



City of Gainesville
Department of Sustainable Development
Planning Division

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CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: January 26, 2023

PROJECT NAME AND NUMBER: Oak Gate Rezoning – LD22-000134 ZON

APPLICATION TYPE: Rezoning (Quasi-Judicial)

RECOMMENDATION: Approve

CITY PROJECT CONTACT: Phimetto D. Lewis (Planner III)

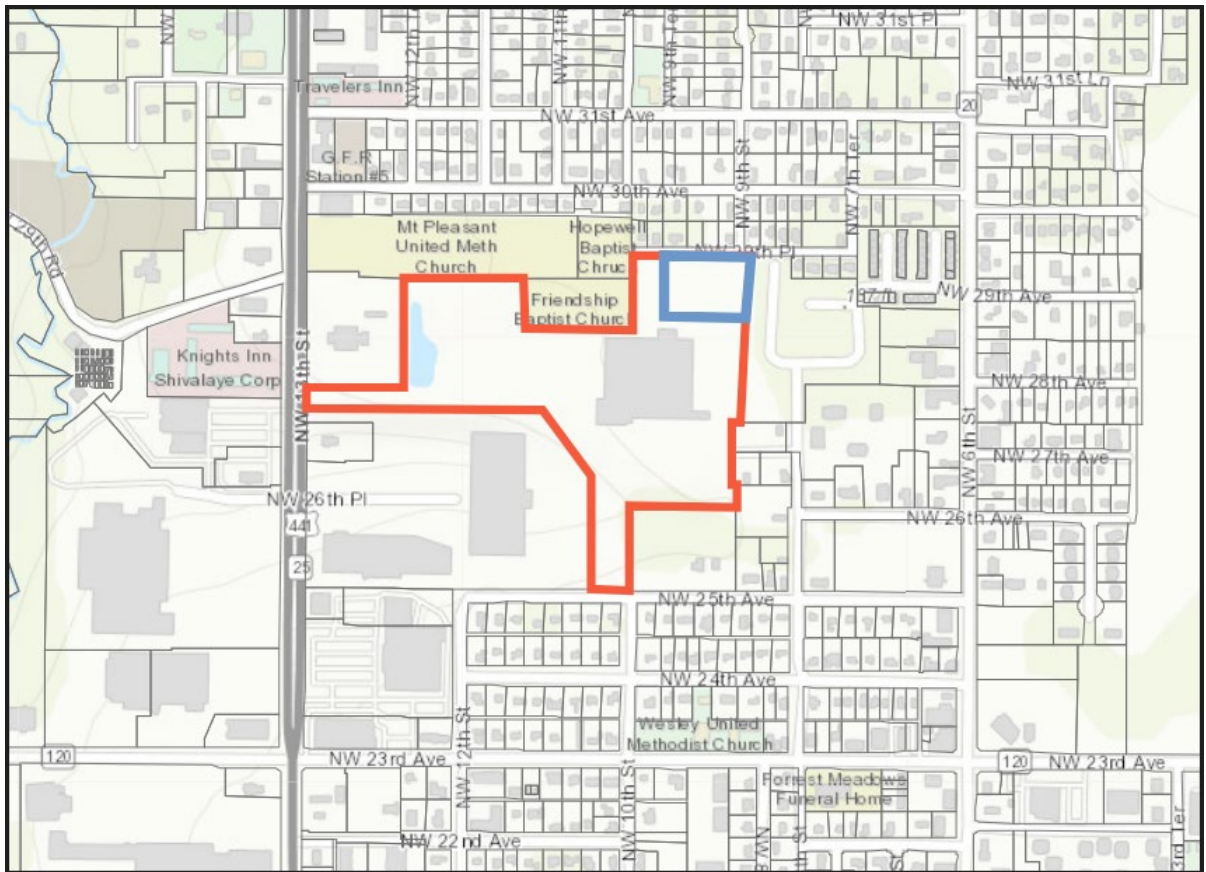


Figure 1: Location Map

Petition Number: LD22-000134 ZON

APPLICATION INFORMATION:

Agent/Applicant: EDA Consultants, Inc.

Property Owner(s): Oak Gate Investors, LLC

Related Petition(s): Planned Development Amendment Rural King PD Amendment, LD22-000136 PDA and Small-Scale Land Use Amendment - Oak Gate LD22-000133 LUC

Neighborhood Workshop: September 20, 2022

SITE INFORMATION:

Address: South side of NW 29th PL, west of NW 9th ST and east of NW 10th St

Parcel Number(s): 08306-010-003

Acreage: ± 1.82 Acres

Existing Use(s): Vacant

Land Use Designation(s): See figure below

Zoning Designation(s): See figure below

Overlay District(s): None

Transportation Mobility Program Area (TMPA): Zone B

Water Management District: St. John's River Water Management District

Special Feature(s): N/A

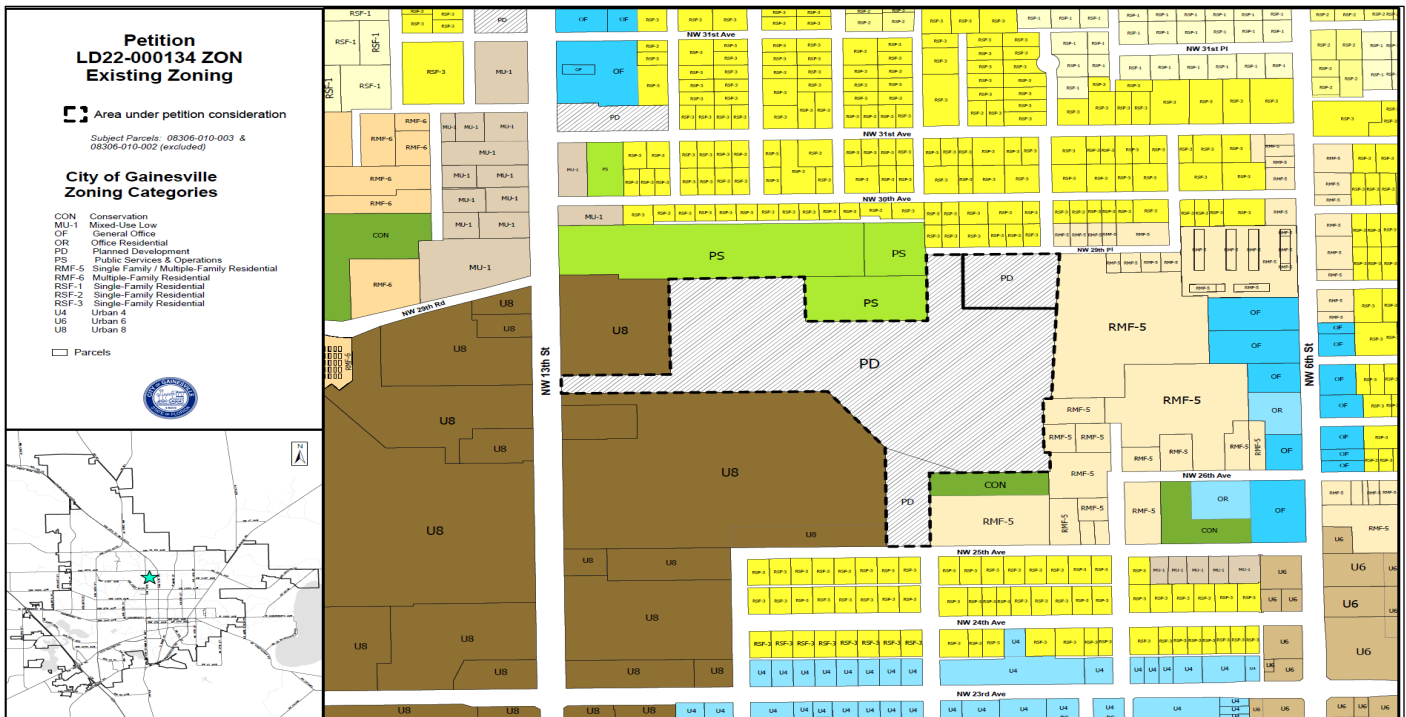


Figure 2: Existing Land Use Map

ADJACENT PROPERTY CHARACTERISTICS			
	Existing Use	Land Use Designation(s)	Zoning Designation(s)
North	Single Family Residential	Single Family (SF)	Single-Family Residential (RSF-3), Single/Multi-Family Residential (RMF-5)
South	Commercial	Urban Mixed-Use (UMU)	Planned Development (PD)
East	Multi-Family	Residential Low (RL)	Single/Multi-Family Residential (RMF-5)
West	Commercial, Cemetery	Urban Mixed-Use (UMU), Public Facilities (PF)	Planned Development (PD), Public Services and Operations (PS)

Figure 3: Subject Property and Adjacent Zoning Districts



Figure 4: Proposed Zoning Map

PURPOSE AND DESCRIPTION:

The subject property currently has a future land use designation of City of Gainesville Urban Mix Use (UMU). The property's current zoning district is the City of Gainesville Planned Development District (PD). The applicant's request is to change the zoning of the property from Planned Development to Single-Family/Multiple-Family Residential (RMF-5, up to 12 dwelling units per acre).

The subject property is vacant and located south of NW 29th Pl, west of 9th Street, and east of NW 10th Street. This rezoning petition includes a total of one (1) parcel totaling approximately 1.82 acres. A related petition, LD22-000133 addresses the related land use change.

The applicant has also noted in the Justification Report that the change intends to facilitate increased densities in the existing Oak Gate development. The subject property will be integrated into the Oak Gate development but will remain as an open space/passive recreation area while utilizing the acreage for increased density on the existing Oak Gate site.

Brief History:

The existing PD zoning was for Sam's Club Wholesale Retail Store. In 1989, the City adopted Ordinance No.3558 Rezoning the entire Sam's Club property from "SC, Shopping Center District" and "Planned Development District" to the new zoning category of "Planned Development District – Non-Residential"

In 1999, the City adopted Ordinance 971051, amending Ordinance No. 3558 for the Planned Development commonly known as "Sam's Club". That ordinance adopted revised development plan maps and a revised development plan report providing for the expansion of the existing Sam's Club and providing access to the adjacent Walmart site to the south.

In 2017, during a citywide land use and rezoning process, the land use designation of the property was changed from Mixed-Use Medium (MUM) to Urban Mixed Use (UMU). On March 31, 2022, a lot line adjustment was approved under petition AD-21-00139 for parcel 08306-010-003. The resulting parcel is now under separate ownership and applications have been filed to remove the parcel from the PD (LD22-000136 PDA) and amend the future land use category and zoning district for the parcel.

STAFF ANALYSIS AND RECOMMENDATION:

City of Gainesville Land Development Code Section 30-3.14 outlines criteria for reviewing rezoning requests. This petition has been reviewed according to this criterion.

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

Petition Number: LD22-000134 ZON

This rezoning of the subject area proposes City of Gainesville Single-Family/Multiple-Family Residential (RMF-5) zoning. The RMF-5 zoning district allows a variety of residential and nonresidential uses, including assisted living facilities, daycare centers, places of religious assembly, and more (see Section 30-4.16 of the Land Development Code for a full list of permitted uses in the RMF-5 zoning district). The uses and density in the RMF-5 zoning district are compatible with the existing residential development to the north and east of the subject property. Abutting to the east is the Oak Gate development with RMF-5 zoning. To the north, across NW 29th Place, there are single-family homes with RSF-3 zoning. The subject property is surrounded to the west and south by the existing Rural King development with PD zoning.

B. The character of the district and its suitability for use.

The general area is characterized as an established single-family/multiple-family residential area compatible with surrounding (RMF-5) uses. The RMF-5 zoning district is characterized in the Land Development Code as consisting of residential uses and a few non-residential uses such as daycare centers, places of religious assembly, public and private schools, and parks. The subject property is abutting RMF-5 zoning to the east and RSF-3 zoning across NW 29th Place to the north. The permitted uses in the proposed RMF-5 zoning district are suitable for the subject property in the surrounding area. One consideration is the potential for higher intensity multi-family development directly opposite existing single-family development along NW 29th Place. Roadway access is limited, and existing roadway infrastructure is below acceptable standards.

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

The properties to the north across NW 29th Place are zoned RSF -3, while the Rural King development to the west and south of the subject property has a higher intensity PD zoning. The adjacency of these districts is compatible because of the development standards of the. A rezoning of the subject property to RMF-5 zoning establishes consistency and compatibility with the immediate surrounding uses. It maintains the existing relationships between the commercial PD and surrounding zoning. However, staff has determined that the development standards of the RMF-5 zoning district relative to the RSF-3 district can play a strong role in establishing the desired compatibility between any future developments along NW 29th Place.

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

There are no existing buildings on the subject property. The proposed rezoning opens the use of historically vacant, undeveloped land to infill development.

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

There are no active plans directly related to any City programs of planned improvements in the area. In

the past, the City has implemented measures to deter cut-through traffic between NW 6th and 13th Streets which will remain in place.

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

The proposal will encourage new surrounding development and the increase in available housing stock which has been identified as a needed resource in the city. Given the nature of the city as constrained by outward expansion into undeveloped lands, redevelopment and infill are its greatest potential. This rezoning will facilitate the goals and objectives to prevent urban sprawl, encourage redevelopment, and seek opportunities for urban infill.

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

The PD was established to encourage suitable growth patterns and to facilitate the Sam's Club development. Recent development patterns have shifted the growth dynamics in a different direction, towards the south and southwest. Relocation of major growth potential to another location has created a need to revisit the use of the existing site. This rezoning works to reallocate lands previously dedicated to serving the Big-Box type development into a different use that will continue to serve the neighborhood and remain consistent and compatible with surrounding developments.

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

Rezoning of the subject property is being proposed to provide additional density needed by the applicant for infill at the abutting Oak Gate multi-family development. Infill and redevelopment are major themes in the City's Comprehensive Plan to reduce urban sprawl. It should also be noted that the proposed RMF-5 zoning district implements the proposed Residential Low future land use category. In addition, the following policies and objectives apply to the proposed designation.

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

Objective 1.1 Adopt urban design principles that adhere to timeless (proven successful), traditional principles.

Policy 1.1.2 To the extent possible, neighborhoods should be sized so that housing, jobs, daily needs, and other activities are within easy walking distance of each other.

FLU Objective 1.5 Discourage the proliferation of urban sprawl.

Objective 2.1. Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

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

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

CONCLUSION AND RECOMMENDATION:

Staff has evaluated the rezoning according to the criteria outlined in the Land Development Code and recommends **approval** of Petition LD22-000134 ZON.

DRAFT MOTION FOR CONSIDERATION

Approve Petition LD22-000134 ZON based on a finding that it meets the Land Development Code criteria for rezoning and forward a recommendation that the City Commission approve the request.

LIST OF APPENDICES:

Appendix A Comprehensive Plan Goals, Objectives, and Policies, Survey

Appendix B Maps

Appendix C Application Documents

Appendix D Justification Report

Appendix A

Comprehensive Plan Goals, Objectives, and Policies, Survey

Goals, Objectives & Policies



Future Land Use Element

- GOAL 1** **IMPROVE THE QUALITY OF LIFE AND ACHIEVE A SUPERIOR, SUSTAINABLE DEVELOPMENT PATTERN IN THE CITY BY CREATING AND MAINTAINING CHOICES IN HOUSING, OFFICES, RETAIL, AND WORKPLACES, AND ENSURING THAT A PERCENTAGE OF LAND USES ARE MIXED, AND WITHIN WALKING DISTANCE OF IMPORTANT DESTINATIONS.**
- Objective 1.1** **Adopt urban design principles that adhere to timeless (proven successful), traditional principles.**
- Policy 1.1.1 To the extent possible, all planning shall be in the form of complete and integrated communities containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the residents.
- Policy 1.1.2 To the extent possible, neighborhoods should be sized so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- Policy 1.1.3 Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- Policy 1.1.4 The City and its neighborhoods, to the extent possible, shall have a center focus that combines commercial, civic, cultural, and recreational uses.
- Policy 1.1.5 The City, to the extent possible, should contain an ample supply of squares, greens, and parks with frequent use encouraged through placement, definition and design.

map 36 50
2023-78A
RECEIVED

Amends

ORDINANCE NO. 971051 - 3558
0-98-82

FEB 16 1999
PLANNING
DIVISION

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An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 3558 which adopted the Planned Development commonly known as "Sam's Club"; adopting revised development plan maps and a revised development plan report; providing for expansion of the existing Sam's Club and providing access to the Wal-Mart site; located in the vicinity of 2801 Northwest 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

15 **WHEREAS**, the City Plan Board authorized the
16 publication of notice of a Public Hearing to amend the
17 Planned Development previously adopted by Ordinance No. 3558,
18 commonly known as "Sam's Club"; and

19 **WHEREAS**, notice was given and publication made as
20 required by law of a Public Hearings which was held by the
21 City Plan Board on April 16, 1998; and

22 **WHEREAS**, notice was given and publication made of a
23 Public Hearing which was held by the City Commission on May
24 11, 1998; and

25 **WHEREAS**, at least ten (10) days notice has been given
26 once prior to the adoption of this ordinance by publication
27 in a newspaper of general circulation notifying the public
of this proposed ordinance and of a Public Hearing in the

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-1-

1 City Commission Meeting Room, First Floor, City Hall, in the
2 City of Gainesville; and

3 **WHEREAS**, Public Hearings were held pursuant to the
4 published notice described at which hearings the parties in
5 interest and all others had an opportunity to be and were,
6 in fact, heard.

