminates the internal facility to facilitate security.

(8) Except as provided herein, the development standards for the area identified as "Warehousing" shall be in accordance with the "W: warehousing and wholesaling district" and other applicable ordinances.

(9) Buildings within the area identified as "Warehousing" located on the east side of the area shall have no wall openings along the eastern property line. Buildings must be designed and spaced to provide a minimum of four landscaped areas each having a minimum width of 10 feet. The east walls of the buildings used for self-service storage shall be constructed with split face block

1 and shall have a minimum of two actual or  
2 artificial dormers per building or building  
3 section.

4 (10) There shall be a 100-foot wide natural buffer  
5 between the areas identified as "warehousing" and  
6 "residential".

7 (11) There shall be a 9-foot wide buffer between the  
8 areas identified as "Warehousing" and "Business  
9 Automotive".

10 (12) Allowable uses in the area identified as "Office"  
11 shall be the uses permitted by right in the "OF:  
12 general office district" and "CP: corporate park  
13 district" as provided in the Land Development  
14 Code. A maximum of 50% of the gross floor area of  
15 any individual business may be used for storage  
16 incidental and accessory to the principal  
17 permitted use. A corporate or major wholesale or  
18 retail distribution center may be permitted  
19 provided the general offices of the center are  
20 located on site and occupy at least fifty percent  
21 of the gross floor area. There shall be no  
22 storage of toxic or hazardous materials as defined  
23 by Alachua County Department of Environmental  
24 Services. The maximum building coverage shall not  
25 exceed 40,000 square feet of gross floor area.  
26 (13) There shall be no outdoor storage of any goods,  
27 equipment, supplies or materials in the area



1 identified as "office" which is visible from NE  
2 39th Avenue.

3 (14) There shall be a 9 foot wide buffer between the  
4 areas identified as "Office" and "Business  
5 Automotive".

6 (15) There shall be an eight-foot high masonry wall  
7 along the east boundary of the area identified as  
8 "offices". The wall may be serpentine along the  
9 boundary to avoid removal of regulated trees as  
10 the term is defined in the Land Development Code.  
11 The surface of the wall shall be textured or of  
12 split face block.

13 (16) There shall be a 50 foot wide buffer between the  
14 areas identified as "office" and "residential".

15 (17) Except as provided herein, the development  
16 standards for the "office" area shall be in  
17 accordance with the "OF: general office district"  
18 and other applicable ordinances.

19 (18) Within the area identified as "residential",  
20 single-family detached units are permitted as uses  
21 by right. 25% of said units may be developed as  
22 attached units provided the development meets the  
23 standards for a cluster subdivision as provided in  
24 the Land Development Code. In no event, however,  
25 shall the maximum density exceed 8 dwelling units  
26 per acre.

1 (19) Except as provided herein, the development  
2 standards for the area identified as "residential"  
3 shall be in accordance with the "RSF-4; 8  
4 units/acre single-family residential district and  
5 other applicable ordinances.

6 (20) The "50' Buffer-Natural" and "100' Buffer-Natural"  
7 areas as shown on the PD Layout Plan (Sheet 1)  
8 between the areas identified as "residential" and  
9 "office" may be conveyed to the adjacent single-  
10 family lot owners or homeowners association for  
11 maintenance purposes.

12 (21) The property on the north side of the residential  
13 area labeled "retention" on the PD Layout Plan  
14 (Sheet 1) that lies along the south side of the  
15 buffer/ditch shall be used for stormwater  
16 management areas.

17 (22) An east/west buffer/ditch exists on the south side  
18 of the "BA" portion of the development.  
19 Immediately south of the ditch is an area labeled  
20 "retention" that is proposed for stormwater. In  
21 order to provide buffering and protection for the  
22 single-family development from the ditch, a brick  
23 wall, fence or dense vegetation shall be  
24 constructed, erected, or planted and maintained  
25 between the areas identified as "single-family"  
26 and the "buffer/ditch" or "retention" areas. The  
27 specific type of fencing and precise location is

1 subject to review and approval by the appropriate  
2 reviewing body during development plan review.

3 (23) A minimum 25 foot wide landscaped buffer shall be  
4 planted and maintained along the north boundary of  
5 the single-family area. The buffer may be part of  
6 the south bank of the buffer/ditch or may be  
7 included as part of the retention area. The  
8 landscaped buffer shall be designed by a  
9 registered landscape architect. The design shall  
10 include plants of varying types or heights with  
11 the placement of shorter plants toward the  
12 buffer/ditch, presenting a terraced effect.

13 (24) The setbacks of the residential buildings in the  
14 area identified as "residential" shall have a  
15 setback that are equal or greater in size than  
16 those setbacks of residential buildings located  
17 adjacent to this area.

18 (25) Within the "residential" area, there shall be  
19 designed, constructed and maintained a fully  
20 equipped one-acre recreation area for use by the  
21 residents of the planned development. At a  
22 minimum, the park shall include one swing set,  
23 toddler center with sand box, and two sets of  
24 picnic tables. A jogging track may be  
25 constructed. The recreation area may be  
26 maintained by a homeowners association which will  
27 upkeep and maintain the area.

1 (26) The layout of roads and buildings within the area  
2 identified as "business automotive" is for  
3 illustrative purposes only and to provide general  
4 guidelines. The exact layout, size and  
5 configuration of buildings, streets and parking  
6 areas shall be subject to review and approval by  
7 the appropriate reviewing authority during  
8 development plan review. In no event, however,  
9 shall any roads, buildings or other structures or  
10 facilities encroach into the buffer or retention  
11 areas.

12 (27) The final street layout and pattern of development  
13 within the "residential" area shall be subject to  
14 review and approval by the appropriate reviewing  
15 authority during subdivision review.

16 (28) There exists a buffer/ditch area (lying between  
17 the BA portion to the north and the Single-family  
18 area to the south), as shown on Exhibit "C", Sheet  
19 1 of the P.D. Layout Plan. That ditch, and  
20 immediate adjacent areas shall be cleaned prior to  
21 construction of any development on the "Single-  
22 family" area to the south. Within the  
23 Buffer/Ditch area, no regulated trees may be  
24 removed from the area. The area must be  
25 landscaped and maintained on a regular basis to  
26 keep same in a clean and efficient operating  
27 condition. There exists a gentle sloping area,

1           lying between the buffer/ditch and the south  
2           boundary of the BA area. If the existing  
3           vegetation within that area is satisfactory to  
4           achieve customary buffering between residential  
5           and commercial, as determined by the appropriate  
6           reviewing body, the natural vegetation shall  
7           remain. Otherwise, landscaping shall be as  
8           required under Chapter 30, Article VIII, of the  
9           Land Development Code, Incompatible Use Buffers  
10          between Business Automotive (BA) and Single-family  
11          Residential.

