



**City of Gainesville**  
**Department of Sustainable Development**  
**Planning Division**

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

**CITY PLAN BOARD STAFF REPORT**

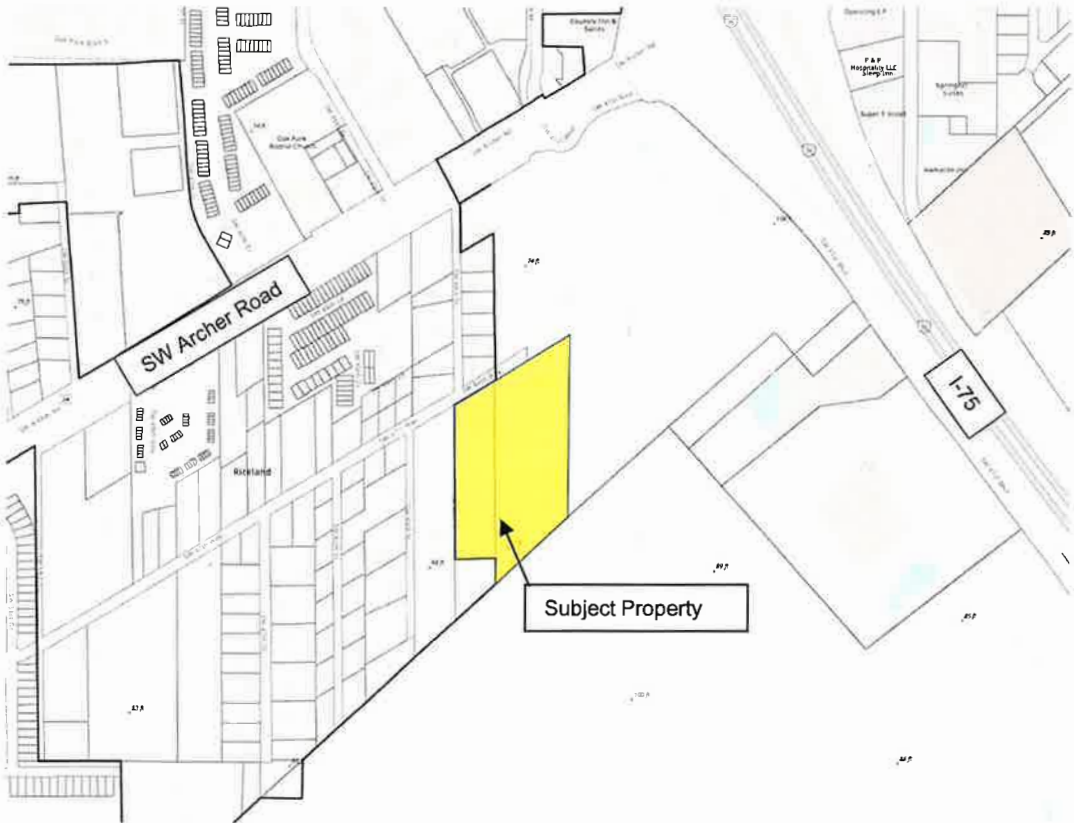
**PUBLIC HEARING DATE:** March 28, 2024

**PROJECT NAME AND NUMBER:** Hillpointe-Rosier Land Use Amendment (LD23-000119 LUC)

**APPLICATION TYPE:** Small-scale Land Use Change (Legislative)

**RECOMMENDATION:** Approve land use change from Alachua County Medium Density (MED) to City of Gainesville Residential Low-Density (RL)

**CITY PROJECT CONTACT:** Jason Simmons



**Figure 1: Location Map**

**APPLICATION INFORMATION:**

**Agent/Applicant:** Kimley-Horn and Associates, Inc.  
**Property Owner(s):** Jill R. Rosier, Mary C. Rosier, Trustee  
**Related Petition(s):** LD23-000116 ZON  
**Legislative History:** Annexation Ord. 2022-747  
**Neighborhood Workshop:** Yes, held on November 22, 2023

**SITE INFORMATION:**

**Address:** 4329 SW 47<sup>th</sup> Way and 4301 SW 47<sup>th</sup> Way  
**Parcel Number(s):** 06972-000-000 and 06973-000-000  
**Acreage:** ± 12.60 acres  
**Existing Use(s):** Single-family residence on each lot  
**Land Use Designation(s):** Alachua County Medium-Density (MED)  
**Zoning Designation(s):** Alachua County Multiple Family Medium-Density (R-2)  
**Overlay District(s):** None  
**Transportation Mobility Program Area (TMPA):** Zone D  
**Water Management District:** St. John’s River Water Management District  
**Special Feature(s):** N/A  
**Annexed:** May 4, 2023  
**Code Violations:** None

**ADJACENT PROPERTY CHARACTERISTICS:**

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
<b>North</b>	Single-Family Residential	Alachua County Medium-Density (>4-8 du/acre), Office	Residential Single Family (R-1A), Medical Services (MD)
<b>South</b>	Vacant timber	Business Industrial (BI)	Business Industrial
<b>East</b>	Free Standing Emergency Room, Hospital (to be constructed)	Office	Medical Services (MD)
<b>West</b>	Single-Family Residential	Alachua County Medium-Density (>4-8 du/acre)	Residential Single Family (R-1A)