7 **WHEREAS**, the City Commission finds that the rezoning
8 ordinance is consistent with the City of Gainesville 1991-
9 2001 Comprehensive Plan.

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

12 **Section 1.** Exhibits "B" and "C" attached to Ordinance No.
13 3558 (Section 3) are amended by adopting a revised
14 development plan report entitled "Development Plan Report for
15 Sam's Wholesale Club Amended on September 17, 1998", a copy
16 of which is attached hereto as Exhibit "1" and made a part
17 hereof as if set forth in full, is adopted and approved.
18 Revised development plan maps, consisting of 9 sheets,
19 attached hereto as Exhibit "2", are adopted and are
20 incorporated herein and made a part of this ordinance as if
21 set forth in full. The terms, conditions, and limitations of
22 the development plan maps shall regulate the use and

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1 development of the land as provided in Chapter 30, Land
 2 Development Code of the City of Gainesville. In the event of
 3 conflict between the provisions of the revised development
 4 plan report (Exhibit "1") and the revised development plan
 5 maps (Exhibit "2"), the provisions, regulations, and
 6 restrictions of the revised development plan maps (Exhibit
 7 "2") shall govern and prevail.

8 **Section 2.** Section 4 of Ordinance No. 3558 is amended, and
 9 new conditions, restrictions and regulations are created and
 10 added as follows. In the event of conflict between the
 11 Development Plan referenced in Section 1 of this Ordinance
 12 and the following conditions, the conditions shall govern
 13 and prevail:

- 14 a) Prior to second and final reading of ~~this~~ Ordinance No.
 15 3558, the applicant of this rezoning shall deliver to
 16 the City of Gainesville a true copy of the recorded
 17 easement granting and conveying a perpetual non-
 18 exclusive right of ingress/egress over, above, and
 19 across a portion of the property located immediately to
 20 the west of the property described in Section 1 above,
 21 as more specifically shown on Sheets 8 and 12 of the
 22 development plan maps " attached to Ordinance No. 3558
 23 (Exhibit "C) for the purpose of providing access to and
 24 from said property to N.W. 13th Street, as referenced
 25 in the letter attached ~~hereto~~ Ordinance No. 3558 as
 26 Exhibit "D".
- 27 b) The petitioner and the property owner of the property
 28 described in Section 1 of Ordinance No. 3558 shall
 29 obtain and record a cross-access easement between this
 30 property and the property to the south at the interior
 31 drive connection. A copy of the recorded cross-access
 32 easement shall be provided to the City's Department of

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- 1 Community Development prior to final approval of the
 2 final Development Plan.
- 3 ~~b-c)~~ Site plan approval of the development is required in
 4 accordance with the provisions of Article XII of
 5 Chapter ~~29~~ 30, Zoning Land Development Code of the City
 6 of Gainesville, Florida.
- 7 ~~e)~~ ~~Prior to the issuance of a development order on the~~
 8 ~~property described in Section 1 above, the subject~~
 9 ~~property shall be approved as a minor subdivision in~~
 10 ~~accordance with Chapter 24 of the Code of Ordinances~~
 11 ~~upon proper application made by the developer.~~
- 12 d) The use and development of the subject property permits
 13 wholesale and retail sales, however, this Ordinance
 14 does not permit the operation of a wholesale
 15 distribution center.
- 16 e) Except as expressly provided herein, the use and
 17 regulation of the property described in Section 1 above
 18 shall be governed as if this property were zoned "~~SC,~~
 19 ~~Shopping Center District~~", Chapter 29, Zoning "BUS,
 20 General Business District", Chapter 30, Land
 21 Development Code of the City of Gainesville.
- 22 f) By adopting this Ordinance, the City Commission varies
 23 the provisions of Sec. 402.4.1 of the Standard Building
 24 Code (1988 ed., rev. 1986-87) and permits the building
 25 to be erected and constructed within twenty-five (25)
 26 feet of the north property line, as more specifically
 27 shown on Sheet 1 of the development plan map attached
 28 to Ordinance No. 3558 (Exhibit "C"); in consideration
 29 therefor, the twenty-five (25) foot roadway as shown on
 30 Sheet 1 shall be graded and maintained in good
 31 condition to allow access by fire rescue vehicles, and
 32 all fire hydrants shall remain in good working
 33 condition.
- 34 g) All signage and pavement markings shall be placed and
 35 maintained in good condition as ~~more specifically~~ shown
 36 on ~~Sheet LS-1 of~~ the development plan map attached to
 37 Ordinance No. 971051 (Exhibit "G2").
- 38 h) The wall-mounted street graphic as shown on Sheet A-2
 39 of the development plan map attached to Ordinance No.
 40 3558 (Exhibit "C") shall conform in all respects to the
 41 provisions of Article ~~XIV~~ IX of the Zoning Land
 42 Development Code, and the ground mounted street graphic
 43 may be constructed and maintained as shown on Sheet LS-
 44 1 of the development plan map attached to Ordinance No.
 45 3558 (Exhibit "C").

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- 1 i) No additional ground mounted signs will be allowed on
 2 the property.
- 3 j) No additional wall mounted signage shall be allowed on
 4 the property.
- 5 k) Any revisions to the existing ground or wall-mounted
 6 signs shall be in conformance with the City's "Sign
 7 Regulations", Sec. 30-315 through 327.
- 8 ± l) As to that portion of the planned development approved
 9 by Ordinance No. 3558, Aall certified as-builts of the
 10 stormwater management facilities shall be submitted and
 11 approved by the City ~~Engineering~~ Public Works
 12 Department prior to the issuance of a Certificate of
 13 Occupancy; the certified as-builts shall also
 14 demonstrate that the required detention/retention
 15 volumes have been attained to the satisfaction of the
 16 City ~~Engineering~~ Public Works Department. (The
 17 certified as-builts shall be completed by a
 18 professional land surveyor registered in the State of
 19 Florida.)
- 20 † m) As to that portion of the planned development approved
 21 by Ordinance No. 3558, Pprior to the issuance of any
 22 certificate of occupancy for the building on the
 23 property, the roadway, access improvements and traffic
 24 signal redesign as shown on Sheet 12 of the development
 25 plan map attached to Ordinance No. 3558 (Exhibit "C")
 26 and as further described on page 8 of the development
 27 plan report attached to Ordinance No. 3558 (Exhibit
 28 "B") shall be constructed and completed to the
 29 satisfaction of the Traffic Engineer of the City of
 30 Gainesville, and all in accordance with permits to be
 31 issued by the Florida Department of Transportation upon
 32 proper application made by the developer.
- 33 n) The petitioner/developer shall install and maintain a
 34 (3) three-way stop at the intersections created at the
 35 interior drive connection for safety purposes as
 36 approved by the City's Traffic Engineer.
- 37 o) The interior cross-access drive connection must be
 38 completed prior to the issuance of a certificate of
 39 occupancy for the development permitted by Ordinance
 40 No. 971051.
- 41 * p) A vegetative buffer to attenuate noise, and to screen
 42 light and view from adjacent residential areas,
 43 especially on the east side as shown on Sheets L-1, L-2
 44 and L-3 of the development plan map attached to
 45 Ordinance No. 971051 (Exhibit "2") shall be planted and

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- 1 maintained. This buffer is in addition to walls or
 2 other structures required for noise attenuation.
- 3 ~~±~~q) The natural wooded area described in Exhibit "E"
 4 attached ~~hereto~~ Ordinance No. 3558 and made a part
 5 hereof shall remain in its existing conditions in order
 6 to act as a buffer, to protect the natural topography
 7 of the land, and to prevent access through the area.
 8 An overflow stormpipe may be constructed under and
 9 through this area from Basin "C" as shown on Sheet 6 of
 10 the development plan map attached to Ordinance No. 3558
 11 (Exhibit "C").
- 12 ~~±~~r) A four (4) foot chain link fence shall be erected and
 13 maintained along ~~to~~ the north of basin C as shown on
 14 Sheet 1 of the development plan map attached to
 15 Ordinance No. 3558 (Exhibit "C") to prevent pedestrian
 16 access, shopping carts, and other debris from
 17 encroaching into the basin and surrounding area.
- 18 ~~±~~s) All fences and walls required to be constructed shall
 19 be erected and maintained in good and safe condition.
- 20 ~~±~~t) Vehicular ingress/egress to the cemetery property
 21 located immediately to the north of the property
 22 described in Section 1 above shall remain in its
 23 present condition on U.S. 441 (N.W. 13th Street) as
 24 shown on Sheet 8 of the development plan map attached
 25 to Ordinance No. 3558 (Exhibit "C").
- 26 ~~±~~u) A six (6) foot masonry wall shall be constructed and
 27 maintained along the portion of the northern property
 28 line of the subject property as more specifically shown
 29 on Sheet 1 of the development plan map attached to
 30 Ordinance No. 3558 (Exhibit "C") for the purpose of
 31 providing a buffer to the adjacent cemeteries.
- 32 ~~±~~v) The entire off-street parking area of the development
 33 shall be maintained and kept in clean condition on a
 34 daily basis.
- 35 ~~±~~w) ~~The entire development shall be constructed in one~~
 36 ~~phase and shall be completed within two (2) years of~~
 37 ~~the adoption of this Ordinance; the City Commission may~~
 38 ~~grant one (1) extension to the two (2) year time~~
 39 ~~limitation upon good cause shown.~~
- 40 q) The new construction shall match the existing
 41 architectural style and materials utilized in the
 42 existing building and not exceed the height of the
 43 existing building.
- 44 r) The principal building shall not extend any further to
 45 the north, east or south than as shown on Sheet C-1,
 46 and C-2 of the development plan map attached to

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- 1 Ordinance No. 971051 (Exhibit "2") and no stand-alone
 2 accessory building is allowed to be installed or
 3 constructed in the area north, east or south of the
 4 principal structure.
- 5 u) Construction of the addition authorized by Ordinance
 6 No. 971051 shall commence within one (1) year of
 7 adoption of this ordinance. The City Commission may
 8 grant a one (1) year extension upon written request for
 9 good cause shown.
- 10 s) The owner/developer is allowed to expand the existing
 11 building, in the future, by up to 10,000 sq. ft. on the
 12 west side (front of the building) only, subject to plan
 13 approval by the Development Review board, on the
 14 condition that the parking area is modified as provided
 15 in paragraph (t) below.
- 16 t) Additional parking spaces (approximately 28 spaces)
 17 located along the main entrance drive next to drainage
 18 basin "A" (as shown on Sheet C-3 of the development
 19 plan map attached to Ordinance No. 971051 (Exhibit "2")
 20 shall be removed or made into "grass" excess parking
 21 spaces as part of the future 10,000 sq. ft. expansion
 22 as referenced in paragraph "s" above.

23

24 **Section 4.** Any person who violates any of the provisions

25 of this ordinance shall be deemed guilty of a municipal

26 ordinance violation and shall be subject to fine or

27 imprisonment as provided by section 1-9 of the Gainesville

28 Code of Ordinances. Each day a violation occurs or

29 continues, regardless of whether such violation is

30 ultimately abated or corrected, shall constitute a separate

31 offense.

32 **Section 5.** If any section, sentence, clause or phrase of

33 this ordinance is held to be invalid or unconstitutional by

34 any court of competent jurisdiction, then said holding shall

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1 in no way affect the validity of the remaining portions of
2 this ordinance.

3 **Section 6.** All ordinances, or parts of ordinances, in
4 conflict herewith are to the extent of such conflict hereby
5 repealed.

6 **Section 7.** This Ordinance shall become effective
7 immediately upon adoption.

8 **PASSED AND ADOPTED** this 8th day of
9 February, 1999.

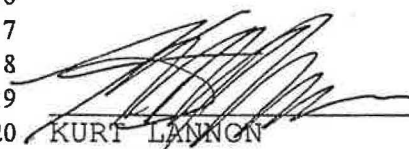
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MAYOR

15 ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

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20 
KURT LANNON
21 CLERK OF THE COMMISSION


MARION J. RADSON, CITY ATTORNEY
FEB - 9 1999

22
23 This ordinance passed on first reading this 25th day
24 of January, 1999.

25
26 This ordinance passed on second reading this 8th
27 day of February, 1999.

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Sam's Club

ORDINANCE NO. 3558
0-89-24

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AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, REZONING CERTAIN LANDS WITHIN THE CITY FROM "SC, SHOPPING CENTER DISTRICT" AND "PLANNED DEVELOPMENT DISTRICT" TO THE NEW ZONING CATEGORY OF "PLANNED DEVELOPMENT DISTRICT"; LOCATED IN THE VICINITY OF THE 2700 AND 2800 BLOCKS OF N.W. 13TH STREET; ADOPTING THE DEVELOPMENT PLAN MAP AND THE DEVELOPMENT PLAN REPORT; PROVIDING ADDITIONAL REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that certain lands within the City be rezoned from the Zoning District Categories of "SC, Shopping Center District" and "Planned Development District" to the new zoning category of "Planned Development District"; and

WHEREAS, notice by the Plan Board was given and publication made as required by law on February 1, 1989, and a Public Hearing was held on February 16, 1989; and

WHEREAS, notice was given and publication made on February 1, 1989, of a Public Hearing which was then held by the City Commission on March 6, 1989; and

WHEREAS, pursuant to law at least ten (10) days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and a Public Hearing in the A. Clarence O'Neill

3 PDV-89PB

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2 Auditorium of the Municipal Building of the City of
3 Gainesville; and

4 WHEREAS, pursuant to law, notice has also been given
5 by mail to each real property owner whose land will be
6 changed by enactment of this Ordinance at least ten (10)
7 days prior to the date set for the first reading of this
8 ordinance; and

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

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

15 Section 1. The following described property is
16 rezoned from the Zoning District Categories of "'SC,
17 Shopping Center District" and "Planned Development District"
18 to the new zoning category of "Planned Development
19 District", as provided in Chapter 29, Zoning Code of the
20 City of Gainesville:

21 See legal description attached
22 hereto as Exhibit "A", and made a
23 part hereof as if set forth in full.
24

25 Section 2. The City Manager is authorized and
26 directed to make the necessary changes in the Zoning Map to
27 comply with this Ordinance.

28 Section 3. The Development Plan attached to this

1 Ordinance which consists of the following:

- 2 1) the "Development Plan Report for Sam's Warehouse
3 Club" attached as Exhibit "B"; and
4 2) development plan map consisting of twenty-three
5 (23) sheets prepared by Buffington Associates
6 and G. L. Marquez & Associates, Inc., attached
7 as Exhibit "C".

8 is incorporated herein and made a part of this Ordinance as
9 if set forth in full. The terms, conditions, and
10 limitations of the Development Plan shall regulate the use
11 and development of the land described herein zoned to the
12 new category of Planned Development District as provided in
13 Chapter 29, Zoning Code of the City of Gainesville. In the
14 event of conflict between the Development Plan Report
15 (Exhibit "B") and the development plan map (Exhibit "C"),
16 the terms, conditions and limitations of the development
17 plan map (Exhibit "C") shall govern and prevail.

18 Section 4. The following additional conditions,
19 restrictions and regulations shall also apply to the
20 development and use of the land described herein:

- 21 a) Prior to second and final reading of this
22 Ordinance, the applicant of this rezoning shall
23 deliver to the City of Gainesville a true copy
24 of the recorded easement granting and conveying
25 a perpetual non-exclusive right of
26 ingress/egress over, above, and across a portion

1 of the property located immediately to the west
2 of the property described in Section 1 above,
3 as more specifically shown on Sheets 8 and 12
4 of the development plan maps (Exhibit "C") for
5 the purpose of providing access to and from said
6 property to N.W. 13th Street, as referenced in
7 the letter attached hereto as Exhibit "D".

8 b) Site plan approval of the development is
9 required in accordance with the provisions of
10 Article XII of Chapter 29, Zoning Code of the
11 City of Gainesville, Florida.

12 c) Prior to the issuance of a development order on
13 the property described in Section 1 above, the
14 subject property shall be approved as a minor
15 subdivision in accordance with Chapter 24 of the
16 Code of Ordinances upon proper application made
17 by the developer.

18 d) The use and development of the subject property
19 permits wholesale and retail sales, however,
20 this Ordinance does not permit the operation of
21 a wholesale distribution center.

22 e) Except as expressly provided herein, the use and
23 regulation of the property described in Section
24 1 above shall be governed as if this property
25 were zoned "SC, Shopping Center District",
26 Chapter 29, Zoning Code of the City of

1 Gainesville.

2 f) By adopting this Ordinance, the City Commission
3 varies the provisions of Sec. 402.4.1 of the
4 Standard Building Code (1988 ed., rev. 1986-
5 87) and permits the building to be erected and
6 constructed within twenty-five (25) feet of the
7 north property line, as more specifically shown
8 on Sheet 1 of the development plan map (Exhibit
9 "C"); in consideration therefor, the twenty-five
10 (25) foot roadway as shown on Sheet 1 shall be
11 graded and maintained in good condition to allow
12 access by fire rescue vehicles, and all fire
13 hydrants shall remain in good working condition.