12       (29) Development and uses near the buffer/ditch as  
13           shown on the PD Layout Plan (Sheet 1) shall be  
14           designed and operated to prevent siltation or  
15           otherwise interfere or damage the drainage system.

16       (30) During development plan or subdivision review, a  
17           detailed wetlands study shall be prepared and  
18           submitted by a qualified environmental engineer.  
19           This study shall identify wetland areas and  
20           otherwise show how the development complies with  
21           the City's Comprehensive Plan, Code of Ordinances,  
22           and the regulations of the Water Management  
23           District.

24       (31) During development plan review, a tree survey  
25           shall be provided listing trees to be protected  
26           and preserved during construction. Alternatively,  
27           the city arborist and zoning administrator may

1 field check the development site and make  
2 recommendations for tree preservation, as time and  
3 expertise permits.

4 (32) Except as provided herein, wall mounted signs and  
5 other signs not otherwise regulated by this  
6 Ordinance shall comply with the Land Development  
7 Code.

8 (33) Signs for the "residential" area shall comply with  
9 the Land Development Code.

10 (34) The area identified as "business automotive" may  
11 contain a maximum of three (3) free standing  
12 signs. The maximum height of each sign shall not  
13 exceed 10 feet with a maximum area of 48 square  
14 feet. The area around the sign shall be  
15 landscaped and shall not be placed within the  
16 vision triangle.

17 (35) One free-standing sign may be placed along N.E.  
18 39th Avenue to be shared by the "office" and  
19 "warehousing" uses. The sign shall not exceed a  
20 maximum height of 10 feet with a maximum area of  
21 48 square feet.

22 (36) All signs along and adjacent to N.E. 39th Avenue  
23 shall be the monument type with landscaping to be  
24 planted and maintained at a minimum distance of 5  
25 feet from the sign within a 180 degree area  
26 alongside the right-of-way.

1 (37) Within the "business-automotive" area, a road  
2 network system will be designed and constructed to  
3 facilitate efficient vehicular movement within the  
4 development. The roadway system may be private or  
5 public at the discretion of the owner provided  
6 that any dedication to the public must comply with  
7 the requirements of the subdivision regulations of  
8 the Land Development Code.

9 (38) A maximum of three vehicular access drives may be  
10 permitted for the area identified as "Business  
11 Automotive". One additional vehicular access  
12 drive may be permitted for the "Office" and  
13 "Warehousing" areas onto 39th Avenue. The  
14 specific location of those drives shall be subject  
15 to review and approval by the appropriate  
16 reviewing authority during the development plan or  
17 subdivision review process.

18 (39) All drives on NE 39th Avenue are subject to review  
19 and approval by the Florida Department of  
20 Transportation.

21 (40) The "residential" area fronting on NE 39th Avenue  
22 may be permitted one vehicular access point  
23 subject to review and approval by the City's  
24 appropriate reviewing authority and the Florida  
25 Department of Transportation. Two vehicular  
26 access drives are allowed on NE 31st Avenue  
27 subject to review and approval by the City's

1 appropriate reviewing authority. One of the  
2 drives must align with NE 9th Street.

3 (41) During development review or subdivision review,  
4 the developer shall submit a traffic report  
5 prepared by a traffic engineer that shows the  
6 impact of the development on the existing roadways  
7 and traffic signalization patterns and, when  
8 necessary, shows required improvements to these  
9 roadways and signals. All required improvements  
10 caused by the development shall be made at the  
11 developer's cost and expense.

12 (42) All internal roadways shall be linked through a  
13 main road or through a number of local road links  
14 subject to review and approval of the appropriate  
15 reviewing authority.

16 (43) Off-street parking requirements shall comply with  
17 the Land Development Code. The parking for the  
18 "warehousing" area shall be designed to allow  
19 vehicular movement between buildings with the  
20 ability to accommodate parked vehicles on at least  
21 one side.

22 (44) The main internal road into the "residential" area  
23 from NE 39th Avenue shall curve and meander to  
24 create visual relief, variation, avoid monotony,  
25 and to reduce the likelihood of high speeds. The  
26 entrance to this road shall be landscaped and must  
27 express an entry theme and feature.



1 (45) Sidewalks shall be constructed on both sides of  
2 the main road within the residential area. The  
3 sidewalk shall connect to N.E. 39th Avenue and to  
4 adjacent residential neighborhoods, and the  
5 "recreation area".

6 (46) Sidewalks shall be constructed along the south  
7 side of NE 39th Avenue and shall extend to the  
8 west side of N.E. 11th Terrace to serve the  
9 planned development.

10 (47) Bicycle parking shall be provided in accordance  
11 with the Land Development Code. The amount and  
12 location of bicycle parking for the "recreation  
13 area" shall be subject to review and approval by  
14 the appropriate reviewing authority during  
15 subdivision or development plan review.

16 (48) The development order granted by this ordinance is  
17 valid for a period of ten (10) years from the  
18 effective date of the ordinance as provided in  
19 Section 7. Failure to commence construction  
20 within this period shall render the development  
21 order null and void. Thereupon, the city may  
22 initiate action to change the land use and rezone  
23 the property to the appropriate land use and  
24 zoning categories. Prior to the expiration date,  
25 if any portion of the development is not completed  
26 or will not be completed by the expiration date,  
27 the owner or developer may apply for an extension

1 of time in accordance with the provisions of § 30-  
2 219 of the Land Development Code, or its successor  
3 provision in effect at that time.

4 (49) Development plan approval or subdivision review  
5 approval, for at least a portion of the "Business  
6 Automotive" area must be obtained within thirty-  
7 six (36) months from the effective date of the  
8 ordinance. Failure to obtain either or both  
9 approvals shall cause that portion of the PD  
10 Layout to be null and void. A new PD Layout Plan  
11 for that portion of the Development is required  
12 prior to the issuance of any Development orders.