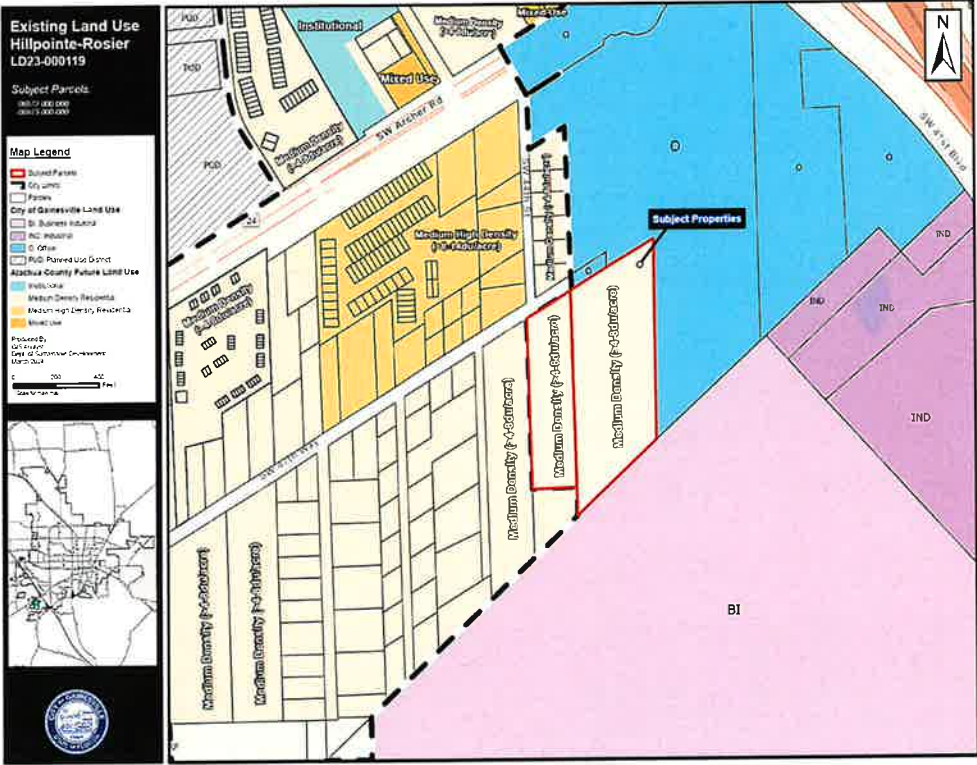


Figure 2: Adjacent Future Land Use Designations

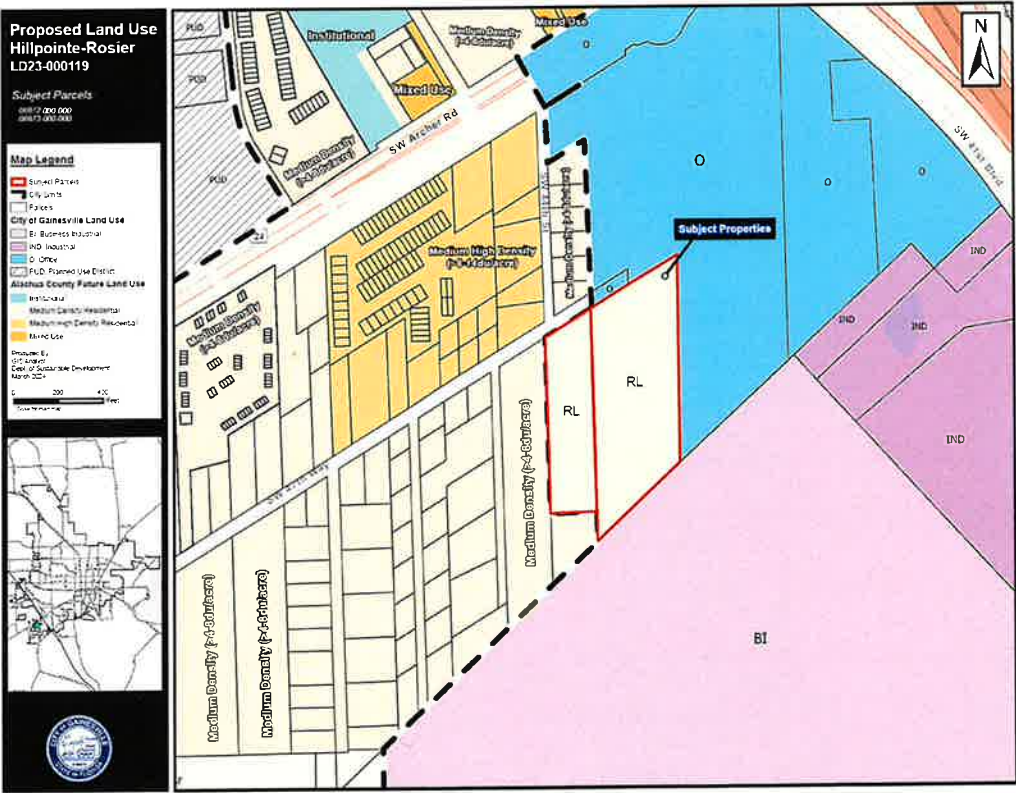


Figure 3: Subject Property and Proposed Land Use Designations

**PURPOSE AND DESCRIPTION:**

This petition is a result of the annexation of the subject property into the City of Gainesville and serves to designate the property with a City of Gainesville Future Land Use Category. In accordance with Comprehensive Plan Policy 4.4.1 of the Future Land Use Element, the City shall facilitate incorporation of an annexed property by establishing City land use designations and implementing zoning subsequent to annexation. The property is currently designated Alachua County Medium Density and is zoned Alachua County Multiple Family Medium Density (R-2). The property is subject to a related rezoning request (LD23-000116).

This petition meets Goal 3: A Great Place to Live & Experience, of the City of Gainesville Strategic Plan.

**STAFF ANALYSIS AND RECOMMENDATION:**

**ANALYSIS**

The analysis of this application is based on the following factors stated in the Future Land Use Element and on State criteria, which are discussed below.

**1. Consistency with the Comprehensive Plan**

This application is consistent with the Comprehensive Plan, as stated in the finding for each goal, objective and policy listed below.

**Future Land Use Element**

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

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

**Finding:** The requested future land use designation will allow the existing single-family homes to remain on property that has been annexed into City boundaries, and for the potential development of a multiple-family residential development.

**Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined 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.**

**Finding:** The subject property contains two single-family dwellings. These uses can remain until the applicants are ready to submit redevelopment plans that can utilize the higher density that RL provides over the existing Alachua County Medium Density land use. The accompanying RMF-5 rezoning petition as well as the Land Development Code will further regulate compatibility with surrounding uses and infrastructure needs.

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

**Policy 4.4.1 Land use amendments should be prepared for all annexed properties within one year of annexation.**

**Policy 4.4.2 Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.**

**Finding:** The subject property has been annexed into the City of Gainesville effective May 4, 2023 and retains the Alachua County Land Use designation of Medium Density. The subject application requests to designate the property with the appropriate City of Gainesville future land use category and the related rezoning petition will designate the property with a City of Gainesville zoning category.

Such designations will allow for the City to apply level of service standards based on City of Gainesville requirements.

## **2. Compatibility and surrounding land uses**

The RL land use category is compatible with surrounding land uses that include Alachua County Medium Density Residential on the north and west, City of Gainesville Business Industrial (BI) on the south, and City of Gainesville Office on the north and the east. Abutting development to the west and north is largely single-family residential and the new freestanding emergency room to the east is considered to be compatible. The proposed RL land use and RMF-5 zoning district are compatible with the neighborhood and the surrounding development.

## **3. Environmental impacts and constraints**

An Ecological Site Assessment has been conducted on the subject property. The Site Assessment evaluated existing conditions on the property including onsite habitats and vegetative communities, delineated any onsite wetlands, and documented the presence or potential presence of protected wildlife species that might affect the cost or feasibility of property acquisition. There are two small wetlands on the site that appear to be old sinkholes and a manmade pond. The subject property is within the Consultation Area of several federally listed wildlife species. Of these, the development of the site should consider the potential presence of the eastern indigo snake. Two state-protected species for consideration include the gopher tortoise and the southeastern American kestrel. It is not anticipated that future site development would significantly impact the eastern indigo snake's behavioral patterns or movement, but it is recommended that the Standard Protection Measures be utilized during any project construction. The property is not located within a Strategic Ecosystem overlay, and there are no FEMA designated Special Flood Hazard Areas on the property.

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

The petition serves to designate two existing single-family dwellings with the appropriate City of Gainesville future land use category that will allow for the continuation of the use and future development on the site. The proposed RMF-5 zoning district allows for higher density residential development that will be consistent with development in the area and can provide a buffer between the newly developing institutional uses to the east and the single-family residential development to the west. The location of the property supports urban infill and redevelopment in the area.

## **5. Impacts on affordable housing**

The proposed future land use amendment may have an impact on affordable housing since the subsequent zoning would allow residential development at a higher density on the subject property, which would allow for more dwelling units on the property.

**6. Impacts on the transportation system**

Future development on the subject property will have an impact on the transportation system. Any future development on the property would be subject to transportation analysis depending on the proposal. The property is located within the Transportation Mobility Area (TMPA) Zone D, in which developers are required to comply with transportation mobility criteria to mitigate transportation impacts on automotive, pedestrian, bicycle and transit facilities. Regardless of the proposed use, future development will be subject to meeting the requirements established for this transportation area (see Appendix A).

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

The subject property has access to public facilities and services that include, but are not limited to utilities, schools, parks, transportation, fire, police, waste collection, and storm water management. Gainesville Regional Utilities (GRU) services are available to the property including potable water, sewer, electric, and gas. Any future redevelopment of the property will require water and wastewater capacity evaluations that will determine if off-site upgrades will be required.

Impacts on adopted levels of service (LOS) for storm water and transportation facilities are assessed during the development review process, if development is proposed in the future. No final development order will be issued until it is determined that adequate facilities and services will be in place at the time the impact of the development occurs.

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

The proposed land use designation will increase the total acreage of land within the designated land use category:

**Table 2. Future Land Use Categories Total Acreage (2023)**

Future Land Use Category	Description	Total Acres 2023	Occupied Acres	Vacant Acres	Percent Occupied
RL	Residential Low-Density	2,505 ac	2,331 ac	174 ac	93%

*Note:* The data in Table 2 was provided by the City of Gainesville, Department of Sustainable Development, and Geographic Information Systems (GIS) Division.

**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.a., F.S.**

Urban sprawl is defined in Subsection 163.3164 (51), F.S. as a “*development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses*”. The following analysis is required to determine whether the

**proposed small-scale land use amendment contributes to urban sprawl, using the indicators as identified in Subsection 163.3177(6)(a)9.a.,F.S. and listed below.**

- I. **Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.**

The subject property includes two existing single-family dwellings, which does not account for a substantial area of the jurisdiction. The land use designation and subsequent zoning will allow for the continuation of the existing use and redevelopment of the property at a higher density and intensity than the current zoning allows.