14 g) All signage and pavement markings shall be
15 placed and maintained in good condition as more
16 specifically shown on Sheet LS-1 of the
17 development plan map (Exhibit "C").

18 h) The wall-mounted street graphic as shown on
19 Sheet A-2 of the development plan map (Exhibit
20 "C") shall conform in all respects to the
21 provisions of Article XIV of the Zoning Code,
22 and the ground mounted street graphic may be
23 constructed and maintained as shown on Sheet LS-
24 1 of the development plan map (Exhibit "C").

25 i) All certified as-builts of the stormwater
26 management facilities shall be submitted and

1 approved by the City Engineering Department
2 prior to the issuance of a Certificate of
3 Occupancy; the certified as-builts shall also
4 demonstrate that the required detention/-
5 retention volumes have been attained to the
6 satisfaction of the City Engineering Department.
7 (The certified as-builts shall be completed by
8 a professional land surveyor registered in the
9 State of Florida.)

10 j) Prior to the issuance of any certificate of
11 occupancy for the building on the property, the
12 roadway, access improvements and traffic signal
13 redesign as shown on Sheet 12 of the development
14 plan map (Exhibit "C") and as further described
15 on page 8 of the development plan report
16 (Exhibit "B") shall be constructed and completed
17 to the satisfaction of the Traffic Engineer of
18 the City of Gainesville, at no cost or expense
19 to the City of Gainesville, and all in
20 accordance with permits to be issued by the
21 Florida Department of Transportation upon proper
22 application made by the developer.

23 k) A vegetative buffer to attenuate noise, and to
24 screen light and view from adjacent residential
25 areas, especially on the east side as shown on
26 Sheets L-2 and L-3 of the development plan map

- 1 (Exhibit "C") shall be planted and maintained.
2 This buffer is in addition to walls or other
3 structures required for noise attenuation.
- 4 1) The natural wooded area described in Exhibit "E"
5 attached hereto and made a part hereof shall
6 remain in its existing condition in order to act
7 as a buffer, to protect the natural topography
8 of the land, and to prevent access through the
9 area. An overflow stormpipe may be constructed
10 under and through this area from Basin "C" as
11 shown on Sheet 6 of the development plan map
12 (Exhibit "C").
- 13 m) A four (4) foot chain link fence shall be
14 erected to the north of basin C as shown on
15 Sheet 1 of the development plan map (Exhibit
16 "C") to prevent pedestrian access, shopping
17 carts, and other debris from encroaching into
18 the basin and surrounding area.
- 19 n) All fences and walls required to be constructed
20 shall be erected and maintained in good and safe
21 condition.
- 22 o) Vehicular ingress/egress to the cemetery
23 property located immediately to the north of the
24 property described in Section 1 above shall
25 remain in its present condition on U.S. 441
26 (N.W. 13th Street) as shown on Sheet 8 of the

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development plan map (Exhibit "C").

- p) A six (6) foot masonry wall shall be constructed and maintained along the portion of the northern property line of the subject property as more specifically shown on Sheet 1 of the development plan map (Exhibit "C") for the purpose of providing a buffer to the adjacent cemeteries.
- q) The entire off-street parking area of the development shall be maintained and kept in clean condition on a daily basis.
- r) The entire development shall be constructed in one phase and shall be completed within two (2) years of the adoption of this Ordinance; the City Commission may grant one (1) extension to the two (2) year time limitation upon good cause shown.

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

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

Section 7. This Ordinance shall become effective

1 immediately upon final adoption.

2 PASSED AND ADOPTED this 21st day of August,
3 1989.

4
5 *Goshie Turner Chestnut*
6
7 MAYOR-COMMISSIONER

8 ATTEST:

9
10
11 *Mary Ann S. Stager*
12 CLERK OF THE COMMISSION
13

14
15 This Ordinance passed on first reading this 10th
16 day of July, 1989.

17
18 This Ordinance passed on second and final reading
19 this 21st day of August, 1989.

20
21
22 MJR:llc

Approved as to form and correctness
By *Marion J. Radson*
Marion J. Radson, City Attorney
City of Gainesville, Florida
AUG 29 1989

amh

CLERK'S FORM RE: RESOLUTIONS/ORDINANCES

Resolution No. _____ or Ordinance No. 3558

Received in Clerk's Office on 8/29/89

Executed on 9/1/89

Reviewed by Deputy Clerk on 8/29/89 (and initialed) for special instructions to the Clerk of the Commission by the City Commission.

Given to M. Brown by the Deputy Clerk on 9/5/89 for (check as applicable) distribution and _____ special instructions.

Other notations:
No instructions to Clerk's Office



ALACHUA COUNTY LAND SURVEYORS, INC.

Professional Land Surveying

2512 N. E. 1st Blvd. • Suite 300 • Gainesville, FL 32609 • (904) 376-1180

And

Alachua, FL • High Springs, FL • (904) 454-1148

HAROLD L. WISE, P.L.S.

STACY A. HALL, P.

December 5, 1988
22.018 Acre Tract
Job No. 88-378

LEGAL DESCRIPTION

A tract of land situated in Section 29, Township 9 South, Range 20 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Southwest corner of Section 29, Township 9 South, Range 20 East and run N.00°24'37"E., along the West line of said Section 29, a distance of 1362.60 feet; thence run S.89°35'50"E., 50.27 feet to the Easterly right of way line of N.W. 13th Street, and the Point of Beginning; thence run N.00°24'37"E., along said Easterly right of way line, 81.50 feet; thence run S.89°35'50"E., 380.47 feet; thence run N.00°24'37"E., 429.65 feet; thence run S.88°48'16"E., 465.58 feet; thence run S.01°39'17"E., 179.87 feet; thence run S.88°07'52"E., 423.92 feet; thence run N.00°10'14"E., 296.70 feet; thence run S.89°39'23"E., 462.60 feet; / thence run S.03°39'44"W., 652.94 feet; / thence run N.89°00'38"W., 29.05 feet; thence run S.00°20'13"W., 242.55 feet; / thence run S.89°25'30"E., 21.20 feet; thence run S.00°29'22"W., 86.90 feet; / thence run N.89°40'54"W., 419.34 feet; / thence run S.00°24'10"W., 329.57 feet; / thence run N.89°35'50"W., 152.03 feet; thence run N.00°24'10"E., 444.47 feet; thence run N.37°14'56"W., 322.74 feet; thence run N.89°35'50"W., 924.36 feet to the Point of Beginning, said tract of land containing 22.018 acres more or less.

February 6, 1989


Mr. Lynn Buffington
Buffington Associates
4420 N.W. 36th Ave.
Gainesville, FL 32606

Re: Cross Access with Empire of America Federal Savings Bank

Dear Mr. Buffington:

Pursuant to your request I have enclosed a copy of the pertinent pages from our Purchase Agreement with Empire of America Federal Saving Bank showing that at the closing Empire will provide, in recordable form, an easement for access through the remaining bank property. I have included a copy of Exhibit B showing the access easement area. If there are any questions please feel free to call me.

Sincerely,



Michael R. Nelson
Senior Real Estate Manager

MRN/pw
encl.

EXHIBIT "D"



HAROLD L. WISE, P.L.S.

ALACHUA COUNTY LAND SURVEYORS, INC.

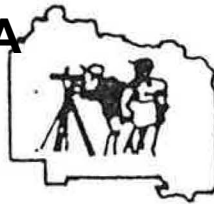
Professional Land Surveying

2512 N. E. 1st Blvd. • Suite 300 • Gainesville, FL 32609 • (904) 376-1180

And

Alachua, FL • High Springs, FL • (904) 454-1148

2023-78A



STACY A. HALL, P.L.S.

March 20, 1989
1.622 Acre Tract
Conservation Area
Job No. 88-378

LEGAL DESCRIPTION

A tract of land situated in Section 29, Township 9 South, Range 20 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Southwest corner of Section 29, Township 9 South, Range 20 East and run N.00°24'37"E., along the West line of said Section 29, a distance of 1362.60 feet; thence run S.89°35'50"E., a distance of 974.63 feet; thence run S.37°14'56"E., a distance of 322.74 feet to the True Point of Beginning; thence run S.00°24'10"W., a distance of 444.47 feet to the North right of way line of N.W. 25th Avenue; thence run S.89°35'50"E., along said right of way line, a distance of 152.03 feet; thence run N.00°24'10"E., a distance of 329.57 feet; thence run S.89°40'54"E., a distance of 205.03 feet; thence run N.71°48'12"W., a distance of 375.00 feet to the True Point of Beginning, containing 1.622 acres more or less.

EXHIBIT "E"

N. K. 13TH STREET

N 00° 24' 37" E

533.34'

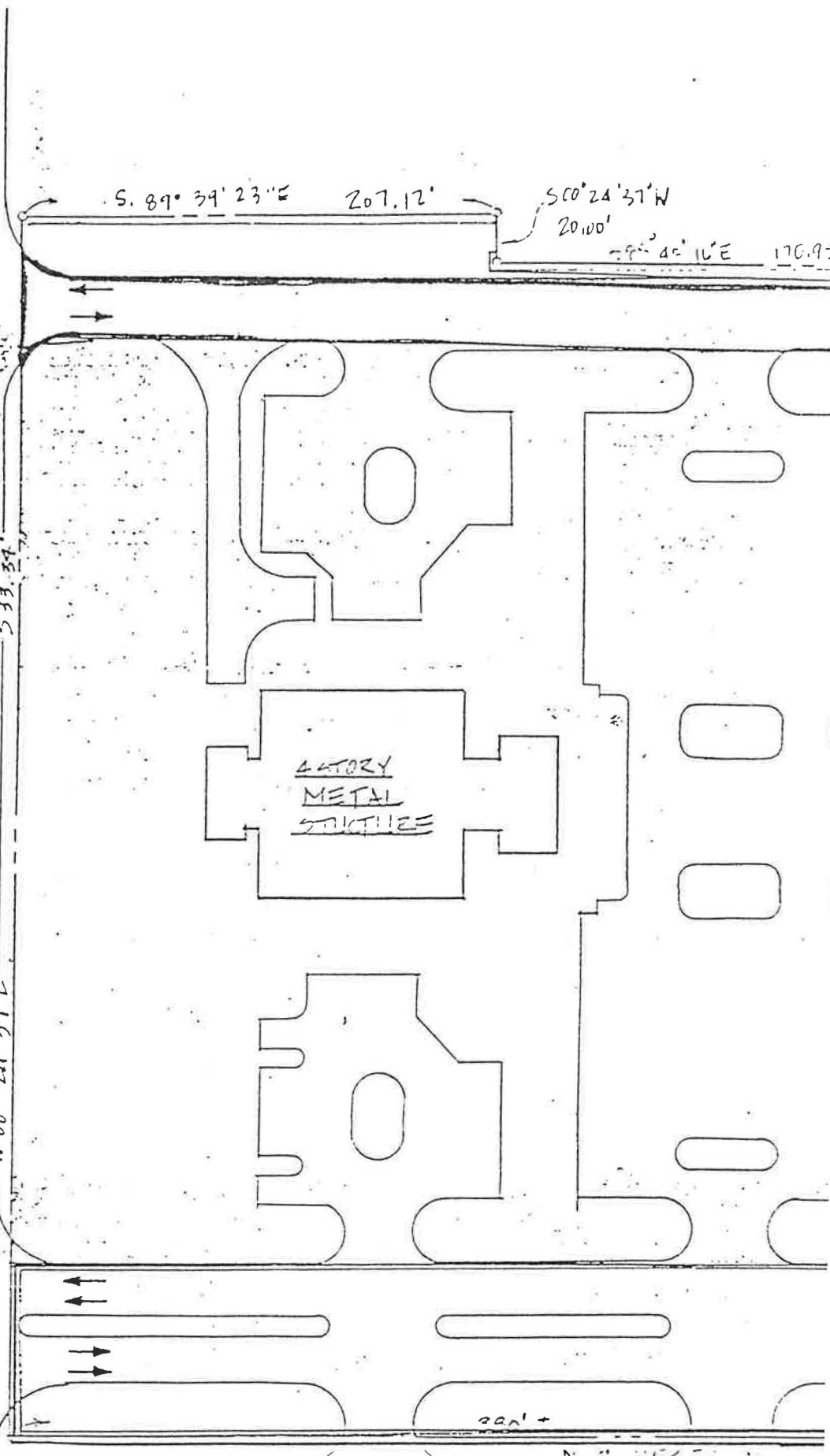
S. 89° 39' 23" E 207.12'

S 00° 24' 37" W
20.00'

170.95'

4-STORY
METAL
STRUCTURE

220' +



prohibitions and other requirements imposed by any governmental authority, restrictions and matters appearing on the plat or otherwise common to the subdivision, public utility easements of record, (provided said easements are located contiguous throughout the property lines and are not more than 10 feet in width as to the rear or front lines and 7 1/2 feet in width as to the side lines, unless otherwise specified herein), and taxes for year of closing and subsequent years.

VI. OCCUPANCY: Seller represents that the property is presently unimproved land and that there are no parties in occupancy of any portion of the premises other than Seller.

VII. ASSIGNABILITY: Buyer may not assign this contract without the prior consent of Seller, not to be unreasonably withheld or delayed.

VIII. SURVEY OF PREMISES: Buyer shall cause a survey of the land to be prepared at its expense, the survey to be in a form satisfactory to the Title Company and shall be certified to the Title Company. The survey should show all rights of way, easements, encroachments, overlaps, or other matters of record.

ADDITIONAL
IX. EASEMENT FOR ACCESS TO NORTHWEST THIRTEENTH STREET:

The obligation of Buyer to consummate this transaction is conditioned upon Seller's execution in recordable form and its delivery to the Title Company an easement (the "Easement") in form and substance reasonably acceptable to Buyer, granting a perpetual non-exclusive right of access over that portion of the premises which is outlined in green on the plot plan attached hereto as Exhibit B (the easement area) for the purpose of passage to and

from the property to be conveyed to Buyer. A legal description of the easement area shall be prepared by the surveyor upon completion of the survey and the legal description certified by the surveyor shall be used in the Easement.

X: BROKERAGE FEE: Seller and Buyer represent and warrant together that the warranting party has not had any contact or dealings through or with any real estate broker, agent, or finder who has acted as the procuring cause in connection with the purchase and sale of the premises. Each party covenants and agrees to indemnify, defend and hold harmless the other party from and against any and all claims or demands on any or loss, cost, damage or expense, including without limitation, attorneys fees arising from the warranting parties breach of its foregoing representation, warranty and covenant.

XI. NOTICES: All notices, requests or other communications under this Contract shall be in writing and be deemed given when made by personal delivery or sent by ^{overnight courier or} registered or certified mail, postage prepaid return receipt requested, addressed as set forth herein as follows:

If to Seller, to "EMPIRE OF AMERICA FEDERAL SAVINGS BANK", One Empire Tower, Buffalo, New York 14202, Attention: John T. Hammersmith;


QTA

If to Buyer, to "W&M PROPERTIES", 34555 Chagrin Boulevard, Moreland Hills, Ohio 44022, Attention: Joan ^{Allgood} ~~Agood~~, Esq.