13 (50) Construction must commence on at least a portion  
14 of the "business automotive" area within five (5)  
15 years of the effective date of this ordinance as  
16 provided in Section 7. Failure to commence  
17 construction shall cause that portion of the PD  
18 Layout to be null and void. In this event, a new  
19 PD Layout Plan for that portion of the Development  
20 will be required to be approved by amendatory  
21 ordinance prior to the issuance of any Development  
22 orders.

23 (51) A complete application for development plan review  
24 for a minimum of 25 lots (the "25 lots") in the  
25 "residential" area shall be filed with the  
26 Department of Community Development within forty-  
27 eight (48) months from the effective date of the

1 ordinance as provided in Section 7. Construction  
2 must commence on the 25 lots within sixty (60)  
3 months of the effective date of this ordinance.  
4 Failure to file said application and to commence  
5 construction, shall prohibit issuance of any  
6 additional development order(s) in the  
7 "warehousing" and/or "office" portions of non-  
8 residential areas of this planned development  
9 until the 25 lots have received development plan  
10 approval and construction has commenced on the 25  
11 lots. No application for development plan  
12 approval for any non-residential development in  
13 the "warehousing and/or office" portions shall be  
14 filed or processed and no building permits shall  
15 be issued on said portions until the 25 lots have  
16 received development plan approval and  
17 construction has commenced on the 25 lots. The  
18 term "construction" includes the connection with  
19 water, sewer, electricity, roads, sidewalks and  
20 stormwater facilities.

21 (52) The 25 lots shall be constructed within the  
22 residential area lying east of the office and  
23 warehousing area south of N.E. 39th Avenue and  
24 north of the buffer/ditch.

25 (53) Preliminary concurrency approval for all areas of  
26 the development except "BA" as shown on the PD  
27 layout plan (Sheet 1), is granted for a period of

1 three years from the effective date of this  
2 ordinance as provided in Section 7. Final  
3 concurrency approval must be obtained at the time  
4 of application for final development approval or  
5 final subdivision approval.

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

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

19 **Section 7.** This Ordinance shall become effective  
20 immediately upon adoption; however, the rezoning shall not  
21 become effective until the amendment to the City of  
22 Gainesville 1991-2001 Comprehensive Plan adopted by


1 Ordinance No. 960936 becomes effective as provided therein.

2 **PASSED AND ADOPTED** this 12th day of October,  
3 1998.

4   
5 MAYOR.

7 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

8   
9  
10  
11  
12 KURT LANNON  
13 CLERK OF THE COMMISSION

12   
13 MARION J. RADSON, CITY ATTORNEY

16 This ordinance passed on first reading this 28th day  
17 of September, 1998.

19 This ordinance passed on second reading this 12th  
20 day of October, 1998.

22 38pdv.pet  
23 8/6/98

RECEIVED

MAY 07 1993

ORDINANCE NO. 960936

0-97-93

PLANNING  
DIVISION

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by overlaying the Planned Use District Category over certain property with the future land use categories of "Residential Low Density (up to 12 units per acre)" and "Conservation"; located in the vicinity of the 900 block of N.E. 39th Avenue, south side; providing additional conditions and directions; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that Planned Use District Classification be overlayed on certain lands within the City with the Land Use Categories of "Residential Low Density (up to 12 units per acre)" and "Conservation"; and

WHEREAS, notice by the Plan Board was given and publication made as required by law and a Public Hearing was held by the City Plan Board on August 21, 1997; and

WHEREAS, notice was given and publication made of a Public Hearing which was held by the City Commission on September 25, 1997; and

WHEREAS, at least ten (10) days notice has been given of a public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, First Floor,

1 City Hall in the City of Gainesville; and

2 WHEREAS, pursuant to law, notice has also been given by mail  
3 to the owner whose property will be regulated by the adoption of  
4 this Ordinance, prior to the date set for a public hearing on this  
5 ordinance; and

6 WHEREAS, pursuant to law, after the public hearing at the  
7 transmittal stage, the City of Gainesville transmitted copies of  
8 this proposed change to the State Land Planning Agency; and

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

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

15 Section 1. The Future Land Use Map of the City of  
16 Gainesville 1991-2001 Comprehensive Plan is amended by overlaying  
17 the Planned Use District category on the following described  
18 property with the current Land Use Categories of "Residential Low  
19 Density (up to 12 units per acre)" and "Conservation";

20  
21 See legal description attached hereto as Exhibit "A",  
22 and made a part hereof as if set forth in full.  
23

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

1       a)    The commercial and warehousing portions of the  
2 development shall have a maximum floor area ratio of .30.

3       b)    Residential density is limited to a maximum of 8 units  
4 per acre.

5       c)    Land uses permitted within the development shall be  
6 commercial, warehousing, and single-family residential as defined  
7 in the Comprehensive Plan. The uses are shown on "Map 1"  
8 attached hereto and made a part hereof as if set forth in full.

9       d)    The single-family residential areas may contain  
10 detached or attached single-family units but the predominant type  
11 shall be detached single-family units. The exact proportion  
12 shall be specified in the zoning ordinance that rezones the  
13 property described in Section 1 of the Ordinance to Planned  
14 Development.

15       e)    As an integral part of the single-family residential  
16 development area, the development shall include a one-acre  
17 compact area for recreational use. The recreation area shall  
18 include active areas and passive recreation and facilities.  
19 Specific details of the recreational areas and facilities shall  
20 be specified in the zoning ordinance that rezones the property  
21 described in Section 1 of this ordinance to Planned Development.

22       f)    The number of vehicular access points to the  
23 development shall be consistent with the Transportation Mobility  
24 Element of the City's 1991-2001 Comprehensive Plan and the



1 specific requirements of the Florida Department of Transportation  
2 which has jurisdiction on NE 39th Avenue.

3 g) The exact number of specific location and configuration  
4 of vehicular access points to the public rights-of-way shall be  
5 determined during the development review process and shall be  
6 included in the ordinance rezoning the property described in  
7 Section 1 of this ordinance to Planned Development. Vehicular  
8 access points shall be designed and limited in number in the  
9 interest of public safety and to minimize congestion on the  
10 roadway systems.

11 h) An appropriate environmental study and field  
12 investigation report for each portion of property proposed for  
13 development review shall be prepared by the developer at its sole  
14 cost and expense and shall be submitted to the appropriate  
15 reviewing body as a part of the development review process. All  
16 jurisdictional wetlands shall be protected in accordance with the  
17 Conservation Element of the City's 1991-2001 comprehensive Plan.