- II. **Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.**

The land use amendment is proposed for property within an established urban area and will utilize existing urban amenities.

- III. **Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.**

The land use change will not promote isolated development but will allow for the continued use of the property for single-family dwellings in an area of the city that has seen significant development in recent years and currently has the potential for more development with a proposed rezoning that would allow higher density residential development.

- IV. **Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.**

The subject property does contain two small identified wetland areas that will have to be protected during the development plan review process.

- V. **Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.**

The subject property for the proposed land use amendment is not adjacent to any active or passive agricultural areas and activities.

- VI. **Fails to maximize use of existing public facilities and services.**

The proposed land use amendment involves property that has access to existing public facilities and services.



- VII. **Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, storm water management, law enforcement, education, health care, fire and emergency response, and general government.**

The proposed land use amendment involves property that has access to existing public facilities and services (e.g., roadways, utilities, schools, etc.), which helps to minimize related costs.

- VIII. **Fails to provide a clear separation between rural and urban uses.**

The proposed land use amendment does not involve a property located near rural uses.

- IX. **Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.**

The proposed land use change will support the continued provision of residential development in the neighborhood and the higher density allowed will encourage redevelopment of the property, which would be considered infill development.

- X. **Fails to encourage a functional mix of uses.**

The RL future land use category allows for dwellings at densities up to 15 units per acre and 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 specify the 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.

- XI. **Results in poor accessibility among linked or related land uses.**

Development of the subject property with multiple-family residential will likely improve accessibility in the area and will not result in poor accessibility among linked or related land uses.

- XII. **Results in the loss of significant amounts of functional open space.**

Providing the property with a City of Gainesville land use designation will not result in the loss of significant amounts of functional open space.

**Additional analysis required to determine whether the proposed small-scale land use amendment discourages the proliferation urban sprawl, using at least four (4) of the criteria identified in Subsection 163.3177(6)(a)9.b.,F.S., is as follows:**

- 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.**

The property will be subject to land development regulations that protect environmentally sensitive areas and tree canopy, while still allowing for future development. The property is located in a location with both new and mature development nearby and access to existing urban infrastructure.

- II. **Promotes the efficient and cost-effective provision<sup>0</sup> or extension of public infrastructure and services.**

The proposed land use amendment involves property that has access to existing public facilities and services.

- III. **Promotes walkable and connected communities and provides for compact development and multimodal transportation system, including pedestrian, bicycle, and transit, if available.**

The future land use designation is appropriate for the existing use and the designation of City land use and the accompanying zoning category will allow for the regulation of future development consistent with City transportation requirements.

- IV. **Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.**

The designation provides for a balance of land uses in the area, which is comprised of a large percentage of residential development along with some new institutional uses under construction to the east of the subject property.

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

The proposed land use designation of the property will allow for the development of small-scale multiple-family residential in an area that will buffer the existing single-family residential to the west from the developing institutional uses on the east, as well as allow the continuation of the single-family dwellings. If the property redevelops, jobs may be created for the construction and development of the new use.

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

This amendment does not involve an antiquated subdivision, which is defined in Subsection 163.3164(5), F.S., as follows: *"a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder*

*current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located".*

**CONCLUSION AND RECOMMENDATION**

Staff has evaluated the land use change according to the criteria outlined in the Land Development Code and recommends approval of Petition LD23-000119.

**LIST OF APPENDICES:**

- Appendix A**            **Comprehensive Plan Goals, Objectives and Policies**
- Appendix B**            **Area Maps**
  - Existing Land Use Map
  - Proposed Land Use Map
- Appendix C**            **Rezoning and Land Use Amendment Application**

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

**Future Land Use Element:**

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

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

**Objective 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.

**Objective 4.1** The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility and institutional uses at appropriate locations to meet the needs of the proposed population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

**Transportation Mobility Element:**

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

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

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

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

**Objective 10.1    The Gainesville Transportation Mobility Program Area (TMPA) shall include all property within city limits (although the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category) and shall be subdivided into designated Zones A, B, C, D, E and M as mapped in the Transportation Mobility Element Data and Analysis Report and in the Geographic Information System (GIS) Map Library located on the City's Planning and Development Services Department website.**

**Policy 10.1.1      All property within city limits is included in the Gainesville Transportation Mobility Program Area (TMPA); however, the TMPA shall not apply to annexed properties that do not yet have an adopted City land use category. When annexed properties are designated with a City land use category, they shall be assigned to the most physically proximate TMPA zone as mapped in the Transportation Mobility Element Data and Analysis Report and in the GIS Map Library on the City's Planning and Development Services Department website.**

**Policy 10.1.2      All land uses and development located in the TMPA shall meet the TMPA policies specified in this Element.**

**Policy 10.1.9      For any development or redevelopment within Zone D, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to**

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

j

Net, New Average Daily Trip Generation	Number of Criteria That Shall Be Met
50 or less	At least 1.5
51 to 100	At least 4
101 to 400	At least 6
401 to 1,000	At least 10
1,001 to 5,000	At least 16
Greater than 5,000	<p>At least 24 and meet either a. or b.:</p> <ul style="list-style-type: none"> <li>a. Located on an existing RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours.</li> <li>b. Provide funding for a new RTS transit route with minimum 15-minute frequencies in the a.m. and p.m. peak hours or provide funding to improve RTS transit headways to minimum 15-minute frequencies in the a.m. and p.m. peak hours. Funding for new routes shall include capital and operating costs for a minimum of 5 years. Funding for existing route expansions or enhancements shall include capital and operating costs for a minimum of 3 years.</li> </ul>

**Zone D Criteria**

- a. Roadway projects that will provide a more interconnected transportation network in the area and/or provide alternate routes to reduce congestion and pressure on arterials. All roadway projects shall include bicycle and pedestrian facilities. Projects may be located outside of Zone D if demonstrated to be a direct benefit to the transportation system in Zone D. Projects may include, but shall not be limited to, the following:
  - 1. extension of SW 40th Boulevard to connect from its terminus south of Archer Road to SW 47th Avenue; and
  - 2. extension of streets, deeding of land, or easements to create a more gridded network and provide connectivity.
- b. Deeding of land for right-of-way and/or construction of roadway extensions to City specifications. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.