QTA

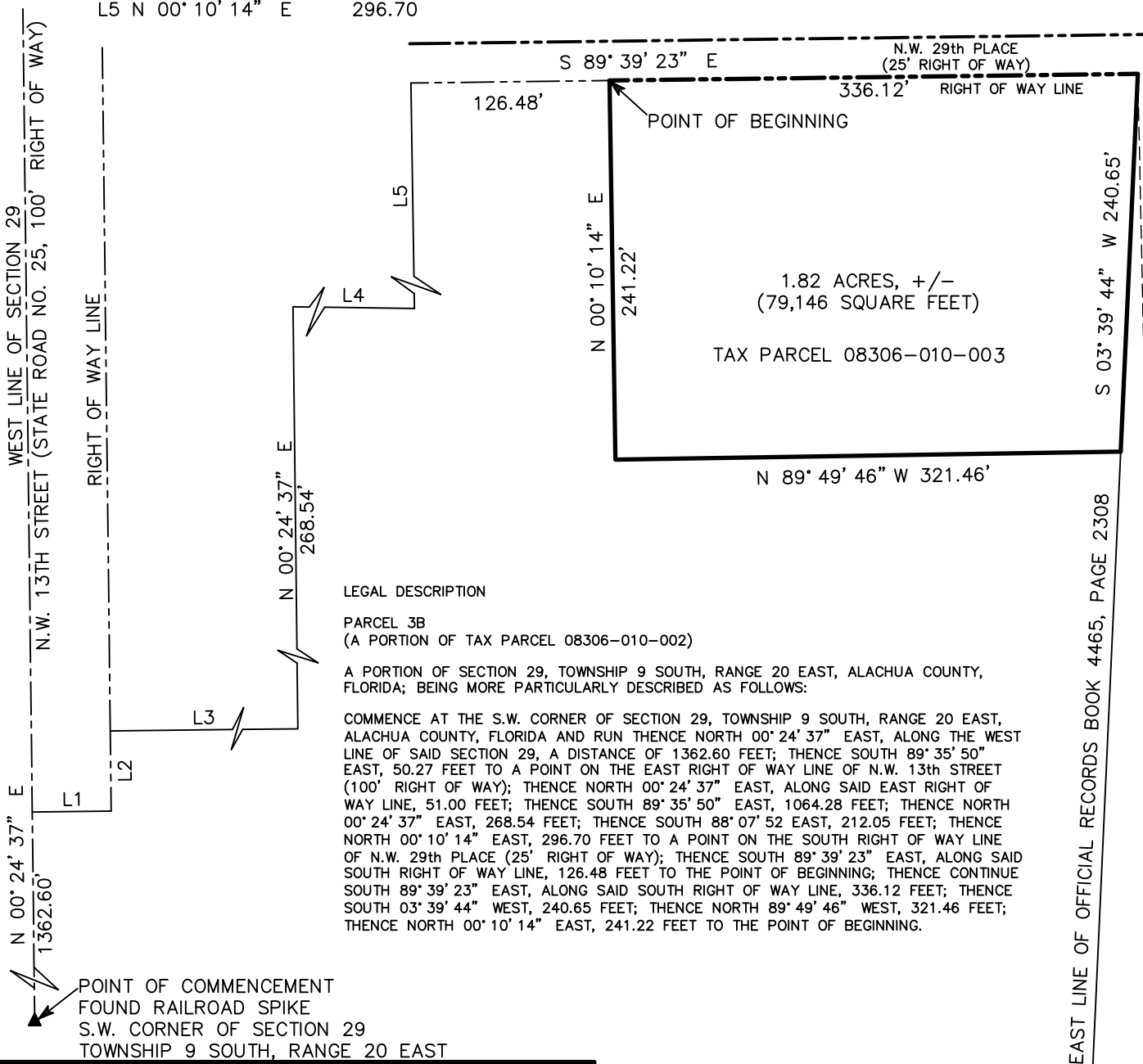
Sec. 30-3.14. Rezoning criteria.

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.
- B. The character of the district and its suitability for particular uses.
- C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.
- D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.
- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.
- F. The needs of the city for land areas for specific purposes to serve population and economic activities.
- G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- H. The goals, objectives, and policies of the Comprehensive Plan.
- I. The facts, testimony, and reports presented at public hearings.
- 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, with the potential to establish a coherent expansion of nearby transects with elements including a code compliant street system with sidewalks, pedestrian circulation, lighting systems, and utility infrastructure.
 - 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. The subject land has the characteristics of a T-Zone or has the potential to successfully facilitate development consistent with the intent of the T-Zone, including the creation of a more urban form through prescriptive building placement standards, enhanced window glazing, and an emphasis on the pedestrian experience.

(Ord. No. 211331 , § 1, 10-20-22)

LINE	BEARING	DISTANCE
L1	N 89° 35' 50" E	50.27
L2	N 00° 24' 37" E	51.00
L3	S 89° 35' 50" E	1064.28
L4	S 88° 07' 52" E	212.05
L5	N 00° 10' 14" E	296.70



LEGAL DESCRIPTION

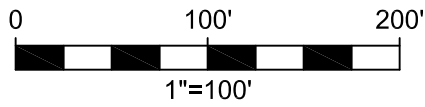
PARCEL 3B
(A PORTION OF TAX PARCEL 08306-010-002)

A PORTION OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE S.W. CORNER OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE NORTH 00° 24' 37" EAST, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 1362.60 FEET; THENCE SOUTH 89° 35' 50" EAST, 50.27 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N.W. 13TH STREET (100' RIGHT OF WAY); THENCE NORTH 00° 24' 37" EAST, ALONG SAID EAST RIGHT OF WAY LINE, 51.00 FEET; THENCE SOUTH 89° 35' 50" EAST, 1064.28 FEET; THENCE NORTH 00° 24' 37" EAST, 268.54 FEET; THENCE SOUTH 88° 07' 52" EAST, 212.05 FEET; THENCE NORTH 00° 10' 14" EAST, 296.70 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 29th PLACE (25' RIGHT OF WAY); THENCE SOUTH 89° 39' 23" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 126.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 39' 23" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 336.12 FEET; THENCE SOUTH 03° 39' 44" WEST, 240.65 FEET; THENCE NORTH 89° 49' 46" WEST, 321.46 FEET; THENCE NORTH 00° 10' 14" EAST, 241.22 FEET TO THE POINT OF BEGINNING.

POINT OF COMMENCEMENT
FOUND RAILROAD SPIKE
S.W. CORNER OF SECTION 29
TOWNSHIP 9 SOUTH, RANGE 20 EAST

THIS IS NOT A BOUNDARY SURVEY



DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	FIELD BK.	PAGE NO.
B.G.	B.G.		8/13/2021	2021-0016		

LEGAL DESCRIPTION SKETCH OF

A PORTION OF SECTION 29, TOWNSHIP 9 SOUTH,
RANGE 20 EAST, ALACHUA COUNTY, FLORIDA

FOR: PEACOCK CAPITAL, LLC

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

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

Corporate Authorization
No. LB 2389

EAST LINE OF OFFICIAL RECORDS BOOK 4465, PAGE 2308

TAX PARCEL 08303-000-000

J:\BOB\2021-0163B.dwg



eda consultants inc.

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

Appendix B

Maps

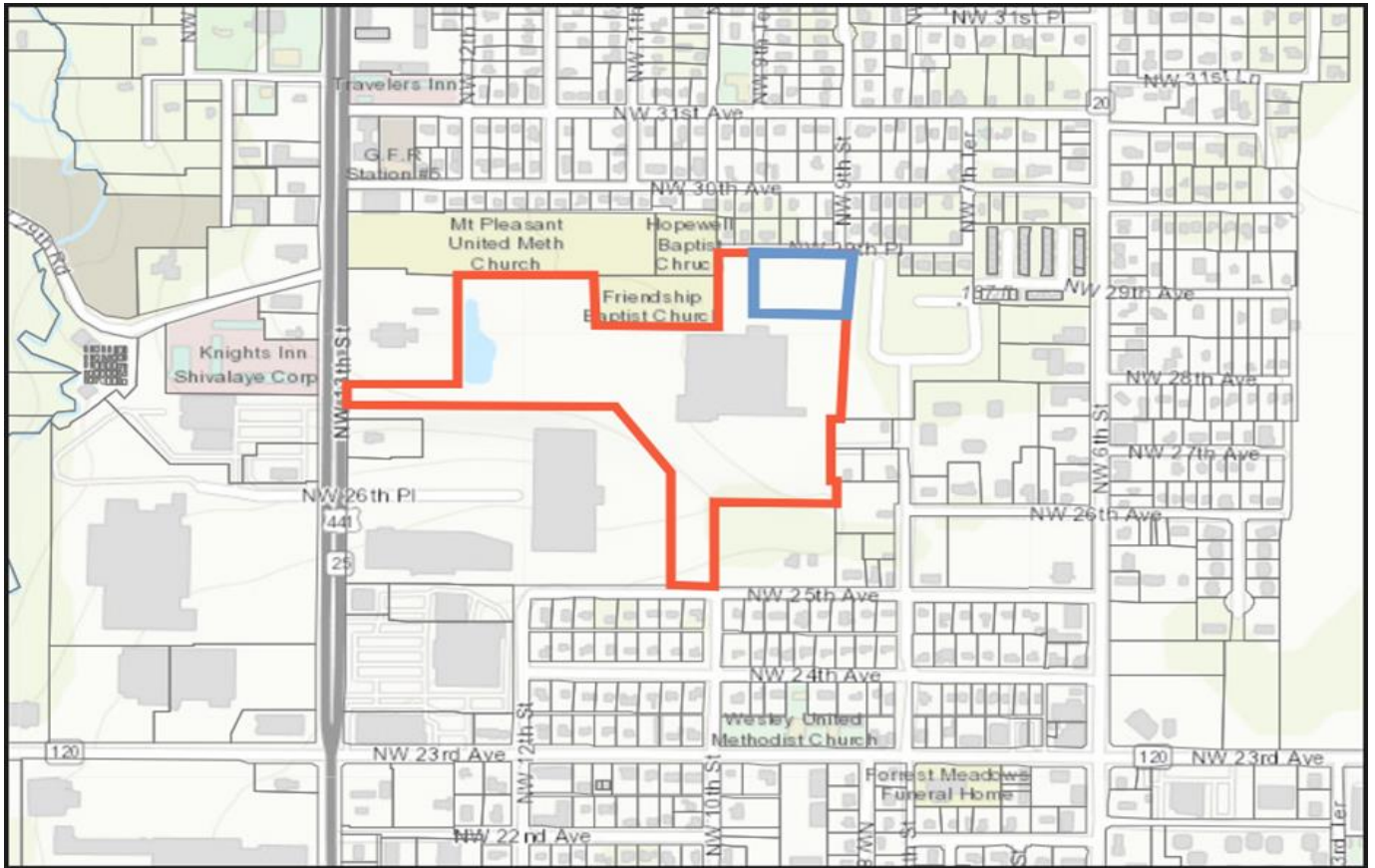


Figure 1: Location Map

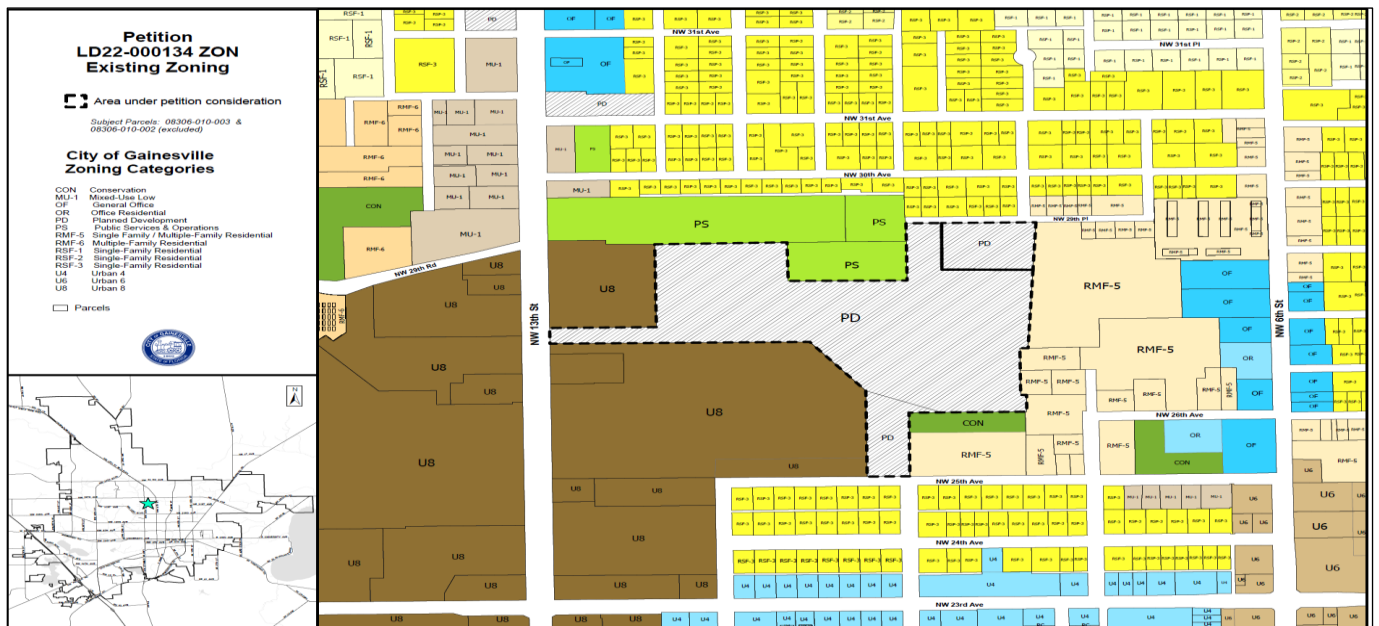


Figure 2: Existing Land Use Map

ADJACENT PROPERTY CHARACTERISTICS

	Existing Use	Land Use Designation(s)	Zoning Designation(s)
North	Single Family Residential	Single Family (SF)	Single-Family Residential (RSF-3), Single/Multi-Family Residential (RMF-5)
South	Commercial	Urban Mixed-Use (UMU)	Planned Development (PD)
East	Multi-Family	Residential Low (RL)	Single/Multi-Family Residential (RMF-5)
West	Commercial, Cemetery	Urban Mixed-Use (UMU), Public Facilities (PF)	Planned Development (PD), Public Services and Operations (PS)

Figure 3: Subject Property and Adjacent Zoning Districts



Figure 4: Proposed Zoning Map

Appendix C

Application Documents



Planning Division
 PO Box 490, Station 11
 Gainesville, FL 32627
 Ph: 352-334-5023

Email: planning@gainesvillefl.gov

Land Use Amendment/Zoning Map Change Application

Project Name: Oak Gate	Tax Parcel Number: 08306-010-003
Property Address: South side of NW 29th Pl, west of NW 9th St and east of NW 10th St	
*Size of Property (acres): 1.82 +/-	
**First Step Meeting Date: 10/5/22	Neighborhood Workshop Date: 9/20/22

*All requests for a land use or zoning change for a 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 **must** be accompanied by a market analysis report.

**Anyone intending to file a petition for amendments to the future land use or zoning map should attend a first step meeting with city staff prior to submittal to discuss the proposed amendment and petition process.

Legal Description (attach as separate document, using the following guidelines):

- a. Submit separate from any other information.
- b. May not be included as part of a purchase agreement, contract for sale, lease agreement, transfer of title, warranty deed, notice of ad valorem taxes, print-outs from property appraiser office, etc.
- c. Must correctly describe the property being submitted for the petition.
- d. Must fully describe directions, distances, and angles.

Owner(s) of Record	
Name(s): Oak Gate Investors, LLC	
Mailing Address: 315 E. Robinson Street, Suite 600, Orlando, FL 32801	
Phone:	Email:

Applicant/Project Coordinator	
Name: Clay Sweger	Company: eda consultants, inc.
Mailing Address: 720 SW 2nd Ave, South Tower, Suite 300, South Tower, Suite 300	
Phone: (352) 373-3541	E-mail: csweger@edafl.com
Additional users to be granted access for e-plan review:	
Name: Stephanie Sutton	E-mail: ssutton@edafl.com
Name: Permitting	E-mail: permitting@edafl.com

Request		
Check applicable request(s) below:		
<input checked="" type="checkbox"/> Future Land Use Map	<input checked="" type="checkbox"/> Zoning Map	<input type="checkbox"/> Master Flood Control Map
Present designation: UMU	Present Designation: PD	<input type="checkbox"/> Other – Specify:
Requested designation: RL	Requested Designation: RMF-5	

Surrounding Property Information	
	Existing land use:
North	Single-Family (single-family dwellings)
South	UMU (Rural King)
East	RL (Oak Gate multi-family development)
West	UMU (Rural King)

1. 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

2.

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

3. 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

4. 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**

5.

Which of the following best describes the type of development pattern your development will promote?

<input type="checkbox"/> Redevelopment	<input checked="" type="checkbox"/> Urban Infill
<input type="checkbox"/> Activity Center	<input type="checkbox"/> Urban Fringe
<input type="checkbox"/> Commercial	<input type="checkbox"/> Traditional Neighborhood

6. Please explain the impact of the proposed change on the community:

See Justification Report

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

See Justification Report

8.

What impact will the proposed change have on level of service standards?
Roadways: See Justification Report
Recreation: See Justification Report
Water & Wastewater: See Justification Report
Solid Waste: See Justification Report
Mass Transit: See Justification Report

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

No Yes (please explain)

To the Applicant:

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) are the true and proper identification of the area for which the petition is being submitted.