18 i) A 100 foot wide natural buffer shall be maintained in  
19 its existing condition between the single-family residential and  
20 the other uses as more specifically shown on Map 2 attached  
21 hereto and made a part hereof as if set forth in full. A 50 foot  
22 natural buffer shall be maintained in its existing condition  
23 between the common boundary of the single-family residential uses  
24 and commercial uses as more specifically shown on Map 2.

1       Section 3. A planned development zoning ordinance is  
2 required to be adopted in order to implement and permit the  
3 development plan and the uses permitted by this Ordinance.

4       Section 4. The Future Land Use Map Category of "Residential  
5 Low Density (up to 12 units per acre)" and "Conservation" on the  
6 property described in Section 1 of this ordinance is neither  
7 abandoned nor repealed; such category is inapplicable as long as  
8 the property is developed and used in accordance with the  
9 development plan approved in the ordinance rezoning this property  
10 to Planned Development "PD". In the event, however, the property  
11 described in Section 1 of this Ordinance is not rezoned by  
12 ordinance to Planned Development "PD" within one (1) year of this  
13 amendment becoming effective as provided in Section 8 of this  
14 Ordinance, then the Planned Use District Category imposed by this  
15 Ordinance shall be deemed null and void and of no further force  
16 and effect and the Future Land Use Map shall be amended  
17 accordingly upon proper notice.

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

22       Section 6. If any section, sentence, clause or phrase of  
23 this ordinance is held to be invalid or unconstitutional by any  
24 court of competent jurisdiction, then said holding shall in no

1 way affect the validity of the remaining portions of this  
2 ordinance.

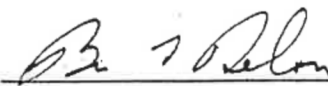
3 Section 7. All ordinances, or parts of ordinances, in  
4 conflict herewith are to the extent of such conflict hereby  
5 repealed.

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

18 PASSED AND ADOPTED this 27th day of April  
19 1998.

20  
21  
22  
23  
24 ATTEST:

25  
26  
27  
28  
29 KURT LANNON,  
30 CLERK OF THE COMMISSION

  
MAYOR-COMMISSIONER  
BRUCE L. DELANEY  
APPROVED AS TO FORM AND LEGALITY:

  
MARION J. RADSON, CITY ATTORNEY  
APR 28 1998

1  
2 This ordinance passed on first reading this 13th day of  
3 April, 1998.  
4

5 This ordinance passed on second reading this 27th day of  
6 April, 1998.  
7

8  
9 MJR/afm

10 3/24/98

11  
12 37LUC.PET

## EXHIBIT 1

## DESCRIPTION PARCEL 'A':

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND RUN SOUTH 89°08'12" WEST ON THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE DEPARTING SAID NORTH LINE OF SECTION 28, RUN SOUTH 01°04'46" EAST, A DISTANCE OF 63.87 FEET TO THE NORTHEAST CORNER OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 1, PAGE 88, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, THE SAME POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 222 AND THE POINT OF BEGINNING; THENCE NORTH 89°08'12" EAST, ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 222, A DISTANCE OF 766.65 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, RUN SOUTH 01°04'46" EAST, A DISTANCE OF 1214.62 FEET; THENCE RUN SOUTH 89°08'12" WEST, A DISTANCE OF 766.65 FEET; THENCE RUN NORTH 01°04'46" WEST, A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF THE AFOREMENTIONED MINOR SUBDIVISION; THENCE CONTINUE NORTH 01°04'46" WEST, ON THE EAST LINE OF THE AFOREMENTIONED MINOR SUBDIVISION, A DISTANCE OF 1199.66 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 222 AND THE POINT OF BEGINNING. PARCEL 'A' CONTAINS 21.377 ACRES OF LAND MORE OR LESS.

## DESCRIPTION PARCEL 'B':

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND RUN SOUTH 89°08'12" WEST ON THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE DEPARTING SAID NORTH LINE OF SECTION 28, RUN SOUTH 01°04'46" EAST, A DISTANCE OF 63.87 FEET TO THE NORTHEAST CORNER OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 1, PAGE 88, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, THE SAME POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 222; THENCE RUN NORTH 89°08'12" EAST, ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1533.30 FEET TO THE NORTHWEST CORNER OF HIGHLAND COURT MANOR UNIT NO. 5, A SUBDIVISION AS RECORDED IN PLAT BOOK H, PAGE 44, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; SAID POINT ALSO BEING THE POINT OF BEGINNING OF PARCEL 'B'; THENCE RUN SOUTH 00°54'24" EAST ON THE WEST LINE OF THE AFOREMENTIONED SUBDIVISION, A DISTANCE OF 1808.54 FEET TO THE WEST LINE OF HIGHLAND COURT MANOR UNIT NO. 4, A SUBDIVISION AS RECORDED IN PLAT BOOK F, PAGE 77, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE SOUTH 00°54'24" EAST ON THE WEST LINE OF THE AFOREMENTIONED SUBDIVISION, A DISTANCE OF 523.03 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 89°13'01" WEST, A DISTANCE OF 784.29 FEET; THENCE RUN SOUTH 00°54'24" EAST, A DISTANCE OF 115.00 FEET; THENCE RUN SOUTH 89°24'01" WEST, A DISTANCE OF 741.85'; THENCE RUN NORTH 01°04'46" WEST, A DISTANCE OF 1227.46 FEET; THENCE RUN NORTH 89°08'12" EAST, A DISTANCE OF 766.65 FEET; THENCE RUN NORTH 01°04'46" WEST, A DISTANCE OF 1214.62 FEET TO THE SOUTHERLY RIGHT OF WAY OF STATE ROAD 222; THENCE SOUTH 89°08'12" WEST ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 766.65 FEET TO THE POINT OF BEGINNING. PARCEL 'B' CONTAINS 62.41 ACRES OF LAND MORE OR LESS.



# LAND USE

200886B

8159

NE 39TH AVENUE

250'

940'

COMMERCIAL

250'

200'

WAREHOUSING

655'

MINOR SUBDIVISION  
M.B.L. P.6.B.