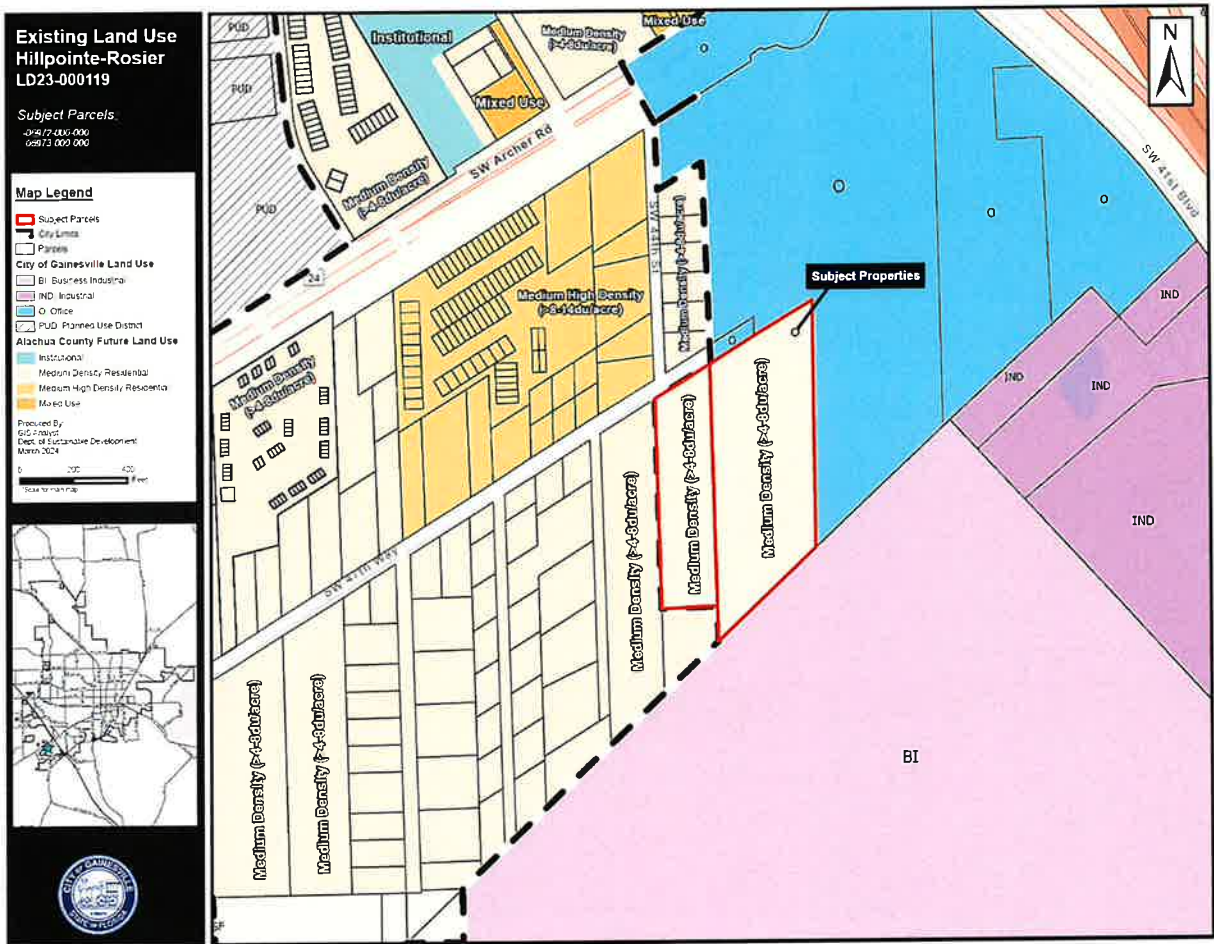
- c. Design and/or construction studies/plans for projects such as planned roundabouts, road connections, sidewalk systems, and/or bike trails.
- d. Provision of matching funds for transit or other transportation mobility-related grants.
- e. Provision of Park and Ride facilities, built to RTS needs and specifications.
- f. Construction of bicycle and/or pedestrian facilities/trails to City specifications. This may include provision of bicycle parking at bus shelters or Transit Hubs (as shown on the Existing Transit Hubs & Transit Supportive Areas Map) or deeding of land for the addition and construction of bicycle lanes or trails. Prior to deeding land for right-of-way, the developer and the City must agree upon the fair market value of the land for the purposes of meeting this criterion. The developer may submit an appraisal to the City to establish fair market value, subject to review and approval by the City.
- g. Construction of public sidewalks where they do not currently exist or completion of sidewalk connectivity projects. Sidewalk construction required to meet Land Development Code requirements along property frontages shall not count as meeting TMPA criteria.
- h. Payments to RTS that either increase service frequency or add additional transit service, including Express Transit service and/or Bus Rapid Transit, where appropriate.
- i. Funding for the construction of new or expanded transit facilities.
- j. Construction of bus shelters built to City specifications
- k. Bus shelter lighting using solar technology designed and constructed to City specifications.
- l. Construction of bus turn-out facilities to City specifications.
- m. Construction of access to transit stops and/or construction of transit boarding and alighting areas.
- n. Business operations shown to have limited or no peak-hour roadway impact.
- o. An innovative transportation-mobility-related modification submitted by the developer, where acceptable to and approved by the City.

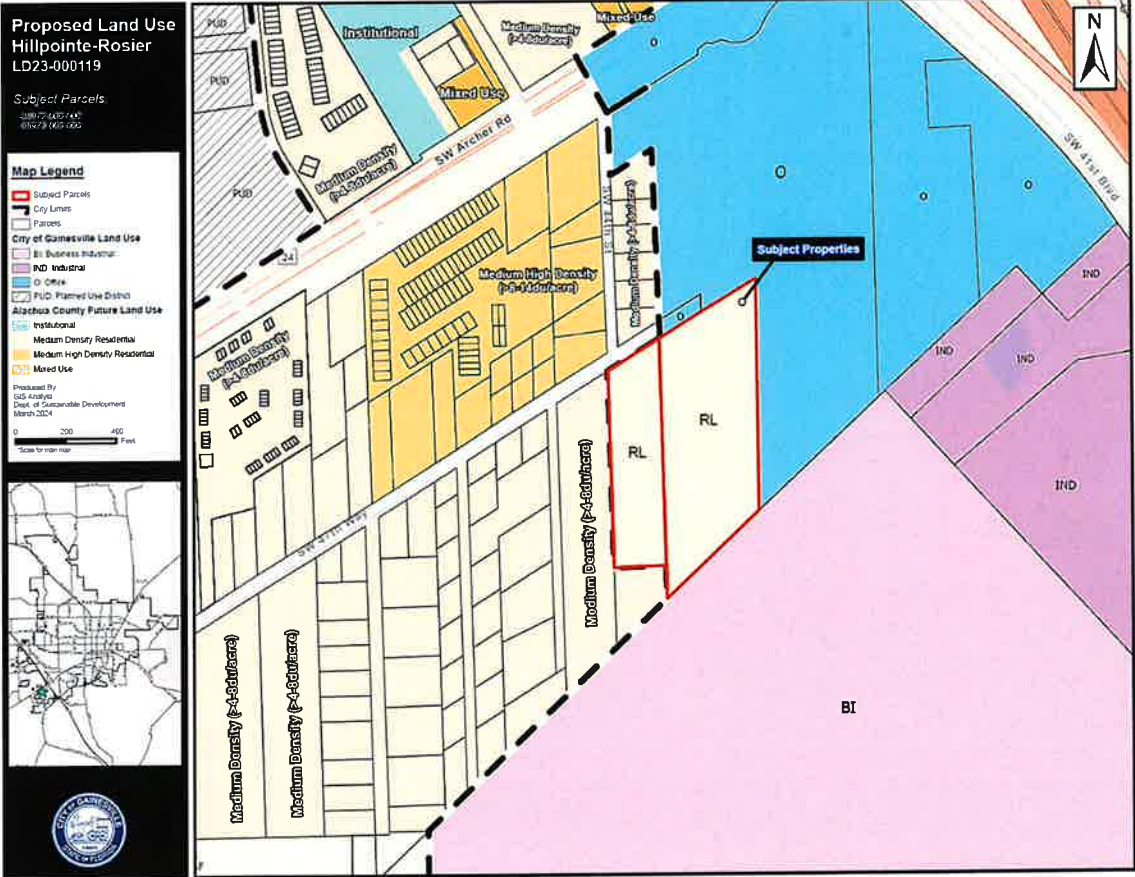
Policy 10.1.10 The City establishes the following priority for transportation mobility projects within Zone D and shall collaborate with the Metropolitan Transportation Planning Organization (MTPO) to add these items to the MTPO list of priorities. The City shall also pursue matching grants and other funding sources to complete these projects.

- a. Construction of a southerly extension of SW 40th Boulevard from its current end south of its intersection with Archer Road to the intersection of SW 47th Avenue. This roadway connection shall include bicycle and pedestrian facilities.
- b. Funding for the construction of new or expanded transit facilities.