Applicant Signature: 

Date: 10/19/22

NEIGHBORHOOD WORKSHOP NOTICE

A neighborhood workshop will be held to discuss a proposed rezoning & land use change on tax parcel number 08306-010-003 (1.82 acres). The land use change is from UMU (Urban Mixed Use) to Residential Low (RL) land use, and the rezoning is from Planned Development (PD) to RMF-5 zoning. This is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposal and to seek their comments. The meeting will be held digitally as a Zoom teleconference. The teleconference can be accessed by the following information:

Date: Tuesday, September 20, 2022
Time: 7:00 PM
URL: <https://us02web.zoom.us/j/5733319527>
Meeting ID: 573 331 9527
Dial-in by Phone: (646) 558-8656

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

Contact:

Onelia Lazzari eda consultants, inc.
olazzari@edafl.com (352) 373-3541



Neighborhood Workshop Notice
08767-001-000 Oak Gate Rezoning
ANNIS ROBERT E
735 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08780-000-000 Oak Gate Rezoning
BARRY VIVIAN V
915 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08310-000-000 Oak Gate Rezoning
BEL AIR GAINESVILLE LC
220 N MAIN ST
GAINESVILLE FL 32601

Neighborhood Workshop Notice
08775-000-000 Oak Gate Rezoning
BRANNON GARY L
10831 SW 89TH CT
GAINESVILLE FL 32608-5811

Neighborhood Workshop Notice
08764-001-000 Oak Gate Rezoning
BROOKS CAROLE L
813 NW 30TH AVE
GAINESVILLE FL 32609-2972

Neighborhood Workshop Notice
08776-000-000 Oak Gate Rezoning
BRUCE CHANDRA LOWE
10326 NW WALDO RD
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08795-000-000 Oak Gate Rezoning
BUSSARD ANN T LIFE ESTATE
1006 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08766-000-000 Oak Gate Rezoning
BYRNE LIFE ESTATE & BYRNE
807 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08305-003-000 Oak Gate Rezoning
CAMACHO & MENDEZ W/H
717 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08764-002-000 Oak Gate Rezoning
CATHEY & CATHEY JR
7613 OKGIC RD
STARKVILLE MS 39759

Neighborhood Workshop Notice
08307-001-000 Oak Gate Rezoning
COLSON & WILLIAMS
801 NW 29TH PL
GAINESVILLE FL 32609-2856

Neighborhood Workshop Notice
08764-000-000 Oak Gate Rezoning
COOPER GRANT JAY & STACIE ELI
2000 NW 27TH TER
GAINESVILLE FL 32605

Neighborhood Workshop Notice
08763-005-000 Oak Gate Rezoning
COULTAS PAUL T
810 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08769-000-000 Oak Gate Rezoning
CRISMAN J S & JOAN
3010 NW 9TH ST
GAINESVILLE FL 32609-2826

Neighborhood Workshop Notice
08778-000-000 Oak Gate Rezoning
DEMASI ROBERT
3400 NW 13TH ST
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08772-001-000 Oak Gate Rezoning
D'INGEO & VACCA H/W
931 NW 31ST AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08777-000-000 Oak Gate Rezoning
FEW & RICHARD
932 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08306-001-000 Oak Gate Rezoning
FRIENDSHIP BAPTIST CHURCH
426 NW 2ND ST
GAINESVILLE FL 32601-3304

Neighborhood Workshop Notice
08857-000-000 Oak Gate Rezoning
FULTON & VARVEL
519 NW 102ND TER
GAINESVILLE FL 32607

Neighborhood Workshop Notice
08306-010-002 Oak Gate Rezoning
GAINESVILLE ABG LLC
4216 DEWITT AVE
MATTOON IL 61938

Neighborhood Workshop Notice
08859-000-000 Oak Gate Rezoning
GIAMBRONE RICHARD A & CHRISTI
4635 NW 53RD AVE #201
GAINESVILLE FL 32653

Neighborhood Workshop Notice
08305-002-000 Oak Gate Rezoning
GILLESPIE NEAL M
729 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08305-001-000 Oak Gate Rezoning
HAYES RAQUEL K
733 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08770-000-000 Oak Gate Rezoning
HEAD RANDALL K & AMY L
920 NW 30TH AVE
GAINESVILLE FL 32609-2815

Neighborhood Workshop Notice
08858-000-000 Oak Gate Rezoning
HILL CORRINE S
1019 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08302-001-000 Oak Gate Rezoning
HOPEWELL BAPTIST CHURCH OF
3909 NW 6TH ST
GAINESVILLE FL 32609-1936

Neighborhood Workshop Notice
08758-000-000 Oak Gate Rezoning
HOWE BARBARA L
802 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08775-003-000 Oak Gate Rezoning
HOWORT & ZIDONIK H/W
910 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08778-001-000 Oak Gate Rezoning
HURLEY C F JR & MARY JANE
931 NW 30TH AVE
GAINESVILLE FL 32609-2816

Neighborhood Workshop Notice
08771-000-000 Oak Gate Rezoning
JEFFCOAT & JEFFCOAT
926 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08774-001-000 Oak Gate Rezoning
KEYES TIMOTHY & KATHRYN
919 NW 31ST AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08758-003-000 Oak Gate Rezoning
KULESZA DAVID A JR
PO BOX 5467
EAGLE CO 81631-5467

Neighborhood Workshop Notice
08777-001-000 Oak Gate Rezoning
MARTINEZ JOSE LUIS
936 NW 29TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08795-001-000 Oak Gate Rezoning
MCGEE ANETTE B
1006 NW 30TH AVE
GAINESVILLE FL 32609-2813

Neighborhood Workshop Notice
08759-000-000 Oak Gate Rezoning
MOORE H U & NANCY
820 NW 30TH AVE
GAINESVILLE FL 32609-2912

Neighborhood Workshop Notice
08302-000-000 Oak Gate Rezoning
MT PLEASANT UNITED METH CHURCH
624 NW 2ND ST
GAINESVILLE FL 32601-5357

Neighborhood Workshop Notice
08303-000-000 Oak Gate Rezoning
OAKGATE DEVELOPMENT LLC
502 NW 16TH AVE
GAINESVILLE FL 32601

Neighborhood Workshop Notice
08757-000-000 Oak Gate Rezoning
O'BRIEN & SHAPIRO H/W
1709 SW 49TH PL
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08772-000-000 Oak Gate Rezoning
PAGE WILLIAM E & PATRICIA
24205 W GRAND AVE
LAKE VILLA IL 60046

Neighborhood Workshop Notice
08768-000-000 Oak Gate Rezoning
RENO J K
4694 LOVEGRASS LN
CRESTVIEW FL 32539

Neighborhood Workshop Notice
08763-000-000 Oak Gate Rezoning
RONAN JOHN F & JANA S
2930 NW 7TH TER
GAINESVILLE FL 32609-2923

Neighborhood Workshop Notice
08774-000-000 Oak Gate Rezoning
SIEGEL J E & ELIZABETH
1008 NW 36TH ST
GAINESVILLE FL 32605-4926

Neighborhood Workshop Notice
08763-004-000 Oak Gate Rezoning
STURGEON SCOTT R
PO BOX 3227
DUNNELLON FL 34430

Neighborhood Workshop Notice
08779-000-000 Oak Gate Rezoning
TURLINGTON SUSAN P TRUSTEE
2615 NW 6TH ST
GAINESVILLE FL 32609

Neighborhood Workshop Notice
08765-000-000 Oak Gate Rezoning
UOTATE YASUO
819 NW 30TH AVE
GAINESVILLE FL 32601

Neighborhood Workshop Notice
08767-000-000 Oak Gate Rezoning
WHILEY CHRISTOPHER L & MELISSA D
801 NW 30TH AVE
GAINESVILLE FL 32609

Neighborhood Workshop Notice

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

Neighborhood Workshop Notice

Ashton
ROXANNE WATKINS
4415 NW 58 AVE
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Azalea Trails
MARIE SMALL
1265 SE 12 AVE
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Black Acres/Black Pines
REGINA HILLMAN
506 NW 30 STREET
GAINESVILLE, FL 32607

Neighborhood Workshop Notice

Capri
JOHN DOLES
4539 NW 37 TER
GAINESVILLE, FL 32605

b

Neighborhood Workshop Notice

Carol Estates South
BECKY RUNNESTRAND
1816 NE 16 TER
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Cedar Grove II
HELEN HARRIS
1237 NE 21 ST
GAINESVILLE, FL 32641

Neighborhood Workshop Notice

Creekwood
HELEN SCONYERS
2056 NW 55 BLVD.
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Debra Heights
SARAH POLL
PO BOX 359004
GAINESVILLE, FL 32635

Neighborhood Workshop Notice

Northwood at Possum Creek
WES WHEELER
4728 NW 37 WAY
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Duval
GILBERT S MEANS, SR
PO BOX 7
GAINESVILLE, FL 32641

Neighborhood Workshop Notice

Edgewood Hills
BONNIE O'BRIAN
2329 NW 30 AVE
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

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

Neighborhood Workshop Notice

LEE NELSON
DIRECTOR OF REAL ESTATE – UF
PO BOX 113135
GAINESVILLE, FL 32611-3135

Neighborhood Workshop Notice

Gateway Park
HAROLD SAIVE
1716 NW 10 TER
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Golfview
CHRIS MONAHAN
222 SW 27 ST
GAINESVILLE, FL 32607

Neighborhood Workshop Notice

Greater Northeast Community
MIRIAM CINTRON
915 NE 7 AVE
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Grove Street
MARIA HUFF-EDWARDS
1102 NW 4 ST
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Hazel Heights
ALLAN MOYNIHAN
PO BOX 357412
GAINESVILLE, FL 32635

Neighborhood Workshop Notice

Hibiscus Park
CAROL BISHOP
2616 NW 2 AVE
GAINESVILLE, FL 32607

Neighborhood Workshop Notice

Hidden Lake
GEORGE KASNIC
2116 NW 74 PL
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Ironwood
NANCY TESTA
4207 NE 17 TER
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Kensington Park
MAXINE HINGE
5040 NW 50 TER
GAINESVILLE, FL 32606

Neighborhood Workshop Notice

Kingswood Court
BARBARA KELLEHER
5350 NW 8 AVE
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Kirkwood
JANE BURMAN-HOLTON
701 SW 23 PL
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Lamplighter
LARRY NICHOLSON (PROP MGR)
5200 NE 50 DR
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Landmark Woods
JACK OSGARD
4332 NW 12 PL
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Landmark Woods
PETER JANOSZ
3418 NW 37 AVENUE
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Woodland Terrace
 PETER PRUGH
 207 NW 35 ST
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Lincoln Estates
 DORIS EDWARDS
 1040 SE 20 ST
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Mason Manor
 JOANNA LEATHERS
 2550 NW 13 AVE
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Mill Pond
 HAROLD HANEL
 309 NW 48 BLVD
 GAINESVILLE, FL 32607

Neighborhood Workshop Notice

North Lincoln Heights
 ANDREW LOVETTE SR.
 430 SE 14 ST
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Northwood
 SUSAN W WILLIAMS
 P.O. BOX 357492
 GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Northeast Neighbors
 SHARON BAUER
 1011 NE 1 AVE
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Northwest Estates
 VERN HOWE
 3710 NW 17 LN
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Oakview
 DEBRA BRUNER
 914 NW 14 AVE
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Phoenix
 APRIL JONES
 3214 SW 26 TERR, APT B
 GAINESVILLE, FL 32608

Neighborhood Workshop Notice

Appletree
 JUDITH MORROW
 3616 NW 54 LANE
 GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Pine Park
 DELORES BUFFINGTON
 721 NW 20 AVE
 GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Kirkwood
 KATHY ZIMMERMAN
 1127 SW 21 AVE
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Pleasant Street
 DOTTY FAIBISY
 505 NW 3 ST
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Porters Community
 GIGI SIMMONS
 712 SW 5 ST
 GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Rainbows East
 JOE THOMAS
 5014 NW 24 TER
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Rainbows End
 SYLVIA MAGGIO
 4612 NW 21 DR
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Raintree
 RONALD BERN
 1301 NW 23 TER
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Ridgeview
 ROB GARREN
 1805 NW 34 PL
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Ridgewood
 KERRI CHANCEY
 1310 NW 30 ST
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Royal Gardens
 DOUGLAS BURTON
 2720 NW 27 PL
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Shadow Lawn Estates
 CONNIE SPITZNAGEL
 3521 NW 35 PL
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

South Black Acres
 DEANNA MONAHAN
 14 SW 32 ST
 GAINESVILLE, FL 32607

Neighborhood Workshop Notice

Southeast Evergreen Trails
 MAUREEN RESCHLY
 1208 SE 22 AVE
 GAINESVILLE, FL 32641

Neighborhood Workshop Notice

Springhill/Mount Olive
 VIVIAN FILER
 1636 SE 14 AVE
 GAINESVILLE, FL 32641

Neighborhood Workshop Notice

Springtree
 KATHY MEISS
 2705 NW 47 PL
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Stephen Foster
 ROBERT PEARCE
 714 NW 36 AVE
 GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Suburban Heights
 BETH GRAETZ
 4321 NW 19 AVE
 GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Sugarfoot Community/Anglewood
 KELLY AISSSEN
 4306 SW 5 AVE
 GAINESVILLE, FL 32607

Neighborhood Workshop Notice

Sugarhill
CYNTHIA COOPER
1441 SE 2 TER
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Sutters Landing
PETER REBMAN
3656 NW 68 LN
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Turkey Creek Forest Owners Assn
ATTN: URBAN DIRECTOR
4055 NW 86 BLVD
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Pinebreeze
JUDITH MEDER
3460 NW 46 PLACE
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

University Village
BRUCE DELANEY
1710 NW 23 ST
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Forest Ridge/Henderson Heights
MARCIA GREEN
2215 NW 21 AVENUE
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Pineridge
BERNADINA TUCKER
721 NW 20 AVENUE
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

Appletree
CHRIS GARCIA
5451 NW 35 DR
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Ashton
ROXANNE WATKINS
4415 NW 58 AVE
GAINESVILLE, FL 32653

Neighborhood Workshop Notice

Duckpond
STEVE NADEAU
2821 NW 23 DR
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

Duckpond
MELANIE BARR
216 NE 5 ST
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Front Porch Florida, Duval
JUANITA MILES HAMILTON
2419 NE 8 AVE
GAINESVILLE, FL 32641

Neighborhood Workshop Notice

Porters Community
GIGI SIMMONS
712 SW 5 STREET
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Porters
INA HINES
320 SW 5 AVE
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

School Board
VICK McGRATH
3700 NE 53 AVE
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

University of Florida
LINDA DIXON
PO BOX 115050
GAINESVILLE, FL 32611

Neighborhood Workshop Notice

University Park
ROBERT MOUNTS
1639 NW 11 RD
GAINESVILLE, FL 32605-5319

Neighborhood Workshop Notice

Millennium Bank
DANNY GILLILAND
4340 NEWBERRY RD
GAINESVILLE, FL 32607

Neighborhood Workshop Notice

Florida Bank
LAUDE ARNALDI
13840 W NEWBERRY RD
NEWBERRY, FL 32669

Neighborhood Workshop Notice

University Park
RICHARD DOTY
2158 NW 5 AVENUE
GAINESVILLE, FL 32605

Neighborhood Workshop Notice

MAC McEACHERN
1020 SW 11 TER
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Stephen Foster Neighborhood Assoc, Inc
SANDRA WATTS KENNEDY
514 NW 31 LANE
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

BOBBIE DUNNELL
3118 NE 11 TER
GAINESVILLE, FL 32609

Neighborhood Workshop Notice

JAMES WOODLAND
225 SE 14 PL
GAINESVILLE, FL 32601

Neighborhood Workshop Notice

Bivens North Association
PENNY WHEAT
2530 SW 14 DR
GAINESVILLE, FL 32608

Neighborhood Workshop Notice

BELLINGTON'S CUSTOM SERVICE
% BRAXTON LINTON
1907 SE HAWTHORNE RD
GAINESVILLE, FL 32641

Neighborhood Workshop Notice

KAREN BILLINGS
2123 NW 72 PL
GAINESVILLE, FL 32653

2023-78A



720 SW 2nd Avenue
South Tower, Suite 300
Gainesville, FL 32601

JACKSONVILLE FL 320

1 SEP 2022 PM 8 L

FIRST-CLASS



ZIP 32601
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\$ 000.570

Neighborhood Workshop Notice
08305-002-000 Oak Gate Rezoning

GILLES
729 NW
GAINES

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
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720 SW 2nd Avenue
South Tower, Suite 300
Gainesville, FL 32601

JACKSONVILLE FL 320

1 SEP 2022 PM 4 L

FIRST-CLASS



ZIP 32601
02 7H
0001330450 SEP 01 2022
\$ 000.570

Neighborhood Workshop Notice
08758-000-000 Oak Gate Rezoning

HOWE
802 NW
GAINES

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FORWARD TIME EXP RTN TO SEND
HOWE BARBARA
15210 AMBERLY DR APT 2723
TAMPA FL 33647-2193

RETURN TO SENDER

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PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Ashley Scannella
Eda Consultants Inc
720 SW 2ND AVE SOUTH TOWER
300
GAINESVILLE FL 32601

STATE OF FLORIDA, COUNTY OF ALACHUA

Before the undersigned authority personally appeared said legal clerk, who on oath says that he or she is of the legal clerk of the Gainesville Sun, a newspaper published at Gainesville in Alachua County, Florida; that the attached copy of advertisement, being a in the matter of in the Court, was published in said newspaper in the issues dated or by publication on the newspaper's website, if authorized, on:

09/04/2022

and that the fees charged are legal. Affiant further says that the Gainesville Sun is a newspaper published at Gainesville, in Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said County, Florida, each and has been entered as periodicals matter at the post office in Gainesville, in Alachua County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before on 09/04/2022

Legal Clerk

Notary, State of WI, County of Brown

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PUBLIC NOTICE

A neighborhood workshop will be held to discuss a proposed rezoning & land use change on tax parcel number 08306-010-003 (1.82 acres). The land use change is from UMU (Urban Mixed Use) to Residential Low (RL) land use, and the rezoning is from Planned Development (PD) to RMF-5 zoning. This is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposal and to seek their comments. The meeting will be held digitally as a Zoom teleconference. The teleconference can be accessed by the following information:

Date:	Tuesday, September 20, 2022
Time:	7:00 PM
URL:	https://us02web.zoom.us/j/5733319527
Meeting ID:	573 331 9527
Dial-in:	(646) 558-8656

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



Contact: Onelia Lazzari, AICP of eda consultants inc.
Phone: (352) 373-3541 **E-mail:** olazzari@edafl.com

Notice of Online Neighborhood Workshop

Date: Tues., Sept. 20, 2022

Time: 7:00 pm

Parcel Number/Property Location:

08306-010-003 (1.82 acres)

Action Proposed: Land use change from UMU (Urban Mixed Use) to Residential Low (RL) land use and rezoning from Planned Development (PD) to RMF-5 zoning.