LOT 2  
BA

8231-10-LOT

8231-75

BA

DRAINAGE EASEMENT

PROPOSED ROAD

8231-55-3

NORTH MAIN STREET  
COMMERCIAL PARK

NE 34TH PL

8231-55-2

BA

LOT 1

SINGLE  
FAMILY  
RESIDENTIAL

MAP 1

N. MAIN STREET



# LAND USES, BUFFERS AND RETENTION

200886B

8159-

NE 39TH AVENUE

25' Buffer

940'

300'

100' Buffer

250'

50'

1030'

COMMERCIAL

325'

250'

200'

WAREHOUSING

705'

655'

Buffer

100'

COMMERCIAL

150' Retention

Buffer

100'

130'

100'

Buffer

SINGLE  
FAMILY  
RESIDENTIAL

MAP 2

N. MAIN STREET

COUNTY ROAD 329

9th STREET

MINOR SUBDIVISION  
M.B.E. PG. 8

LOT 2

8231-10-LOT

8231-75

BA

55-3  
NORTH MAIN STREET  
COMMERCIAL PARK

NE 34TH PL

8231-55-2

BA

LOT 1

BA

BA

## **Appendix C**

### Comprehensive Plan Goals, Objectives, and Policies





Policy 1.1.6      The City shall encourage community-serving facilities, such as government offices, farmers markets, and convention centers to be centrally located, instead of in dispersed, remote, peripheral locations. Public, community-serving facilities should be developed primarily in the City's central core and, as appropriate, in neighborhood centers. Private, community-serving facilities should be discouraged from locating in peripheral locations.

**Objective 1.2      Protect and promote viable transportation choices (including transit, walking and bicycling, and calmed car traffic).**

Policy 1.2.1      The City may vacate street right-of-way only if it does not prevent reasonable connection for existing and future public transit, pedestrian, and non-motorized and motorized vehicle trips.

Policy 1.2.2      The City should use design standards in the Land Development Code to ensure that higher densities are livable.

Policy 1.2.3      The City should encourage mixed-use development, where appropriate.

Policy 1.2.4      The City should reduce or eliminate minimum parking requirements, where appropriate.

Policy 1.2.5      The City should encourage creation of short-cuts for pedestrians and bicyclists with additional connections and cross access in order to create walking and bicycling connections between neighborhoods and neighborhood (activity) centers.

Policy 1.2.6      The City should encourage or require buildings to put "eyes on the street" with front facade windows and doors.

Policy 1.2.7      The City should strive, incrementally, and when the opportunity arises street by street to form an interconnected network of neighborhood streets and sidewalks supportive of car, bicycle, pedestrian, and transit routes within a neighborhood and between neighborhoods knitting neighborhoods together and not forming barriers between them. Dead ends and cul-de-sacs should be avoided or minimized. Multiple streets and sidewalks should connect into and out of a neighborhood.

Policy 1.2.8      Gated residential developments shall be prohibited to keep all parts of the community accessible by all citizens, and to promote transportation choice.

Policy 1.2.9      The City shall require, on long block faces (480 or more feet), the provision of intermediate connections in the pedestrian network. For example, direct walkway and bicycle routes to schools should be provided.



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.

Policy 1.4.5 When considering the acquisition and establishment of public facilities such as parks, libraries, and neighborhood centers, the City should, to the extent appropriate, select a location and/or design the facility in such a way that collocation of the facility with a public school is either achieved with an existing school, or can be retrofitted for such a collocation.

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

Policy 1.5.1 The City shall continue robust code enforcement and law enforcement to discourage flight from the city due to excessive noise, excessive lighting, blight, illegal parking of cars, ill-kept properties, and illegal signage.

Policy 1.5.2 The City should collaborate with the School Board of Alachua County to enhance schools within city limits, particularly to make the schools more accessible to students without a car.

Policy 1.5.3 The City should create more well-defined squares and parks within walking distance of residences, offices and shops.

Policy 1.5.4 The City should prioritize core areas to receive the first enhancements when the City has planned citywide public improvements such as sidewalks, street re-paving, undergrounding utilities, street lights, and public parks.

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 1.5.6 The City certifies that the entire area within current city limits meets the definition in Chapter 163, F.S., of an urban service area, as supported by the Data and Analysis Report.

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.

**GOAL 2 REDEVELOP AREAS WITHIN THE CITY, AS NEEDED, IN A MANNER THAT PROMOTES QUALITY OF LIFE,**



Policy 3.6.2      Wherever possible, the natural terrain, drainage, and vegetation of the city should be preserved with superior examples contained within parks or greenbelts.

Policy 3.6.3      To the extent feasible, all development shall minimize alteration of the existing natural topography.

**GOAL 4      THE FUTURE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER THAT: USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS; DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES QUALITY OPEN SPACE; AND PRESERVES THE TREE CANOPY OF THE CITY. THE FUTURE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF INFRASTRUCTURE.**

**Objective 4.1      The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.**

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

**Single-Family (SF): up to 8 units per acre**

This land use category shall allow single-family detached dwellings at densities up to 8 dwelling units per acre. The Single-Family 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. Land development regulations shall determine the performance measures and gradations of density. 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 in conjunction with single-family dwellings under certain limitations.



### **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.

### **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.

### **Residential High-Density (RH): 8-100 units per acre**

This land use category shall allow single-family and multi-family development at densities from 8 to 100 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 High-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 high-intensity multi-family development, and secondary retail and office uses scaled to serve the immediate neighborhood. The intensity of secondary retail and office use cannot exceed 25 percent of the residential floor area. Land development regulations shall determine gradations of density, specific uses, percentage of floor area and maximum floor area appropriate for secondary uses. Land development regulations shall specify the criteria for the siting of high-intensity residential facilities to accommodate special need



### **Urban Core (UC); up to 150 units per acre; and up to 25 additional units per acre by Special Use Permit**

This land use category allows residential, office, and business uses concentrated in the urban core area. Light assembly, fabrication, and processing uses within fully enclosed structures shall be allowed as specially regulated by the Land Development Code. Development in this category shall function as a center serving the urban area. Development within the urban core shall ensure the compact, pedestrian character of this area. Residential densities up to 150 units per acre shall be permitted with provisions to add up to 25 additional units per acre by Special Use Permit as specified in the land development regulations. Buildings in this category shall face the street and meet build-to lines established in the Land Development Code. Building height shall be limited to 12 stories, with up to 14 stories by a height bonus systems as established in the Land Development Code. Public and private schools, government offices, institutions of higher learning, places of religious assembly and community facilities are appropriate in this category.