**Appendix B: Area Maps**





Appendix C

Permitted Use Tables

Appendix C

Application Documents

Appendix C

Application Documents

**EXHIBIT 1**

**REZONING AND LAND USE  
AMENDMENT APPLICATION**



Planning Division  
 PO Box 490, Station 11  
 Gainesville, FL 32627  
 Ph: 352-334-5023  
 Email: [planning@gainesvillefl.gov](mailto:planning@gainesvillefl.gov)

## Land Use Amendment/Zoning Map Change Application

<b>Project Name:</b> SW 47th Way Multi-Family	<b>Tax Parcel Number:</b> Please see attached.
<b>Property Address:</b> 4329 and 4301 SW 47th Way Gainesville, FL 32608	
<b>*Size of Property (acres):</b> +/- 12.41 acres	
<b>**First Step Meeting Date:</b> 07/17/2023	<b>Neighborhood Workshop Date:</b> 11/22/2023

\*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):

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

Owner(s) of Record	
Name(s): Please see attached.	
Mailing Address:	
Phone:	Email:

Applicant/Project Coordinator	
Name: Mark Shelton, AICP	Company: Kimley-Horn and Associates, Inc.
Mailing Address: 12740 Gran Bay Pkwy W, Ste 2350, Jacksonville, FL 32258	
Phone: 904 828 3900	E-mail: <a href="mailto:Mark.Shelton@Kimley-Horn.com">Mark.Shelton@Kimley-Horn.com</a>
Additional users to be granted access for e-plan review:	
Name: Jose Lopez Jr.	E-mail: <a href="mailto:Jose.LopezJr@kimley-horn.com">Jose.LopezJr@kimley-horn.com</a>
Name:	E-mail:

Request		
Check applicable request(s) below:		
<input checked="" type="checkbox"/> <b>Future Land Use Map</b>	<input checked="" type="checkbox"/> <b>Zoning Map</b>	<input type="checkbox"/> <b>Master Flood Control Map</b>
Present designation: MD (County)	Present Designation: R-2 (County)	<input type="checkbox"/> <b>Other – Specify:</b>
Requested designation: RLD	Requested Designation: RMF-5	

Surrounding Property Information	
	Existing land use:
<b>North</b>	Single-Family Residential
<b>South</b>	Timberland
<b>East</b>	Manufactured/Mobile Home Park; Medical (future HCA Florida)
<b>West</b>	Single-Family Residential

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?)

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:** The request is for residential development.

**Noise and lighting:** The request is for residential development.

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)

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 checked="" 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:

Please see the attached justification.

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

Please see the attached justification.

8.

What impact will the proposed change have on level of service standards?
<b>Roadways:</b> Please see the attached justification.
<b>Recreation:</b> Please see the attached justification.
<b>Water &amp; Wastewater:</b> Please see the attached justification.
<b>Solid Waste:</b> Please see the attached justification.
<b>Mass Transit:</b> Please see the attached justification.

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

No  Yes (please explain)

Please see attached justification.

**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:** 12/20/2023

## Subject Properties

**(1) Tax Parcel Number: 06973-000-000**

**Owner:** Mary C Rosier, Trustee

621 NW 36<sup>th</sup> St

Gainesville, FL 32607-2444

**(2) Tax Parcel Number: 06972-000-000**

**Owner:** Jill R Rosier

4329 SW 47<sup>th</sup> Way

Gainesville, FL 32608-4907



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

Email: [planning@gainesvillefl.gov](mailto:planning@gainesvillefl.gov)

**Public Notice Signage Affidavit**

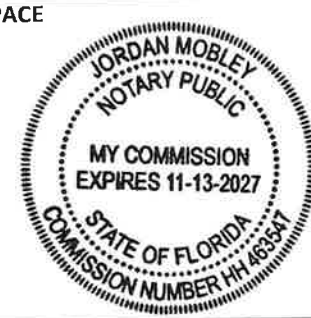
Petition Name LD23-000116 & LD23-000119 - Hillpointe Rosier  
Applicant (Owner or Agent) Jose Lopez - Kimley-Horn & Associates, Inc. (Applicant)  
Tax parcel(s) 06973-000-000; 06972-000-000

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.

[Signature] Applicant (signature)  
Jose A. Lopez Jr. Applicant (print name)

<p><b>STATE OF FLORIDA, COUNTY OF ALACHUA</b></p> <p>Before me the undersigned, an officer duly commissioned by the laws of the State of Florida, on this <u>13</u> day of <u>March</u>, 20<u>24</u>, 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.</p> <p><u>Jordan Mobley</u> Notary Public My Commission expires: <u>11-13-2027</u></p>	<p><b>RECORDING SPACE</b></p> 
--	---





**EXHIBIT 2**  
**PROPERTY OWNER AFFIDAVIT**



Planning Division  
PO BOX 490, Station 11  
Gainesville, FL 32627  
Ph: 352-334-5023  
Email: planning@gainesvillefl.gov

**Property Owner Affidavit**

Property Information
Tax Parcel Number(s): 06973-000-000
Property Address: 4301 SW 47th Way, Gainesville, FL 32608
Describe Application Type: Rezoning and Small Scale Comprehensive Plan Amendment.

Owner(s) of Record
Name(s): Mary C Rosier, Trustee
Company:
Mailing Address: 621 NW 36th St, Gainesville, FL 32607-2444
Phone: _____ Email: _____

Applicant/Project Coordinator
Name: Mark Shelton, AICP
Company: Kimley-Horn and Associates, Inc.
Mailing Address: 12740 Gran Bay Pkwy W, Ste 2350, Jacksonville, FL 32258
Phone: 904 828 3900 E-mail: Mark.Shelton@Kimley-Horn.com

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: Phyllis E Dorman Date: 12/18/2023

Printed Name: Phyllis Dorman, Trustee

The foregoing affidavit is acknowledged before me this 18 day of December, 2023, by Phyllis Dorman individually and Trustee who is/are personally known to me, or who has/have produced Florida Drivers License as identification.



State of Florida  
Signature of Notary Public [Signature]



Planning Division  
 PO BOX 490, Station 11  
 Gainesville, FL 32627  
 Ph: 352-334-5023  
 Email: [planning@gainesvillefl.gov](mailto:planning@gainesvillefl.gov)

## Property Owner Affidavit

Property Information
Tax Parcel Number(s): 06972-000-000
Property Address: 4329 SW 47th Way, Gainesville, FL 32608
Describe Application Type: Rezoning and Small Scale Comprehensive Plan Amendment.

Owner(s) of Record
Name(s): Jill R Rosier
Company:
Mailing Address: 4329 SW 47th Way, Gainesville, FL 32608
Phone: _____ Email: _____

Applicant/Project Coordinator
Name: Mark Shelton, AICP
Company: Kimley-Horn and Associates, Inc.
Mailing Address: 12740 Gran Bay Pkwy W, Ste 2350, Jacksonville, FL 32258
Phone: 904 828 3900 E-mail: <a href="mailto:Mark.Shelton@Kimley-Horn.com">Mark.Shelton@Kimley-Horn.com</a>

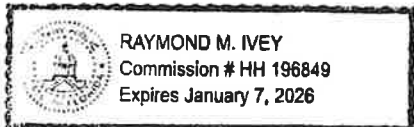
I hereby certify that I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property Owner Signature: *Jill R Rosier*

Date: December 15, 2023

Printed Name: Jill S Rosier

The foregoing affidavit is acknowledged before me this 15<sup>th</sup> day of December, 2023, by Jill S. Rosier who is/are personally known to me, or who has/have produced Driver License as identification.



State of Florida  
 Signature of Notary Public *Raymond Ivey*



**EXHIBIT 3**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION****Parcel ID: 06973-000-000**

Lots Twenty (20) and Twenty-One (21), of RIDGELANDS SUBDIVISION, a subdivision as per plat thereof recorded in Plat Book "D", Page 74 of the Public Records of Alachua County, Florida.

Together with that Mobile Home described as follows: Vehicle Identification Number 0673553097; Title Number 279-3020, being a 1967 Cam Mobile Home, 13 ft. wide and 52 feet long, Class 51, type HS.