The Meeting will be held digitally on Zoom.

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

Meeting ID: 573 331 9527

Dial-in: (646) 558-8656



Please call **eda** at (352) 373-3541 with any questions or email olazzari@edafi.com for more information.



Neighborhood Meeting Minutes

Project:	Oak Gate Rezoning & LUC
Meeting Date & Time:	September 20, 2022 at 7 PM
Community Participants:	9 participants in total Ben Eliot Kersgaard Ewen Thomson Joan Jorge Cabrera Kathleen's iPad Pam Sarah Steele Cabrera Summer Waters
Project Representatives:	Onelia Lazzari, eda Ashley Scannella, eda

Meeting Minutes:

Onelia Lazzari gave a Power Point presentation to inform the participants of the project and then opened up the floor for questions afterwards.

Q: If that parcel is designated as a buffer as stated in the previous mtg then the dwelling units per acre you are giving are not accurate for that area.

A: That is true, in so far as the PD remains on the property however if that property were sold it has the underlying land use of urban mixed use and the implementing zoning that someone could bring in for that entire property that's in the PD would be U6, U7 or U8 which would allow on the density that we've been talking about.

Q: As a developer, why are you trying to downzone?

A: This particular property is no longer in the ownership of Rural King. And therefore, as I said it's not appropriate that it remain in the PD and the underlying land use if it remained at UMU would allow for much more intense development that seems appropriate for that neighborhood. Also, there is property to the east that has that residential low land use and to the northeast which is appropriate for what is being proposed

Q: The current reality is that parcel serves as an informal green space for the neighborhood. I wonder if any future plans will retain any of that green space.

A: At this time there are no plans as part of this application for development on the property, however if in the future the developer who owns this property comes forward with a proposal you would be notified of another neighborhood meeting about that as well as any public hearings before the city commission. My recollection is that this area is fenced so I'm not sure how you're using it as open space

Q: There are trails that are not fenced - it's an area where people gather with their dogs & with their children to practice sports, it's an open field with trail access that connects to other areas. Given that there are no plans currently is there any idea of when there would be any site plans released?

A: There is no development that would be possible on that site until the land use and rezoning occur on that property. Because it has the PD Zoning and the Urban Mixed Use it would have to be consistent with what is in the PD. Until anything is settled w Land Use and Zoning, there cannot be any development on that property.

Q: There's not much we can respond to as residents who live in the area. You guys did a great job of describing the rezoning. It's hard for us to have a response when there's no site plan.

A: The property owner who owns the property immediately to the east is affiliated with the new owner of this parcel, and so there is the potential that it would be brought into that development. However, we have no plan now, because until the zoning and land use are changed, nothing can be applied for.

Q: Is this meeting just advance notice of something to come?

A. There is a city requirement that we hold a neighborhood workshop about land use changes and rezonings. There's a further requirement for that if a development plan is proposed. At this stage you do have input on the land use and rezoning application that we will submit.

Q: I am concerned about the property directly to the east being directly adjacent to this proposed site. They are both owned by Oak Gate at this point. It is ludicrous to me for you to say that they aren't planning anything there. I'm also sincerely worried about the possibility of opening both those properties to our neighborhood by a direct conduit to 9th street. I live on 9th Street, and I don't want another 250 people coming through my neighborhood every day.

A: At this point there aren't any applications for any development on that parcel because we must go through the land use and rezoning to be able to do anything with that property. The owner's intent is to not develop on that property, but as to what the city might require as part of the overall development in the Oak Gate Condominium area, that is something you can follow as part of the process should plans come forward in the future.

Q: How can we find out about upcoming plans?

A: You would be notified in the same way as you were for this meeting.

Q: Why rezone it if the intent is not to develop it?

A: First because the property has been sold and is no longer part of the Rural King, it is no longer appropriate to leave it in the PD and with the Urban Mixed-Use land use category on it since it's in different ownership at this point. Another aspect is that if it's rezoned and the land use is changed then it could be added for the purpose of density units on the other site to the east but without development on the parcel in question.

Q: why not rezone it to be green space?

A: there would be no allowance if it goes to a conservation zoning for an additional residential density for the property to the east

Q: Clarification so the purpose then since there's no formal site plan in place the new owner plans to use the residential density for that parcel to the east and not have those units on this newly acquired parcel?

A: To our knowledge yes and the owner is also interested in maintaining a buffer away from the Rural King because it is an intrusive type of use, the Rural King a large-scale retail type of use

Q: I live right on 29th St. right across from this parcel - and I agree that the Rural King is intrusive; there's noise pollution, light pollution, and it's a major commercial/industrial operation. The saving grace to living there is having the green buffer. How do you plan to maintain the green buffer? Is there a commitment to leaving the trees there?

A: To our knowledge, the developer's intent as stated now is not to develop this parcel. As to what city requirements might be if it is incorporated into the other site, yes, we would be interested in comments on that. It sounds like the overall preference is for retaining this green space as the buffer area that it's been in the past.

Q: Will cars continue to enter and exit off of 6th?

A: There is an entrance on 6th, and one to the south.

Q: What is the required distance for mail notification? I would request that mailings be expanded for subsequent meetings. I live only 3 blocks away and didn't receive anything

A: The city requirement is property owners within a 400' radius of parcel(s) in question. If you'd like to be added to the mailing list, we can request that your address be included in future notifications.

I agree with Ben, I would like to see some kind of commitment to retain green space rather than taking the new owner's word for it

And to know how long the owner plans to retain it as green space

Can we make a request on the record for a green buffer along NW 29th Pl and a greenway along the eastern boundary. The north-south buffer would then be a continuous greenway connecting 29th Pl to 25th Ave potentially with a trail that would give neighbors an alternative route for walking and biking around the neighborhood.

That's a great idea! A conservation easement will solve our concerns

I would also like the city to see the comment that this neighborhood does not have any public green spaces. If the new owner plans on retaining this parcel as green space, I would like to see that commitment reflected in the new zoning

I agree with Ewen's comment, retaining a trail that connects 25th Ave and 29th Place is very important to retain neighborhood walkability

Ownership does not change land use! Those designations are intended to direct growth regardless of owner

Q: How does the process work to transfer residential units from one parcel to the other?

A: If the parcel becomes incorporated into the site plan for the property to the east, then the density is calculated on the total acreage of the site – even though there may not be any units put on that property.

Q: If that were to happen, how many units could be built on the adjacent property?

A: The maximum density allowed in RMF5 is 12 units per acre, so it would be an additional 21 units.

Q: Am I understanding that there are no new entrances or exits proposed? That the Oak Gate Community would continue to use the access on 6th St. and potentially the south exit?

A: Regarding exits, the City will probably require bike/ped access.

Q: One issue is that 29th Place as it currently exists is extremely narrow, it would not be able to handle additional vehicle traffic

A: I've been to the site, and I agree that 29th Place is a very narrow road

Q: It looks like 8th terrace is platted to connect with 29th place. Does anyone know if there is already an easement?

A: The site plan that was approved for the Oak Gate development did not include a connection to 29th Place. However, for future development at the site the City Public Works department may require a connection at 29th Place.



Public Notice Signage Affidavit

Petition Name LD22-133 & LD22-134
Applicant (Owner or Agent) eda consultants, inc.
Tax parcel(s) 08306-010-003

Being duly sworn, I depose and say the following:

1. That I am the owner or authorized agent representing the application of the owner and the record title holder(s) of the property described by the tax parcel(s) listed above;
2. That this property constitutes the property for which the above noted petition is being made to the City Of Gainesville;
3. That this affidavit has been executed to serve as posting of the "Notice of Proposed Land Use Action" sign(s) which describes the nature of the development request, the name of the project, the anticipated hearing date, and the telephone number(s) where additional information can be obtained. In addition, the applicant has securely posted the sign(s) on the property along each street frontage, at intervals of not more than four hundred (400) feet, and set back no more than ten (10) feet from the street and visible from the street. If the property does not abut a public right-of-way, signs have been placed at the nearest public right-of-way with an indication of the location of the subject property.
4. That the applicant has posted the sign(s) at least fifteen (15) days prior to the scheduled public hearing date; or for Historic Preservation Certificate of Appropriateness applications, at least ten (10) days prior to the scheduled public hearing date.
5. That the applicant shall maintain the signs(s) as provided above until the conclusion of the development review and approval process and that the signs shall be removed within ten (10) days after the final action has been taken on the development application.
6. That I (we), the undersigned authority, hereby certify that the foregoing statements are true and correct.

Melissa Watson

Applicant (signature)

Melissa Watson

Applicant (print name)


STATE OF FLORIDA,
COUNTY OF ALACHUA

Before me the undersigned, an officer duly commissioned by the laws of the State of Florida, on this 10th day of January, 2023, personally appeared who having been first duly sworn deposes and says that he/she fully understands the contents of the affidavit that he/she signed.

Debbie Wallen Notary

Public
My Commission expires: 07/22/26

RECORDING SPACE



PROPERTY OWNER AFFIDAVIT

Owner Name: AJM LLC			
Address: 4216 DEWITT AVE MATTOON, IL 61938		Phone:	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 08306-010-002			
Acreage: 22.07 +/-	S: 29	T: 09	R: 20
Requested Action: Lot line adjustment & PD amendment			

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

Property owner signature: *Alex Melvin*

Printed name: Alex Melvin, Manager

Date: 10/11/2021

The foregoing affidavit is acknowledged before me, by means of physical presence or online notarization, this 11th day of OCTOBER, 2021, by ALEX MELVIN, who is/are personally known to me, or who has/have produced _____ as identification.

NOTARY SEAL *Sherri L. Aldrich*



Signature of Notary Public, State of IL

PROPERTY OWNER AFFIDAVIT

Owner Name: B.D.S. HOLDINGS, LLC			
Address: 4216 DEWITT AVE MATTOON, IL 61938		Phone:	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 08306-010-002			
Acreage: 22.07 +/-	S: 29	T: 09	R: 20
Requested Action: Lot line adjustment & PD amendment			

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

Property owner signature: *Alex Melvin*

Printed name: Alex Melvin, Manager

Date: 10/11/2021

The foregoing affidavit is acknowledged before me, by means of physical presence or online notarization, this 11th day of OCTOBER, 2021, by ALEX MELVIN, who is/are personally known to me, or who has/have produced _____ as identification.

NOTARY SEAL *Sherril L. Aldrich*



Signature of Notary Public, State of IL

PROPERTY OWNER AFFIDAVIT

Owner Name: GWM REAL ESTATE, LLC			
Address: 4216 DEWITT AVE MATTOON, IL 61938		Phone:	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 08306-010-002			
Acreage: 22.07 +/-	S: 29	T: 09	R: 20
Requested Action: Lot line adjustment & PD amendment			

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

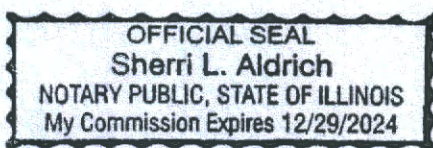
Property owner signature: Alex Melvin

Printed name: Alex Melvin, Manager

Date: 10/11/2021

The foregoing affidavit is acknowledged before me, by means of physical presence or online notarization, this 11th day of OCTOBER, 2021, by ALEX MELVIN, who is/are personally known to me, or who has/have produced _____ as identification.

NOTARY SEAL Sherri L. Aldrich



Signature of Notary Public, State of IL

PROPERTY OWNER AFFIDAVIT

Owner Name: Oak Gate Investors LLC			
Address: 2693 W Fairbanks Ave Ste 200 Winter Park, FL 32789		Phone: 407-743-4134	
Agent Name: eda consultants, inc.			
Address: 720 SW 2nd Ave, South Tower, Ste 300 Gainesville, FL 32601		Phone: 352-373-3541	
Parcel No.: 08306-010-003			
Acreage: 1.82 +/-	S: 29	T: 09	R: 20
Requested Action: PD amendment, Rezoning, Land Use Change			

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

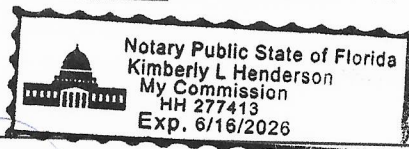
Property owner signature: Kenneth P. Polsinelli

Printed name: KENNETH P POLSINELLI

Date: 12 AUG 2022

The foregoing affidavit is acknowledged before me, by means of physical presence or online notarization, this 12 day of August, 2022, by Kenneth P Polsinelli, who is/are personally known to me, or who has/have produced _____ as identification.

NOTARY SEAL _____



Signature of Notary Public, State of Florida

Kimberly L Henderson

Appendix D

Justification Report

Land Use Change & Rezoning Justification Report

Parcel (08306-010-003)

SW corner of NW 29th Place & NW 9th Street

Prepared for Submittal to:

City of Gainesville

Prepared by:

eda consultants, inc.



October 18, 2022

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Proposal and Background

This application proposes a Small-Scale Comprehensive Plan Amendment (land use change) and rezoning for Parcel 08306-010-003, generally located on the south side of NW 29th Place, west of NW 9th Street and east of NW 10th Street. The parcel is 1.82 +/- acres in size. The property is vacant, and formerly was located within Parcel 08306-010-002, the location of the Rural King store, which is a farm and home large-scale retail business.

Figure 1 below is an aerial map that illustrates the location of Parcel 08306-010-003. As can be noted from the aerial photo, the parcel is currently undeveloped. It is surrounded by developed properties on the west and south (Rural King) due to its previous ownership by Rural King. The parcel fronts on NW 29th Place.



Parcel 08306-010-003 was created by a lot line adjustment that was approved by the City of Gainesville on March 31, 2022, under Petition AD-21-00139. This newly created lot was subsequently sold to another property owner (Oak Gate Investors, LLC). Since the property is no longer under the ownership or operation of the Rural King business, it is necessary to remove it from the Planned Development (PD) zoning currently on the property.

The proposed future land use amendment is to amend the future land use map designation of the property from Urban Mixed Use (UMU) to Residential Low (RL; up to 15 unit/acre). The proposed companion rezoning is to change the property from Planned Development (PD) to RMF-5 (Single/Multi-Family Residential; up to 12 units/acre).

The PD zoning that is in place on the property was initially for a Sam's Club wholesale/retail store. The first PD adopted was by Ordinance 3558 (8/21/89), which was subsequently amended by Ordinance 971051 (2/8/99). A subsequent ordinance, Ordinance 070213, which would have further amended the Sam's Club PD was withdrawn by the applicant on 5/12/08. The adopted Planned Development ordinances regulate the use and development of the now Rural King development on Parcel 08306-010-002 and Parcel 08306-010-003 (now in separate ownership). As indicated above, since Parcel 08306-010-003 is in separate ownership, applications have been filed to remove the parcel from the PD and designate an appropriate future land use category and zoning district for the parcel.

The property is located in the urbanized portion of Gainesville. The property is surrounded on the north, east, west, and south by existing developments that date back from the 1940s to current times. To the west and south of the parcel is the Rural King store. To the north is NW 29th Place. Across NW 29th Place Street to the north are single-family homes. To the east is the Oak Gate multi-family development. Centralized utilities serve the site. The parcel fronts on NW 29th Place, which is an existing City of Gainesville local street.