### **Office (O)**

The Office land use category identifies areas appropriate for office, residential, professional and service uses, hospital and medical uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the Office zoning district. Some non-office type uses such as restaurants may be allowed in this land use category by a Special Use Permit process established in the Land Development Code. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit. For hospitals and large-scale medical office facilities that are located in a Medical Services zoning district, the height may be increased to 14 stories by Special Use Permit.

### **Commercial (C)**

The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by Special Use Permit.

### **Business Industrial (BI)**

This land use category is appropriate for those areas near the Gainesville Regional Airport for office, business, commercial and industrial uses. This category is distinguished from other industrial and commercial categories in that it is designed specifically to allow only uses that are



10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and
11. Need to modify land use categories and development patterns within antiquated subdivisions as defined in Section 163.3164, F.S.

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 non-residential uses.

**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.**

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.

Policy 4.2.2 The City shall adopt land development regulations that encourage better access between residential neighborhoods and adjacent neighborhood centers through the use of street design and the use of pedestrian, bicycle and transit modifications.

Policy 4.2.3 The existence of non-residential uses on one or more corners of an intersection will not justify approval of the development of all corners with the same or similar use, nor does the existence of non-residential uses on a major arterial street dictate that all frontage must be similarly used.

Policy 4.2.4 The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16th Avenue.

**Objective 4.3 The City shall establish protection and enhancement policies, as needed, for selected neighborhood (activity) and regional centers.**

Policy 4.3.1 The Central City Town Center shall integrate the University of Florida, the Innovation Square area, and the Central City District into one dynamic core.



- Policy 10.1.1 All property within city limits is included in the Gainesville Transportation Mobility Program Area (TMPA); however, the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category. When annexed properties are designated with a City land use category, they shall be assigned to the most physically proximate TMPA zone as mapped in the Transportation Mobility Element Data and Analysis Report and in the GIS Map Library on the City's Planning and Development Services Department website.
- Policy 10.1.2 All land uses and development located in the TMPA shall meet the TMPA policies specified in this Element.
- Policy 10.1.3 Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.
- Policy 10.1.4 For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.
- a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
  - b. Cross-access connections/easements or joint driveways, where available and economically feasible;
  - c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;
  - d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined

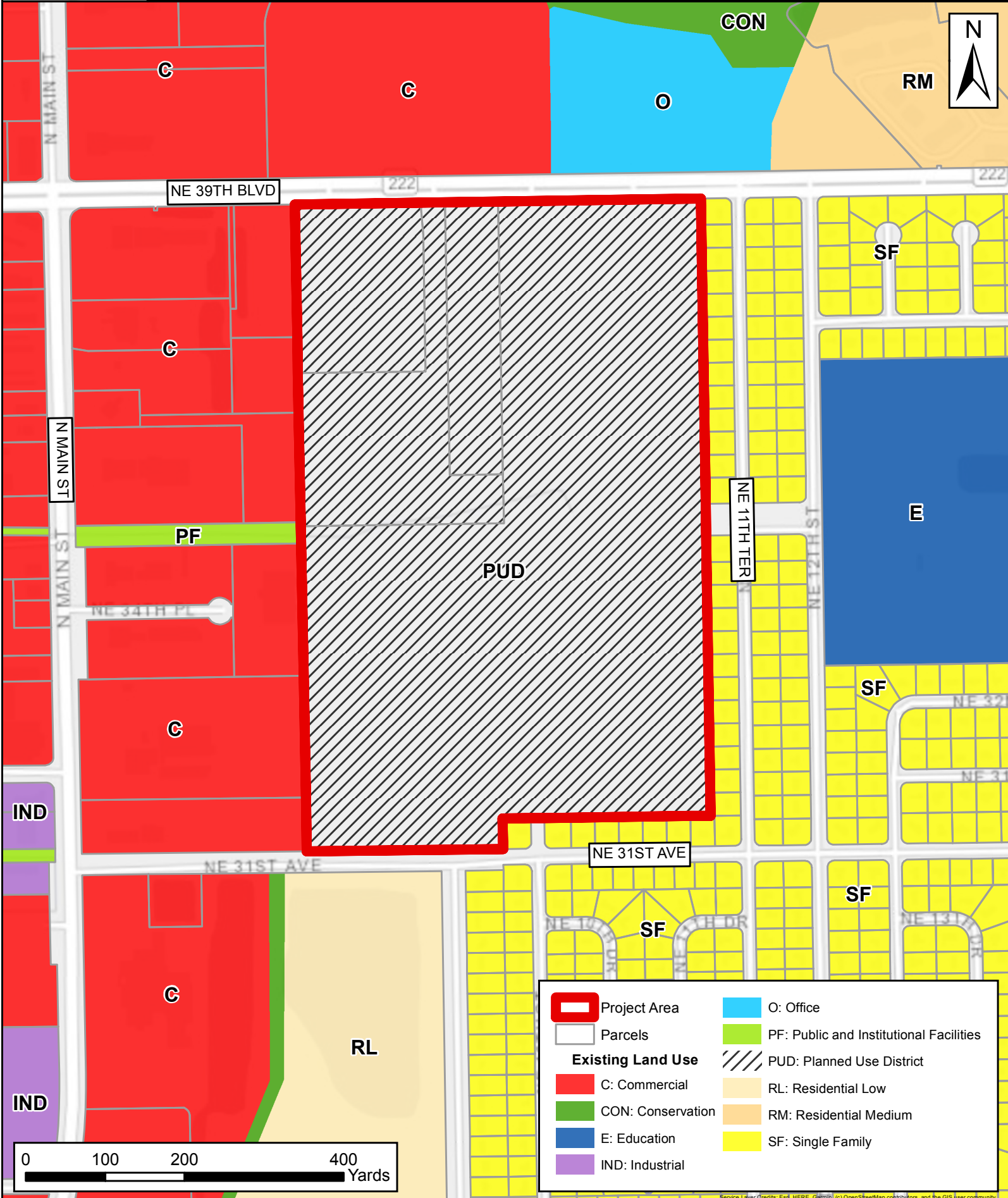
## **Appendix D**

### Maps and Tables



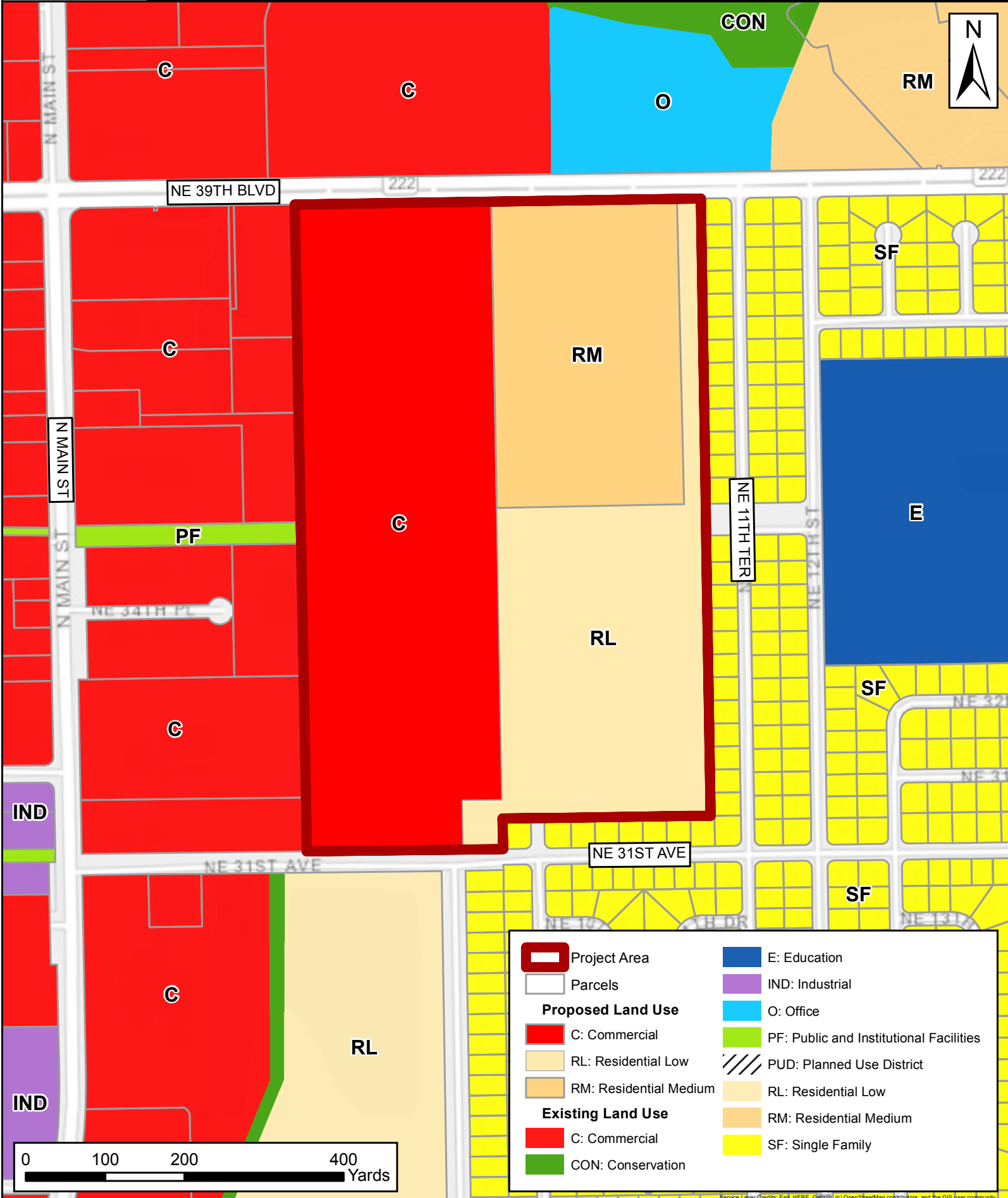


# NE 39th Ave Henderson Project (PB-20-00152); Existing Land Use





# NE 39th Ave Henderson Project (PB-20-00152); Proposed Land Use





# NE 39th Ave Henderson Project (PB-20-00152 & PB-20-00153)

## FEMA Flood Hazard Zones



NE 39TH BLVD

N MAIN ST

NE 11TH TER

NE 31ST AVE



Project Area



Parcels

### Flood Hazard Zone



100 Year Flood Zone (A)



Not in a Flood Hazard Zone (X)