**Parcel ID: 06972-000-000**

**Commence at the Southwest corner of Lot 19 of RICELANDS SUBDIVISION, as recorded in Plat Book "D", Page 74, of the Public Records of Alachua County, Florida, and run North 0 Degrees 02 Minutes East 301.5 feet, along the West line of said Lot 19, to the Point Of Beginning; thence continue North 0 Degrees 02 Minutes East, along said West line, 778.1 feet to the Southerly right-of-way line of Riceland Road (60' R/W), thence run North 60 Degrees 00 minutes East 240.2 feet, along said right-of-way line to the East line of said Lot 19, thence run South 0 Degrees 02 Minutes West 900 feet, along the East line of said Lot 19; thence run North 88 Degrees 34 Minutes West 208 feet to the point of beginning, all being and lying in Section 22, Township 10 South, Range 19 East, Alachua County, Florida.**

**Parcel No. 06972-000-000**

**Property Address: 4329 SW 47<sup>th</sup> Way, Gainesville, FL 32608**

**EXHIBIT 4**  
**TAX RECORD CARDS**



### Parcel Summary

Parcel ID 06972-000-000  
 Prop ID 63215  
 Location Address 4329 SW 47TH WAY  
 GAINESVILLE, FL 32608  
 Neighborhood/Area 12522204  
 Subdivision RICELANDS SD  
 Legal Description RICELANDS PR D-74(LOT 1V L&S 1 ACRE SOLD JOHN JONEL DOB 2997213 OR 15447444 DR 50721518  
 Property Use Code SINGLE FAMILY (00100)  
 Sec/Twp/Rng 22-19-19  
 Tax Area GAINESVILLE (3600)  
 Acres 4  
 Homesteaded True



### Valuation

#### Millage Rate Value

Millage Rate: 22.1775

#### Owner Information

ROSIER JILL R  
 4329 SW 47TH WAY  
 GAINESVILLE, FL 32606-4907

#### Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Improvement Value	\$52,646	\$47,138	\$38,737	\$38,531	\$38,531
Land Value	\$7,000	\$7,000	\$7,000	\$7,000	\$7,000
Land Agricultural Value	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Agricultural (Market) Value	\$21,000	\$21,000	\$21,000	\$21,000	\$21,000
Just (Market) Value	\$90,646	\$78,138	\$66,737	\$66,531	\$66,531
Assessed Value	\$38,906	\$27,860	\$26,845	\$26,378	\$26,628
Exempt Value	\$38,906	\$24,860	\$25,000	\$25,000	\$25,000
Taxable Value	\$0	\$3,000	\$11,845	\$11,378	\$10,628
Maximum Save Our Homes Portability	\$23,740	\$19,278	\$11,892	\$12,153	\$12,903

\*Just (Market) Value\* description: This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

### TRIM Notice



#### Land Information

Land Use	Land Use Desc	Acres	Square Feet	Est Frontage	Depth	Zoning
0115	SFR ACREAGE	3.00	43540	0	0	R-2
0115	SFR ACREAGE	3.00	130680	0	0	R-2

#### Building Information

Type	SINGLE FAMILY	Heat	NONE
Total Area	933	HCEV	NONE
Heated Area	741	HVAC	HIGH
Exterior Walls	BELOW AVERAGE; CB STUCCO	Bathrooms	1.0 Bath
Interior Walls	PLASTER	Bedrooms	1 BEDROOM
Roofing	ASPHALT	Total Rooms	
Roof Type	GABLE/HIP	Stories	1.0
Frame		Actual Year Built	1900
Floor Cover	SHEET VINYL	Effective Year Built	1970

#### Sub Area

Type	Description	Sq Footage	Quality	Imprv Use	Imprv Use Descr
BAS	BASE AREA	458	3	0100	SINGLE FAMILY
FUS	FINISHED UPPER STORY	285	3	0100	SINGLE FAMILY
USP	UNFINISHED PORCH	192	3	0100	SINGLE FAMILY

Type	Description	Sq Footage	Quality	Imprv Use	Imprv Use Descr
2021	SHED 1	156		R2	RES
2181	STABLE 1	1,368		R2	RES
2420	WELL/SEPT	1		R5	RES

#### Sales

Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee	Link to Official Records
2/24/2023	\$100	WD	5072	1598	Unqualified (U)	Improved	ROSIER JILL	ROSIER JILL	<input type="text"/>
6/1/1985	\$100	OD	1554	944	Unqualified (U)	Improved		* UNASSIGNED	<input type="text"/>
7/1/1981	\$36,000	WD	1256	622	Qualified (Q)	Improved			<input type="text"/>

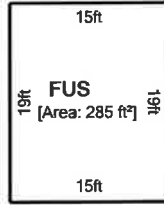
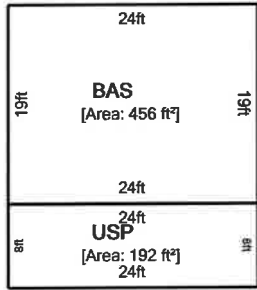
Official Public Records information is provided by the Alachua County Clerk's Office. Clicking on these links will direct you to their web site displaying the document details for this specific transaction.

#### Permits

Permit Number	Type	Primary	Active	Issue Date	Value
9200000	OVER THE COUNTER INSPECT	Yes	No	12/31/1992	\$0

Our permitting information is pulled from the Alachua County Permitting Offices. Permitting information shown here is all the Property Appraiser has on file for this property. Any detailed questions about permits should be directed to the Permitting Offices.

#### Sketches



Map



No data available for the following modules: Extra Features, Photos.



### Parcel Summary

Parcel ID: 06973-000-000  
 Prop ID: 62927  
 Location Address: 4301 SW 47TH WAY, GAINESVILLE, FL 32608  
 Neighborhood/Area: 12532204  
 Subdivision: RICELANDS S/D  
 Legal Description: RICELANDS PFD: 74 LOTS 20 & 21 AS PER DB 027/250 OR 1742/1215 6 OR 4203/1951  
 Property Use Code: DARIEN/FEEDLTS (04800)  
 Sec/Tier/Blk: 22-10-19  
 Tax Area: GAINESVILLE (2600)  
 Acres: 8.41  
 Home/landed: False

No Image Available

[View Map](#)

### Millage Rate Value

Millage Rate: 22.1775

### Owner Information

ROSIER, MARY C TRUSTEE  
 621 NW 36TH ST  
 GAINESVILLE, FL 32607-2444

### Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Improvement Value	\$81,920	\$70,292	\$44,408	\$63,998	\$63,998
Land Value	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
Land Agricultural Value	\$7,400	\$7,400	\$7,400	\$7,400	\$7,400
Agricultural (Market) Value	\$88,920	\$88,920	\$88,920	\$88,920	\$88,920
Just (Market) Value	\$182,840	\$171,212	\$165,328	\$164,918	\$164,918
Assessed Value	\$97,921	\$89,692	\$53,808	\$43,358	\$43,358
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$97,921	\$89,692	\$53,808	\$43,358	\$43,358
Maximum Save Our Homes Portability	\$2,299	\$0	\$0	\$0	\$1,198

\*Just (Market) Value\* description: This is the value established by the Property Appraiser for all valuation purposes. This value does not represent anticipated selling price.

### TRIM Notice



### Land Information

Land Use	Land Use Desc	Acres	Square Feet	Eft. Frontage	Depth	Zoning
6810	H031ES	7.41	322779.6	0	0	R-2
0115	SFRACREAGE	1.00	43560	0	0	R-2

### Building Information

Type	SINGLE FAMILY	Heat	ELECTRIC
Total Area	1918	HG&V	CONVECTION
Heated Area	1236	HVAC	NONE
Exterior Walls	ALBESTOIDS	Bathrooms	2.0 Baths
Interior Walls	PLASTER	Bedrooms	3 BEDROOMS
Roofing	ASPHALT	Total Rooms	
Roof Type	GABLE/HIP	Stories	1.0
Frame		Actual Year Built	1957
Floor Cover	PINE/SOFT WOOD	Effective Year Built	1957

Type	MH PRE 1977	Heat	GAS
Total Area	552	HG&V	FORCED AIR
Heated Area	552	HVAC	NONE
Exterior Walls	MODULAR METAL	Bathrooms	1.0 Baths
Interior Walls	PANEL	Bedrooms	2 BEDROOMS
Roofing	MODULAR METAL	Total Rooms	
Roof Type	FLAT	Stories	1.0
Frame		Actual Year Built	1972
Floor Cover	CARPET, VINYL TILE	Effective Year Built	1972

Type	SOH MISC	Heat	
Total Area	483	HG&V	
Heated Area		HVAC	
Exterior Walls		Bathrooms	
Interior Walls		Bedrooms	
Roofing		Total Rooms	
Roof Type		Stories	1.0
Frame		Actual Year Built	0
Floor Cover		Effective Year Built	1957