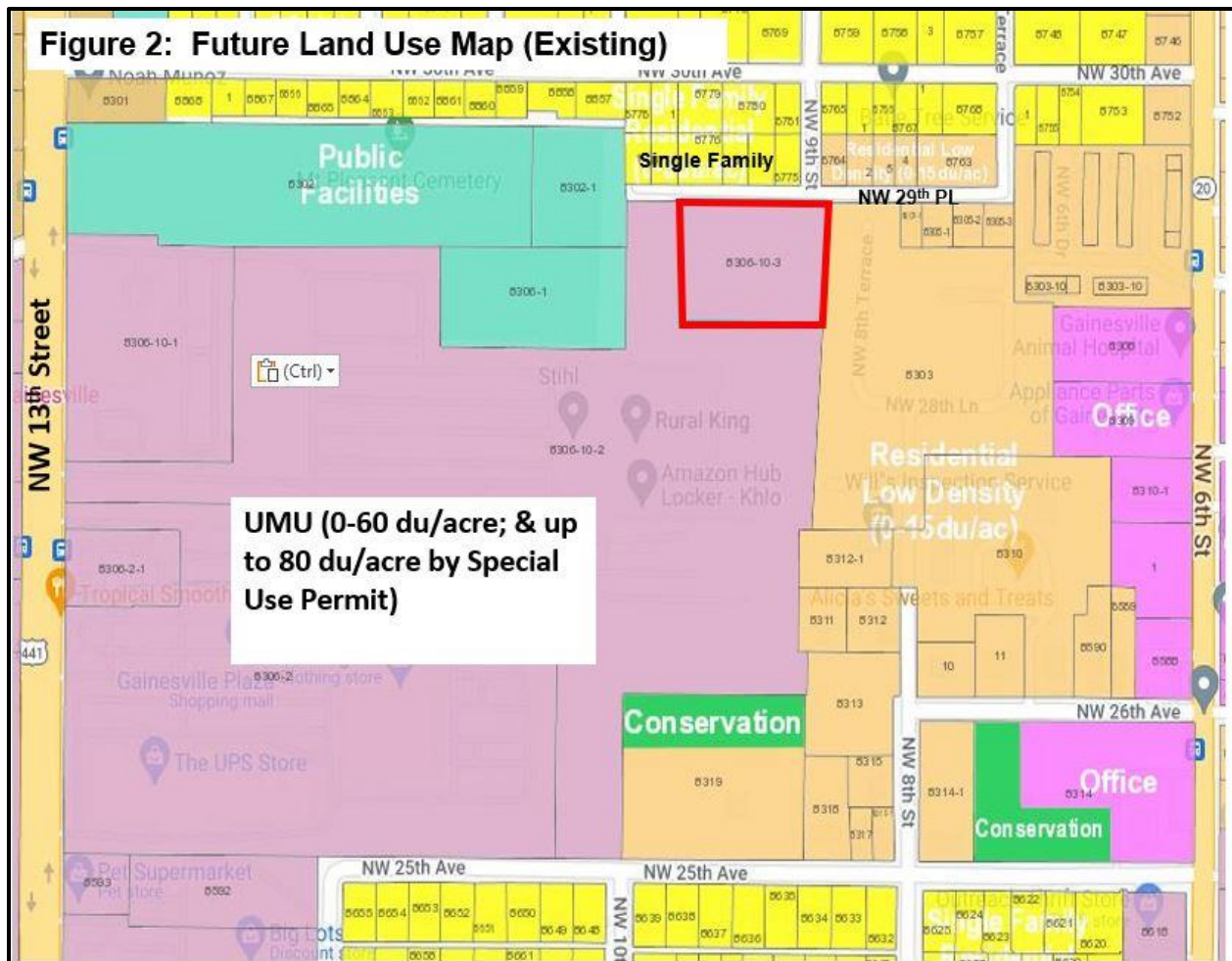
The property is located in Zone B of the Transportation Mobility Program Area (TMPA). The nearest transit stop is along NW 6th Street at NW 29th Avenue. Transit service at that stop is part of Route 15 that runs from the Rosa Parks Transfer Station to NW 13th Street with frequencies of every 30-60 minutes Monday through Friday.

The most recent land use activity on the parcel occurred during the citywide land use and rezoning in 2017. At that time, the land use designation on the parent parcel (08306-010-002) was changed from Mixed-Use Medium to Urban Mixed Use. With the creation of Parcel 08306-010-003, the future land use category of Urban Mixed Use was retained on the new parcel.

The existing PD ordinance (971051) governing Parcels 08306-010-002 and 08306-010-003 contains a number of conditions related to future property development and uses. Given the age of the last PD ordinance (adopted February 8, 1999), there are several antiquated references in the PD conditions and development has occurred on the site, including development based on an amended development plan approved for Rural King on 5/22/17 (DB-16-194 SPA). A related application has been made to the City to amend Ordinance 971051 to remove Parcel 08306-010-003 from the PD and update the conditions to reflect contemporary circumstances and remove antiquated references.

Existing Future Land Use Designation & Zoning District

The current future land use designation of the property is Urban Mixed Use (UMU) as indicated in Figure 2 below. As indicated earlier in this document, the UMU designation was placed on the property during a large, citywide land use and zoning update that was adopted in 2017.

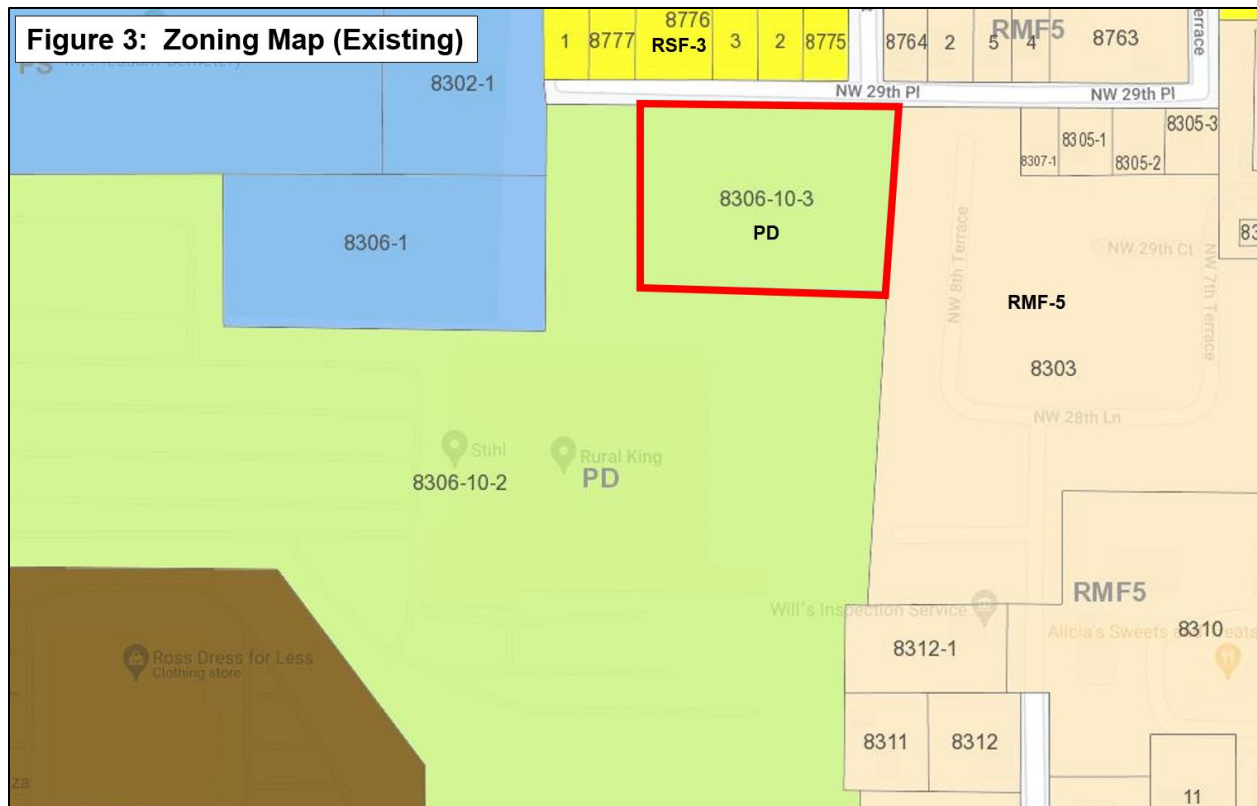


Abutting to the west and south of the subject property, the future land use designation is Urban Mixed Use. To the east, the future land use designation is Residential Low with the Oak Gate multi-family development. To the north is NW 29th Place. Across NW 29th Place to the north the designation is Single Family.

The existing zoning district on the property is Planned Development as illustrated on Figure 3 below. This PD, first adopted in 1989 and then updated in 1999 (Ordinance 971051), allowed a wholesale and retail use for the then Sam’s Club business.

PD Ordinance 971051 further went on to state in Condition e, that: “...the use and regulation of the property... shall be governed as if this property were zoned BUS (General Business District).” Subsequent to the 2017 land use change to Urban Mixed Use (discussed above), the BUS zoning district is not a compatible zoning district with the UMU land use category per Section 30-4.2 of the Land Development Code.

As indicated in Figure 3 below, the property to the west and south (Rural King) of the site is zoned PD. The property abutting to the east has the RMF-5 (Single/Multi-family) zoning district designation. Properties to the north across NW 29th Place are zoned RSF-3 (Single-family).



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

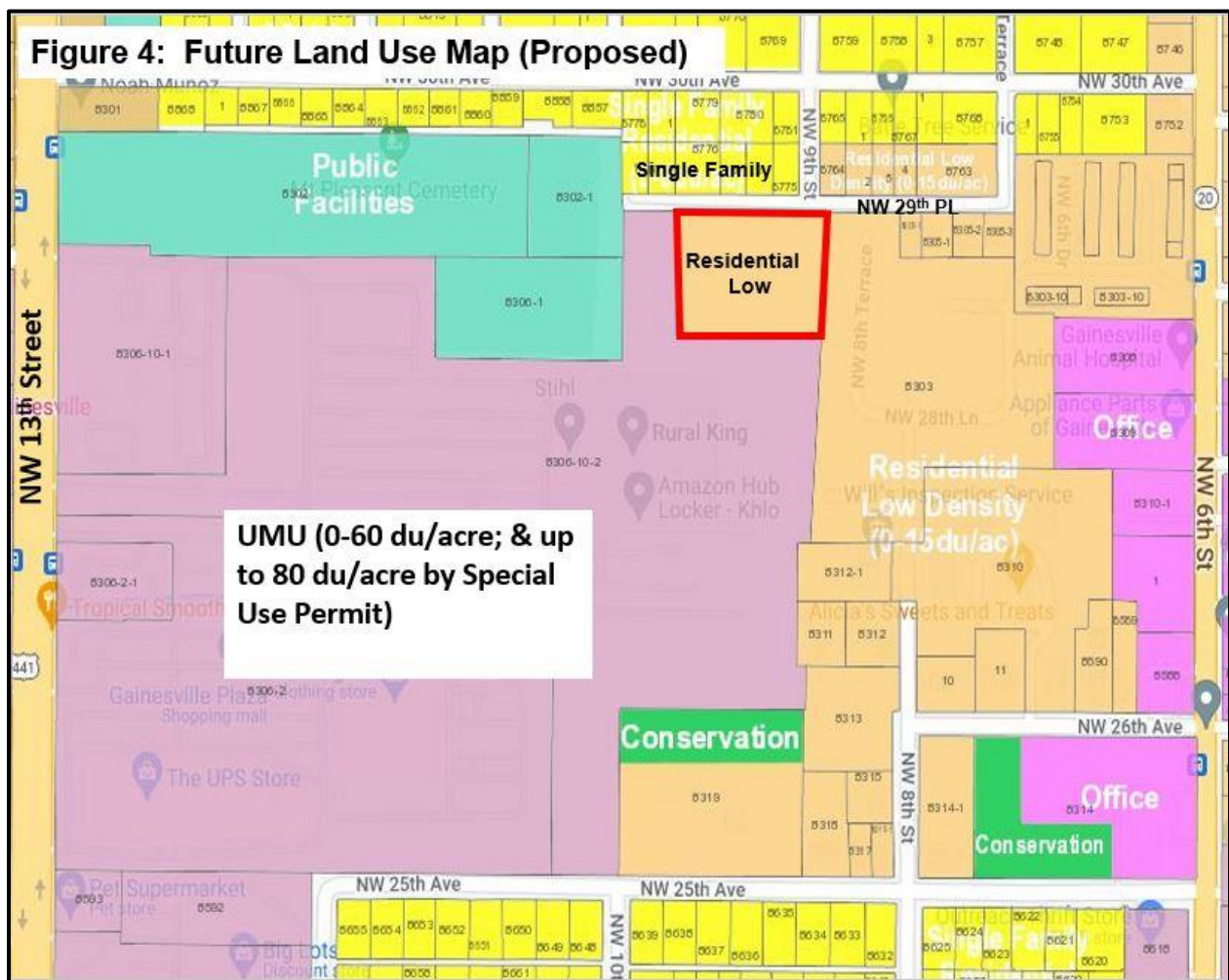
As stated above, the site currently has a future land use (FLU) designation of Urban Mixed Use (UMU) and a zoning district of Planned Development (PD). The PD zoning district designation dates back to 1989 and 1999 when the PD ordinances were adopted by Ordinances 3558 and 971051. The current regulating ordinance is Ordinance 971051 that contains PD conditions related to the operation of the property for a Sam's Club business, which is now a Rural King large-scale store. The terms and conditions within the PD are antiquated with references to prior Building and Land Development Code regulations. And, the subject parcel (08306-010-003) is no longer under the ownership or operation of the Rural King business since the sale of the property. Therefore, it is necessary and appropriate to change the future land use category for the property to make it more compatible with the surrounding properties to the north and east, which are in residential use. It is also appropriate and necessary to change the zoning district for the property since it is now owned by Oak Gate Investors, LLC, who are affiliated with the Oak Gate multi-family development to the east. Oak Gate Investors wishes to include the subject property as part of the Oak Gate development as an open space/passive recreation area while utilizing the acreage for increased density on the existing Oak Gate site.

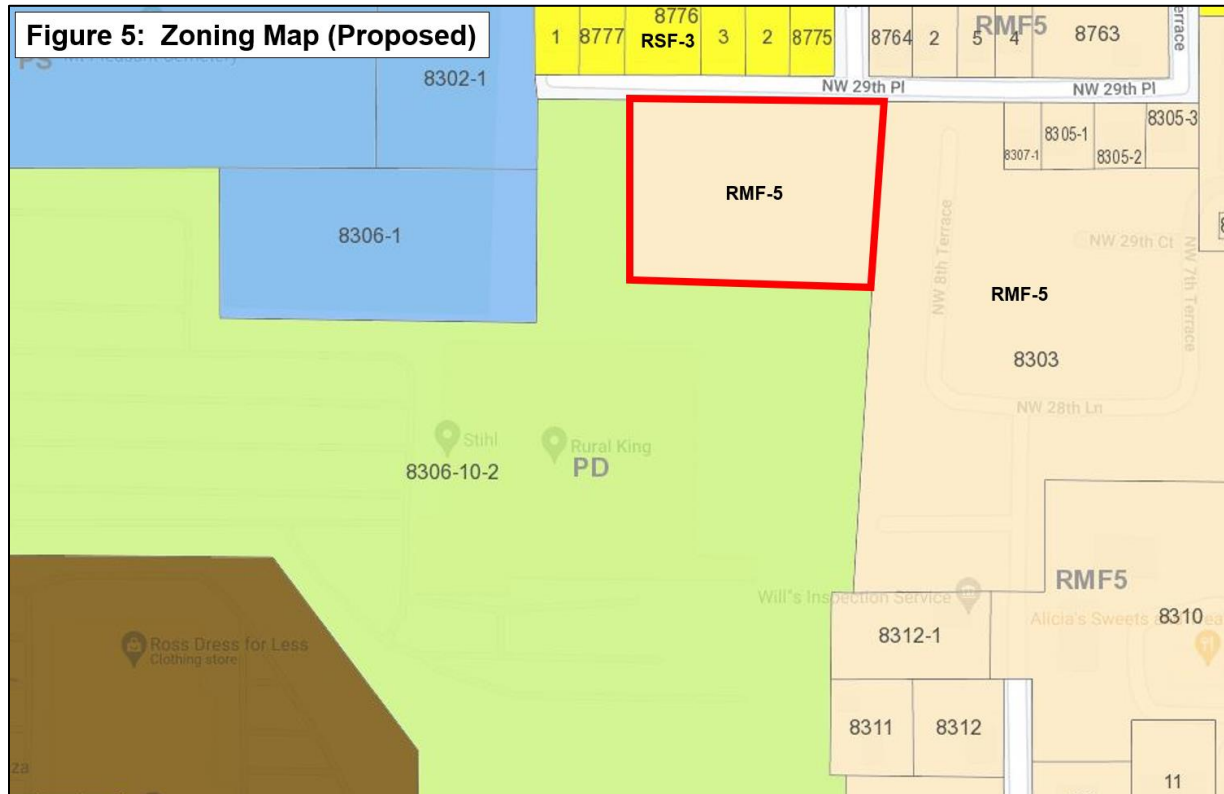
The subject property is vacant and served as part of a required undeveloped and buffer area between the Rural King development and the residentially-zoned property to the east and north (by Conditions p and r in Ordinance 971051 on pages 5 and 6 of the ordinance). The new property owner also wishes to maintain the property as open space/buffer area between the Oak Gate

development and the Rural King store. This will protect existing vegetation at the site, including live oak trees.

The proposed Residential Low (RL) future land use category (with the proposed RMF-5 zoning) for the site is consistent with the RL designation and RMF-5 zoning that currently exists for the abutting property to the east and adjacent properties to the northeast across NW 29th Place. The proposed land use category and zoning district are also more compatible with the Single-Family land use category and RSF-3 zoning to the north, across NW 29th Place. This proposal will serve as a step down/transition from the UMU land use category and PD zoning on the Rural King property to the west of the subject property and the residential character of properties to the north and east. The proposed land use category (RL) and zoning district (RMF-5) for the subject property are consistent with each other as required by Code and appropriate given the surrounding uses.