0 100 200 400  
Yards



# NE 39th Ave Henderson Project (PB-20-00152 & PB-20-00153)

## Transportation Mobility Program Area



NE 39TH BLVD

222

222

N MAIN ST

NE 11TH TER

NE 12TH ST

NE 34TH PL

NE 32TH

NE 31TH

NE 31ST AVE

NE 31ST AVE

NE 10TH ST

NE 10TH DR

NE 11TH DR

NE 13TH DR



Project Area



Parcels

### TMPA Zone



A



B

0 100 200 400  
Yards





# NE 39th Ave Henderson Project (PB-20-00152 & PB-20-00153)

## Wellfield Zones



NE 39TH BLVD

N MAIN ST

NE 11TH TER


NE 31ST AVE

 Project Area

 Parcels

### Wellfield Zones

 Primary Zone

 Secondary Zone

 Tertiary Zone

0 100 200 400  
Yards

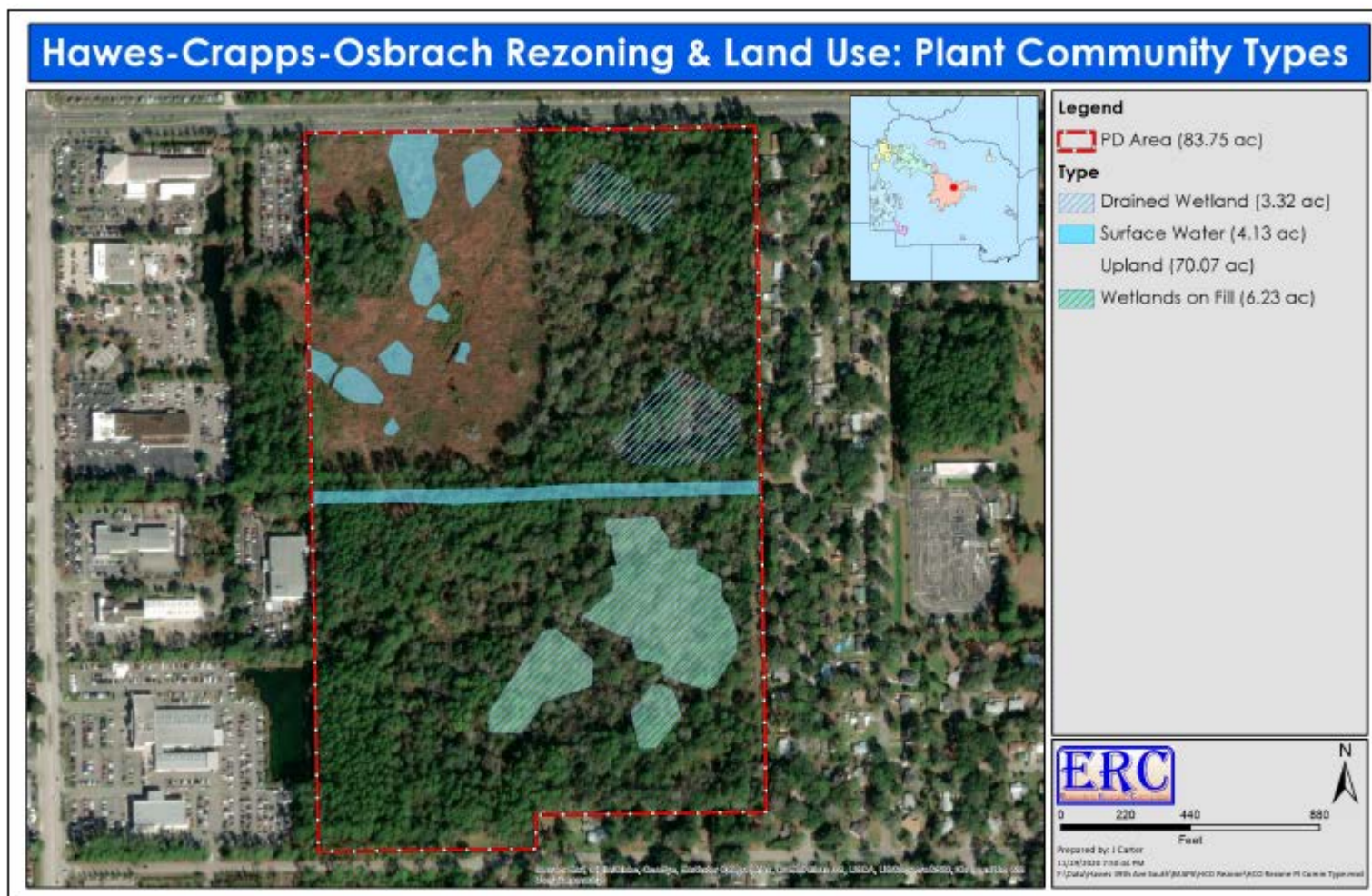


Figure 39. Plant community types existing on the Project Site.

## PB-20-152 LUC – Acreage Comparison Table

Subject	# Acres	% of City Land Area (Acres)	# Acres Vacant	% of RM Land Area Vacant (Acres)
Current Residential Medium (RM)	1881.02 +/-	4.55%~	153.33	8.15%~
Proposed Subject Property's LUC to Residential Medium (RM)	18.82 +/-	0.04%~	18.82	1%~
After Approval of Subject Property's LUC to RM	1899.84	4.59%~	172.15	9.15%~

Subject	# Acres	% of City Land Area (Acres)	# Acres Vacant	% of RM Land Area Vacant (Acres)
Current Residential Low (RL)	2313.19 +/-	5.59%~	249.16	10.77%~
Proposed Subject Property's LUC to Residential Low (RL)	22.75 +/-	0.06%~	22.75	0.98%~
After Approval of Subject Property's LUC to RL	2,335.94	5.65%~	271.91	11.75%~

Subject	# Acres	% of City Land Area (Acres)	# Acres Vacant	% of RM Land Area Vacant (Acres)
Current Commercial (C)	648.9 +/-	1.57%~	86.78	13.37%~
Proposed Subject Property's LUC to Commercial (C)	42.22 +/-	0.1%~	42.22	6.5%~
After Approval of Subject Property's LUC to C	691.12	1.67%~	129	19.88%~

Total Acreage in the City: 41378.33~ acres

## **Appendix E**

### Environmental Memo





# City of Gainesville

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## Memo

To: Nathaniel Chan, Planner I

From: Liliana Kolluri, Environmental Coordinator

Date: 2/17/2021

Re: Petitions PB-20-00152 & PB-20-001453 – NE 39<sup>th</sup> Henderson Environmental Assessment

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The subject petitions include a proposed change in land use and zoning for a 83.79-acre area that includes four properties (parcels 08231-000-000, 08231-008-001, 08231-008-002, 08231-008-003) located south of NE 39<sup>th</sup> Boulevard and west of NE 11<sup>th</sup> Terrace. The proposed activities have been reviewed for considerations relating to environmental resources which are regulated by the City's Land Development Code (LDC) Article VIII, Division 3, *Natural and Archaeological Resources*, or Division 4, *Surface Waters and Wetlands*.

The following regulated natural resources have been identified or have potential to occur within the subject property:

### Wetlands and Surface Waters

There are approximately 13.67 acres of wetlands and surface waters within the subject property. Approximately 4.12 acres are surface waters, including an excavated canal designated as a tributary to Springstead Creek (1.61 acres) and nine surface waters created by construction of NE 39<sup>th</sup> Avenue with subsequent interruption of drainage from the northern area of the site and depression of soils by silvicultural activities (2.51 acres). These manmade surface waters are exempt from provisions of the surface waters and wetlands section of the LDC, provided development activities in those areas will not adversely affect natural or mitigation surface waters and wetlands (Sec. 30-8.18, LDC). The remaining acreage is comprised of remnant historical wetlands that still exist but have been significantly degraded by drainage ditches installed within the subject property (3.32 acres), wetlands that were excavated and/or filled as part of the filling of the large historical wetlands to the south of the site (3.51 acres), and transitional wetlands occurring within the filled area (2.72 acres). Future development around these wetland areas must comply with surface water/wetland protection and buffering requirements in Article VIII, Division 4 of the LDC.

## Wellfield Protection Zones

The subject property falls within the secondary and tertiary Murphree Wellfield Protection Zones. New activity within wellfield protection zones is regulated by LDC Article III, Division 6, *Wellfield Protection Special Use Permit*. Within these protection zones, all development that will intensify, expand, or modify a use directly associated with the storage of hazardous materials, as defined in the Alachua County Hazardous Materials Management Code, must first obtain a Wellfield Protection Special Use Permit (WPSUP). If future development on the subject property proposes use or storage of hazardous materials, an application for a WPSUP is required and will be assessed pursuant to criteria listed in Sec. 30-3.30, LDC.