### Sub Area

Type	Description	Sq. Footage	Quality	Imprv Use	Imprv Use Descr
BAS	BASE AREA	360	2	0100	SINGLE FAMILY
BAS	BASE AREA	876	2	0100	SINGLE FAMILY
USP	UNFIN ENCL PORCH	306	2	0100	SINGLE FAMILY
UGR	UNFINISHED GARAGE	252	2	0100	SINGLE FAMILY
USP	UNFIN SCREENED PORCH	84	2	0100	SINGLE FAMILY
USP	UNFIN SCREENED PORCH	40	2	0100	SINGLE FAMILY

Type	Description	Sq. Footage	Quality	Imprv Use	Imprv Use Descr
BAS	BASE AREA	552	1	0700	MH PRE 1977

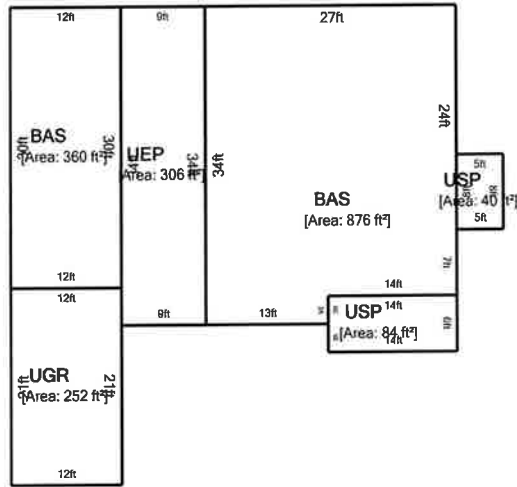
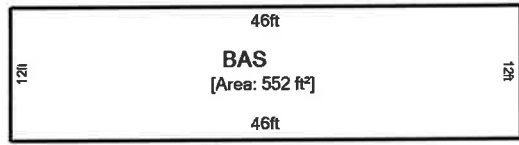
Type	Description	Sq. Footage	Quality	Imprv Use	Imprv Use Descr
2021	SHED 1	168		R2	RES
2221	STG 1	315		R2	RES

### Sales

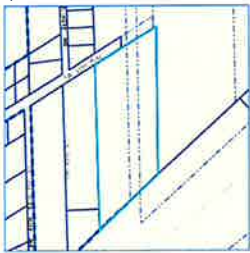
Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee	Link to Official Records
6/11/2013	\$100	WD	4203	1951	Unqualified (U)	Improved	* ROSIER MARY C TRUSTEE	ROSIER MARY C	
7/21/1989	\$60,000	WD	1742	1215	Qualified (Q)	Improved	* ROSIER MARY C TRUSTEE	* ROSIER	

Official Public Records information is provided by the Alachua County Clerk's Office. Clicking on these links will direct you to their website displaying the document details for this specific transaction.

### Sketches



Map



No data available for the following modules: Extra Features, Permits, Photos.



SW 47<sup>th</sup> Multi-Family  
Rezoning Application

**EXHIBIT 5**  
**DEEDS**



PREPARED BY AND RETURN TO:  
A. Scott Toney, Esquire  
804 Northwest 16th Avenue, Suite B  
Gainesville, FL 32601  
(352) 376-6800  
Property Identification No.: 06973-000-000

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2797034 1 PG(5)  
June 14, 2013 11:59:00 AM  
Book 4203 Page 1951  
J. K. IRBY, Clerk of Circuit Court  
ALACHUA COUNTY, Florida

Doc Stamp-Deed: \$0.70  


**WARRANTY DEED**

**THIS WARRANTY DEED**, executed this 11<sup>th</sup> day of June, 2013, by **MARY C. ROSIER**, an individual, whose post office address is 611 NW 36<sup>th</sup> Street, Gainesville, Florida 32607, Grantor, to **MARY C. ROSIER**, as Trustee of the **MARY C. ROSIER REVOCABLE TRUST** under Agreement dated June 11, 2013, with full power and authority to protect, conserve and to sell, or to lease or to encumber, or otherwise to manage and dispose of the real property described herein, and whose post office address is 611 NW 36<sup>th</sup> Street, Gainesville, Florida 32607, Grantee:

**WITNESSETH**, That the Grantor for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in the County of Alachua, State of Florida, to-wit:

Lots Twenty (20) and Twenty-One (21), of RIDGELANDS SUBDIVISION, a subdivision as per plat thereof recorded in Plat Book "D", Page 74 of the Public Records of Alachua County, Florida.

Together with that Mobile Home described as follows: Vehicle Identification Number 0673553097; Title Number 279-3020, being a 1967 Cam Mobile Home, 13 ft. wide and 52 feet long, Class 51, type HS.

**NOTE TO PROPERTY APPRAISER:**

The land described herein is not the homestead of the grantor(s), and neither the grantor(s) nor the grantor(s) spouse, nor anyone for whose support the grantor(s) is responsible, resides on or adjacent to said land.

**SUBJECT TO:** Taxes and assessments for the current year and all subsequent years.

**SUBJECT TO:** Conditions, restrictions, limitations, easements and utility agreements of record, if any.

**TOGETHER** with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

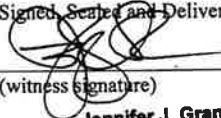
**TO HAVE AND TO HOLD** the same in fee simple forever.

TITLE TO THE LANDS DESCRIBED HEREIN HAS NOT BEEN EXAMINED BY A. SCOTT TONEY, P.A. AND NO WARRANTY OR OTHER REPRESENTATION IS MADE AS TO THE MARKETABILITY OR CONDITION OF THE TITLE. THIS INSTRUMENT WAS PREPARED AND BASED SOLELY UPON INFORMATION PROVIDED BY GRANTOR.

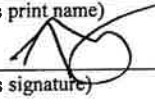
**AND** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing in the current year.

**IN WITNESS WHEREOF**, the said Grantor has signed and sealed these presents the day and year first above written.


Signed, Sealed and Delivered in the presence of:

  
\_\_\_\_\_  
(witness signature)  
**Jennifer J. Grantham**

\_\_\_\_\_  
(witness print name)

  
\_\_\_\_\_  
(witness signature)  
**A. Scott Toney**

\_\_\_\_\_  
(witness print name)

  
\_\_\_\_\_  
**MARY C. ROSIER**  
611 NW 36<sup>th</sup> Street, Gainesville, Florida 32607

State of Florida  
County of Alachua

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared **MARY C. ROSIER**, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid, this 11<sup>th</sup> day of June, 2013.

My commission expires:



  
\_\_\_\_\_  
NOTARY PUBLIC

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 3474852 2 PG(S)

2/24/2023 11:22 AM  
BOOK 5072 PAGE 1598  
J.K. JESS IRBY, ESQ.  
Clerk of the Court, Alachua County, Florida  
ERECORDED Receipt # 1132317  
Doc Stamp-Mort: \$0.00  
Doc Stamp-Deed: \$0.70  
Intang. Tax: \$0.00

Prepared by and return to:

A. Scott Toney, Esq.  
The Toney Law Firm  
925 NW 56th Terrace  
Park Avenue - Suite B  
Gainesville, FL 32605  
(352) 376-6800  
File No.: RE21-168

Parcel Identification No.: 06973-000-000

[Space Above This Line For Recording Data]

## WARRANTY DEED

(STATUTORY FORM - SECTION 689.02, F.S.)

This indenture made the 24 day of February, 2023, between Sharon Lee Patrick f/k/a Sharon Lee Pelzer, a married woman ("Grantor"), as to non-homestead property, given to second party, Jill Rosier f/k/a Jill Rosier Lins, an unmarried woman, whose post office address is 4329 SW 47<sup>th</sup> Way, Gainesville, FL 32608:

Witnesseth, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Alachua County, Florida, to-wit:

Commence at the Southwest corner of Lot 19 of RICELANDS SUBDIVISION, as recorded in Plat Book "D", Page 74, of the Public Records of Alachua County, Florida, and run North 0 Degrees 02 Minutes East 301.5 feet, along the West line of said Lot 19, to the Point Of Beginning; thence continue North 0 Degrees 02 Minutes East, along said West line, 778.1 feet to the Southerly right-of-way line of Riceland Road (60' R/W), thence run North 60 Degrees 00 minutes East 240.2 feet, along said right-of-way line to the East line of said Lot 19, thence run South 0 Degrees 02 Minutes West 900 feet, along the East line of said Lot 19; thence run North 88 Degrees 34 Minutes West 208 feet to the point of beginning, all being and lying in Section 22, Township 10 South, Range 19 East, Alachua County, Florida.