Figures 4 & 5 below illustrate the proposed future land use category (Residential Low) and zoning designation (RMF-5) for the subject property.





These proposed changes will allow the Oak Gate development property owner to the east to obtain acreage for increased density on the existing Oak Gate developed site, while maintaining the subject property as open space and passive recreation. Future development plan applications will add the property to the Oak Gate development after the rezoning and land use changes have been finalized. The amended Oak Gate development plan will require compliance with all applicable regulations associated with the Comprehensive Plan and Land Development Code.

The site currently is served by GRU centralized utilities. While the site is located on NW 29th Place, no vehicular access is necessary since the property is proposed to remain undeveloped as part of the open space/passive recreation for the Oak Gate development to the east.

The closest stop for transit service is located at the existing Oak Gate development main entrance off NW 6th Street. An existing bus shelter is located there. Route 15 that runs along NW 6th Street is part of the Rosa Parks Transfer Station to NW 13th Street service. Service on Route 15 runs Monday through Friday every 30-60 minutes from 5:27 a.m. to 10:27 p.m. Service is every 60 minutes on Saturday and Sunday.

City of Gainesville Comprehensive Plan Policy 4.1.1 defines the proposed Residential Low (RL) future land use category as follows:

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.

The proposed zoning to implement the proposed Residential Low future land use category is RMF-5 (Single/Multi-family). The City of Gainesville Land Development Code Sec. 30-4.16 establishes the permitted uses in the RMF-5 zoning district.

The table below indicates the permitted uses for the RMF-5 zoning district:

Sec. 30-4.16 Permitted Uses in Residential Districts

Use	Use Standards	RMF-5
Accessory dwelling unit	30-5.35	A
Adult day care home	30-5.2	P
Assisted Living Facility		P
Attached dwelling (up to 6 attached units)		P
Bed and breakfast establishment	30-5.4	P
Community residential home (up to 6 residents)	30-5.6	P
Day care center	30-5.7	P
Family child-care home	30-5.10	P
Multi-family, small-scale (2-4 units per building)		P
Multi-family dwelling		P
Place of religious assembly	30-5.22	P
Library		S
Public Park		P
School (elementary, middle, or high - public or private)		P
Single-family dwelling		P

LEGEND:

P = Permitted by right; S = Special Use Permit; A = Accessory

The subject property is an appropriate area for the placement of the Residential Low land use category and the implementing zoning district of RMF-5 for two reasons. First, the subject property abuts RL and RMF-5 designated property to the east. Second, the proposed land use

category and zoning district provide for a step-down from the intensity of the UMU and Rural King PD to the west to the residential areas to the east.

The proposed land use and zoning changes will allow flexibility for infill development on the Oak Gate multi-family development site to the east by providing additional land area for increasing the density within the existing Oak Gate development. This will provide additional opportunities for housing units while preserving the open space area between the Rural King site and the residential areas east and north of the subject property.

Basic Level Environmental Review

This site is exempt from Environmental Review because:

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

Responses to Application Questions

Surrounding Property Information

The subject property lies within an area that contains non-residential and residential uses such as stores; bank; restaurants; single-family dwellings; multi-family dwellings; and a cemetery.

North: To the immediate north of the subject property is NW 29th Place. North of NW 29th Place there are single-family dwellings with a Single Family future land use designation.

South: To south of the subject property is the Rural King development with an Urban Mixed Use (UMU) future land use designation.

East: To the east is the Oak Gate multi-family development. That property has a Residential Low future land use designation.

West: Immediately to the west is the Rural King development with the UMU land use category designation. Further to the west is the Mount Pleasant Cemetery.

Adjacent Property Characteristics Table

	Existing Use	FLU Designation	Zoning District
North	NW 29 th Place; across the street are single-family dwellings	NA; Single-family across NW 29 th Place	NA; RSF-3 across NW 29 th Place
South	Rural King	Urban Mixed Use	PD
East	Oak Gate multi-family development	Residential Low	RMF-5
West	Rural King	Urban Mixed Use	PD

Upon analyzing these existing land use patterns, the proposed land use and zoning change will not negatively impact the nature of the existing development pattern in the area. The existing

development pattern and land use & zoning mapping in the area is primarily Urban Mixed Use to the west and south of the subject property. To the east and north the pattern is single-family and multi-family land use and zoning associated with single-family dwellings and multi-family dwellings. The proposed land use and zoning changes will place the property into the RMF-5 zoning district, which will step down from the existing PD zoning pattern for the Rural King development to the west and south. This will provide a lower intensity transition between the Rural King use and the residential uses to the north and east. This will ensure better compatibility after the PD zoning is changed. Currently, the PD has buffering requirements and a condition that prohibits development east and north of the current Rural King building that promote compatibility with the residential areas. Once the PD zoning is changed on the subject property, those conditions will no longer apply. Therefore, a compatible zoning and land use (RL and RMF-5) are important to maintain neighborhood compatibility.

1. **The intended use of this property is for open space/passive recreation related to the Oak Gate multi-family development to the east. There are no other properties that could fulfill this requirement.**
2. **The proposed land use and zoning changes are to change from non-residential to a residential land use category and zoning district. Therefore, there will be no non-residential impacts on residential streets or on noise and lighting.**
3. **There are no impacts from creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property.**
- 4.a. **See response on application.**
- 4.b. **See response on application**
5. **See response on application**

6. Impact of Proposed Change on the Community

This site was a part of the Rural King large-scale retail store until the lot line adjustment and subsequent sale of the property in 2022. With the proposed removal of the PD zoning from the subject property due to the sale, the conditions within the PD that provided for buffering and no development within the area of the subject property will no longer exist. Therefore, the proposed change to Residential Low and RMF-5 zoning will provide a more compatible transition for the property to the surrounding neighborhood, which is residential in character.

7. Potential long-term economic benefits

The site contains 1.82 +/- acres of land that will be used by the multi-family development to the east to increase the number of multi-family units on that site. The land use change and rezoning will add infill multi-family units to the development to the east, which will add to the City's tax base and create jobs during the construction phase.

8. Level of Service Analysis

This is a vacant property, and no development is proposed on the site. Therefore, there are no anticipated changes to the adopted level of service standards.

9. Site Accessibility

Vehicular Accessibility

The site abuts NW 29th Place, a City-maintained roadway. However, the property owner does not intend to develop the property and as such, the owner will not propose a vehicular connection to this street. However, the property owner does plan to maintain this property as green space and has no objection to the adjacent property owners accessing the property as pedestrians as has been informally done for many years.

Multi-Modal Accessibility

The subject property is not directly on a transit route. However, there is a transit stop with bus shelter at the main entrance to the Oak Gate development off NW 6th Street. Route 15 that runs along NW 6th Street is part of the Rosa Parks Transfer Station to NW 13th Street transit service. Service on Route 15 runs Monday through Friday every 30-60 minutes from 5:27 a.m. to 10:27 p.m. Service is every 60 minutes on Saturday and Sunday. There are no sidewalks along or bicycle facilities on NW 29th Place.

Analysis for Changes to the Future Land Use Map

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 Residential Low (RL) future land use category is consistent with the proposed RMF-5 zoning district per the Correspondence with Future Land Use Categories table in Land Development Code Section 30-4.2. The following policy and objective are applicable to the proposed designation:

Future Land Use Element Policy 4.1.1

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.

Response: As stated in this policy, low density residential use (as proposed) is appropriate in this land use category. The subject property, which is abutting RL to the east and in close proximity to Single Family and Residential Low land use designations to the north and northeast, is appropriate for this category due to its location. This land use change will provide a suitable transition from the UMU intense land use to the west and existing residential development to the east and north.

Future Land Use Element 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.

Response: As stated in this policy, low-intensity uses (such as the residential uses to the north and east of the subject property) should be protected from the negative impacts of high-intensity uses such as the large-scale Rural King store development (designated UMU). The proposed land use change to RL will provide a suitable transition between the UMU land use and the existing residential development to the east and north.

2. Compatibility and surrounding land uses

Response: The subject property is currently undeveloped and has been serving as a buffer/undevelopable area per the requirements of the PD (Ordinance 971051; see Conditions p and r) due to the intensity of the then Sam's Club use and now Rural King use. The proposed land use map amendment to RL will provide for a more compatible land use category with the residential properties to the north and east of the subject property. It will provide a transition between the higher intensity UMU land use designation to the west and the SF and RL to the north, northeast, and east of the subject property.

3. Environmental impacts and constraints

Response: This 1.82 +/- -acre site is currently undeveloped and partially vegetated with large trees. There are no wetlands, surface waters, or floodplains on the site, and the site is not located in the strategic ecosystem. Since the intention is to maintain the site for accessible green space, there are no anticipated environmental impacts or constraints.

4. Support for urban infill and/or redevelopment

Response: The subject property is within the urbanized portion of the City of Gainesville. Urban land uses, centralized utilities, sidewalks, and public roadways are located abutting and adjacent to the parcel. The proposed land use change will allow for an increased number of dwelling units on the Oak Gate development property abutting to the east through a

transfer of the density. This will support urban infill on that site and provide increased housing opportunities in an existing urban residential development.

5. *Impacts on affordable housing*

Response: The proposed land use change will allow for a transfer of residential density to the property to the east (while keeping this property as green space), which may have an impact on affordable housing by adding additional units.

6. *Impacts on the transportation system*

Response: No development activity is proposed as part of the proposed land use and zoning change. Therefore, no new impacts on the transportation system are anticipated at this time. The site is located in Zone B of the Transportation Mobility Program Area (TMPA).

Existing nearby transit service via Route 15 that runs along NW 6th Street serves the location. There is a bus shelter at the primary entrance to the Oak Gate development on NWA 6th Street.

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

Response: The property is vacant and intended to remain as open space and passive recreation for the abutting Oak Gate residential development. The Oak Gate development is served by centralized Gainesville Regional Utilities potable water, wastewater, and electric services. Sidewalks are available on NW 6th Street (both sides) and there are existing and planned sidewalks within the development. Currently the closest transit stop is RTS Route 15 along NW 6th Street at the Oak Gate development primary entrance (a bus shelter is located there).

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

Response: The subject property is 1.82 +/- -acres in size. The proposed map change will not have any substantial impact on acreage counts in any of the City's future land use categories. The proposed future land use category (RL) is needed by the property owner to use for additional overall residential density for the Oak Gate residential development abutting to the east. The additional residential density will allow for additional housing units within 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 future land use map change is at an urban site that is already in an urban land use category (Urban Mixed Use). The subject property is surrounded by existing urban development that has been in place for decades. It does not promote urban sprawl as defined in Section 163.3164, F.S. The site is located in the urban services area with existing development located north, east, south, and west when examining the existing land use patterns in the immediate area.

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

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

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

Response: The site is surrounded by development that has existed in the area since the 1940s and beyond. The subject property is 1.82 +/- acres in size and does not contain any identified natural resources or ecosystems.

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

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

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

Response: The proposed land use map change will promote walkable and connected communities and provide for compact development and provide additional housing options in the core of the city. First, the proposed designation will allow for additional housing units to be constructed within the existing Oak Gate development to the east. Second, the subject property is proposed to remain green space, which currently (and will continue) to provide nearby residents a pedestrian use area adjacent to their neighborhood.

(IV) Promotes conservation of water and energy.

Response: The subject property is surrounded by existing developed areas served by existing public facilities and services, thereby reducing sprawl and wasteful allocation of resources.

(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. The subject property was part of the Rural King development until its sale in 2022. 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 Urban Mixed Use future land use category). 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. However, it is the intent of the property owner to leave the subject property as an undeveloped green space that provides some privately-owned green space adjacent to existing residential neighborhoods.

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

Response: There are existing, surrounding residential developments (Oak Gate abutting to the east; single-family dwellings to the north) proximate to the subject property. The proposed Residential Low future land use category will allow for an increased number of residential units on the property abutting to the east by providing increased residential density when the subject property is added to the Oak Gate development. The RL land use category allows for a mix of residential housing unit types to satisfy the demands for different types of housing units. The removal of this property from the UMU land use category does not impact the use of the Rural King property for non-residential use.

(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 subject property was part of an existing, developed site (Sam's Club was constructed in 1990) that is currently in an urban area served by existing public facilities and services, so it does not constitute sprawl. The site is only 1.82 +/- acres in size. The recently-created lot is now considered vacant because there is no development on it. However, the proposed land use change would allow additional residential density to be used on the Oak Gate residential development abutting to the east, which currently is served by transit.

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

Response: The proposed land use change involves a parcel that was part of an existing, developed site (former Sam's Club and existing Rural King). If the proposed land use change is approved, the applicant intends to use the residential density from the 1.82 +/- site to add units to the existing Oak Gate development abutting to the east (the parcel will be incorporated into the Oak Gate development after the proposed land use change is approved). The added residential units will increase the City's tax base and provide jobs during the construction phase.

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

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

Analysis for Changes to Zoning

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

Sec. 30-3.14. - Rezoning criteria.

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

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

Response: The uses and density in the RMF-5 zoning district are compatible with the existing residential development to the north and east of the subject property. Abutting to the east is the Oak Gate development with RMF-5 zoning. To the north, across NW 29th Place, there are single-family homes with RSF-3 zoning. The subject property is surrounded to the west and south by the existing Rural King development with PD zoning. Conditions within the PD do not allow for any expanded development of the existing building to the north or east, which will provide compatibility with the proposed RMF-5 zoning on the subject property.

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

Response: The proposed RMF-5 zoning district is characterized by allowing a variety of residential uses and a few non-residential uses such as: day care centers, places of religious assembly, public and private schools, and parks. Residential uses include: single-family; multi-family; attached dwellings; and assisted living facilities.

The subject property is suited to the proposed allowed uses in the RMF-5 zoning district due to its location, which abuts existing RMF-5 zoning to the east and RSF-3 zoning across NW 29th Place to the north.

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

Response: The property abutting to the east has RMF-5 zoning, as does property adjacent to the northeast across NW 29th Place. Property to the north across NW 29th Place has RSF-3 zoning. The Rural King development to the west and south of the subject property has PD zoning. The proposed RMF-5 zoning for the subject property will serve as a transition between the Rural King PD and the residentially zoned properties to the east and north.

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

Response: The subject property is undeveloped. Therefore, there are no issues with the conservation of the value of buildings. The proposed RMF-5 rezoning will allow for additional use of the property for increased residential density for the Oak Gate development abutting to the east. The additional infill development for that abutting property to the east is an appropriate use of the land.

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

Response: The site falls within Transportation Mobility Program Area (TMPA) Zone B. The subject property is regulated by PD Ordinance 971051, which is proposed for amendment in a related application.

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

Response: The site will provide additional residential density to serve the housing needs of city residents.

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 is the sale of this property by Rural King to Oak Gate Investors in 2022. As a result, it is no longer relevant or correct that the property be regulated by the adopted PD zoning (Ordinance 971051). The other substantial change is the approval of Petition DB-21-83 by the City on 1/21/22. This approval authorized construction of new buildings at the Oak Gate Condominiums site, which had been dormant for several years. The applicant wishes to use the additional density provided by the 1.82 +/- acres of the subject property to add additional units to the Oak Gate development.

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

Response: Rezoning of the subject property is being proposed to provide additional density needed by the applicant for infill at the abutting Oak Gate multi-family development. Infill and redevelopment are major themes in the City's Comprehensive Plan to reduce urban sprawl. It should also be noted that the proposed RMF-5 zoning district implements the proposed Residential Low future land use category.

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

*FLU Objective 2.1.
Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.*

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

Response: This report will be presented to the City Plan Board at a future public hearing in 2022 or 2023. The supporting documents include this Justification Report submitted with the application. The Neighborhood Workshop was held on Tuesday, September 20, 2022. 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 in 2023.

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, with the potential to establish a coherent expansion of nearby transects with elements including a code compliant street system with sidewalks, pedestrian circulation, lighting systems, and utility infrastructure.*
- 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. The subject land has the characteristics of a T-zone or has the potential to successfully facilitate development consistent with the intent of the T-zone, including the creation of a more urban form through prescriptive building placement standards, enhanced window glazing, and an emphasis on the pedestrian experience.*

Response: Not applicable. This is not an application to rezone to a transect zoning district.

Conclusion

As stated in this report, the proposed small-scale land use amendment and rezoning for this property are consistent with the City of Gainesville Comprehensive Plan and Land Development Code. The existing PD ordinance that regulates the subject property is 23 years old and is no longer relevant or proper since the subject property is now in separate ownership from the Rural King development. The existing UMU land use category was placed on the property in 2017 as part of the City's update to the Land Development Code and Comprehensive Plan to add transect zoning.

The Residential Low land use category is more appropriate to create a transition between the more intense UMU and the RL and SF land use designations to the east and north. The land use change and rezoning are proposed to allow additional flexibility for the applicant to add residential units to the Oak Gate development abutting to the east while maintaining the subject property as open space/passive recreation. This proposed change is in keeping with the intent for the subject property that was articulated in the existing PD (no development east or north of the existing building and maintaining a vegetative buffer along the east and north perimeters).