Parcel No. 06972-000-000

Property Address: 4329 SW 47<sup>th</sup> Way, Gainesville, FL 32608

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.


**TO HAVE AND TO HOLD** the same in fee simple forever.

And Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

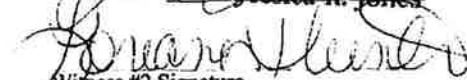
The land described herein is not the homestead of the grantor(s), and neither the grantor(s) nor the grantor(s) spouse, nor anyone for whose support the grantor(s) is responsible, resides on or adjacent to said land.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


  
Witness #1 Signature  
Print Name: Jessica R. Jones

  
Sharon Lee Patrick f/k/a Sharon Lee Pelzer

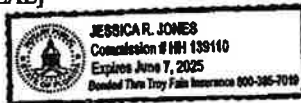
  
Witness #2 Signature  
Print Name: Loriann Hunter

State of Florida  
County of Alachua

The foregoing instrument was acknowledged before me  by means of physical presence or  online notarization, this 24 day of February, 2023, by Sharon Lee Patrick f/k/a Sharon Lee Pelzer,  who is personally known to me or  who produced a current driver's license as identification.

  
Signature of Notary Public

[SEAL]



**EXHIBIT 6**  
**JUSTIFICATION REPORT**

## Rezoning and Small-Scale Land Use Amendment Justification

### SW 47<sup>th</sup> Way Multi-Family

December 15, 2023, as revised January 29, 2024

#### I. Project Overview

The subject parcels were voluntarily annexed into the City of Gainesville in 2022. Therefore, this application is requesting a small-scale comprehensive plan amendment and rezoning from Alachua County designations to City of Gainesville designations. The subject property is currently in the Medium Density (MD) Alachua County future land use designation and the Applicant is requesting the Residential Low-Density City of Gainesville future land use designation. The Applicant is also requesting to change the subject property from Residential Multi-Family (R-2, Alachua County) zoning to Residential Multi-Family (RMF-5) zoning within the City of Gainesville.

The proposed project intends to develop the subject parcels as multi-family residences, which will serve as a transition from the easterly adjacent HCA Florida Gainesville Emergency Center and manufacture/mobile home park to the existing westerly adjacent single-family residential development. Additionally, it should be noted that permitted residential uses in the RMF-5 zoning designation include multi-family dwellings, single-family dwellings, attached dwelling (up to 6 attached units), and multi-family small-scale (2-4 units per building). Additionally, the development of the subject parcels constitutes as infill redevelopment in a location with existing infrastructure, urban services, and employment opportunities.

#### II. Quantitative Data

- A. Tax Identification Numbers: 06973-000-000 and 06972-000-000
- B. Total Acres: +/- 12.41 acres
- C. Existing Future Land Use Designation: Medium Density (Alachua County)
- D. Requested Future Land Use Designation: Residential Low Density (City of Gainesville)
- E. Existing Zoning: R-2 (Alachua County)
- F. Requested Zoning: RMF-5 (City of Gainesville)
- G. Existing Use: Single-Family Residential (2 homes)
- H. Proposed Use: Multi-Family Residential
- I. Surrounding Zoning and Future Land Use Designations:

	Zoning	Future Land Use
<b>North</b>	Single Family (R-1A)	Medium Density (>4-du/acre)
<b>South</b>	Business Industrial (BI)	Business Industrial
<b>East</b>	Medical Services (MD)	Office
<b>West</b>	Single Family (R-1A)	Medium Density (>4-du/acre)

**III. Application Questions**

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?

*There are not any properties or vacant buildings within ½ mile of the site that have RMF-5 zoning and/or Residential Low Density land use designation.*

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:

- i. Residential streets:

*The subject request involves residential development.*

- ii. Noise and lighting:

*The subject request involves residential development.*

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?

*The proposed project is within the St Johns River Water Management District (SJRWMD) and will meet applicable City of Gainesville, Alachua County, and SJRWMD environmental requirements. The subject parcels are in flood zone A and development of the proposed project will not impact any creeks, lakes, floodplains, greenways, or other environmental factors. The proposed project is northwest of the Fred Bear Hammock Strategic Ecosystem. Redevelopment of the subject site will not impact this ecosystem.*

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

- i. Property in a historic district or property containing historic structures?
- ii. Property with archaeological resources deemed significant by the State?

*This request does not involve a historic district or property containing historic structures or archaeological resources deemed significant by the State.*

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

*The proposed development is best described as redevelopment and urban infill.*

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

*The proposed change will allow the intended multi-family project to develop as infill development between existing single-family residential, existing medical office (HCA Florida, Gainesville), and a manufactured/mobile home park. Therefore, the proposed change is compatible with the surrounding development and will provide an ideal residential intensity transition between the hospital and the existing single-family homes.*

## SW 47<sup>th</sup> Way Multi-Family Rezoning and Land Use Amendment Application

*Additionally, the requested RMF-5 zoning designation allows single-family, single-family attached, and multi-family residential uses. Although the intended use is multi-family, the requested zoning ensures that the subject property will be developed in a manner compatible with surrounding development.*

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

*The proposed project will provide a diversity of housing in a location proximate to employment opportunities. Construction of the intended multi-family residences will provide jobs and the redevelopment of subject property will increase the subject property value as well as the surrounding property values. Therefore, the requested land use and zoning will also result in an increased tax base for the City.*

8. What impacts will the proposed change have on level of service standards?

i. Roadways:

*The subject parcels front along SW 44<sup>th</sup> St (local road) and the unimproved terminus of SW 47<sup>th</sup> Way (local road). SW 44<sup>th</sup> St connects directly to SW Archer Road (NE State Rd 24).*

*The Applicant understands that the unimproved section of SW 47<sup>th</sup> Way that connects to the subject properties will need to be improved at the time of development. The Applicant also understands that HCA Gainesville plans to connect to SW 47<sup>th</sup> Way, but may not be improving SW 47<sup>th</sup> Way. The proposed development will meet all City of Gainesville concurrency management system and transportation mobility program requirements. The details for and confirmation of meeting the requirements will be coordinated with City Staff during development review.*

ii. Recreation:

*The proposed project will increase the resident population in the City of Gainesville, however it is not anticipated that this minor increase will impact the City's recreation level of service. Additionally, it is understood that the development must meet all concurrency management system requirements. The details for and confirmation of meeting the requirements will be coordinated with City Staff during development review.*

iii. Water & Wastewater:

*The proposed project will connect to central water and sewer. Due to the size of the project, it is not anticipated that the proposed development will have an impact on the water and wastewater level of service. The proposed project is within the GRU water and wastewater service area.*

iv. Solid Waste:

*Due to the size of the project, it is not anticipated the proposed development will have an impact on the solid waste level of service.*

## v. Mass Transit:

*The proposed development fronts along SW 44<sup>th</sup> St, which connects directly to SW Archer Road (NE State Rd 24). There are multiple existing bus stops on the both sides of SW Archer Road (< 0.25 miles from the project site). Due to the existing bus stops in proximity and the size of the proposed project, it is not anticipated the proposed development will have an impact on the mass transit level of service. However, it is understood the proposed development will meet all City of Gainesville concurrency management system and transportation mobility program requirements. The details for and confirmation of meeting the requirements will be coordinated with City Staff during development review.*

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

*The proposed project fronts along two local roads (SW 44<sup>th</sup> St and SW 47<sup>th</sup> Way) which do not have pedestrian facilities or bikeways. However, SW 44<sup>th</sup> St connects directly to SW Archer Road (NE State Rd 24). where there are multiple existing bus stops on both sides of the road and a multi-use path along the south side of the road (< 0.25 miles from the project site).*

*Additionally, the proposed development will provide sidewalks as required by Comprehensive Plan Transportation Mobility Element Policy 1.1.3. As this area continues to develop and all new developments provide required sidewalks, it is reasonable to conclude that the site will be further accessible by transit, bikeways and pedestrian facilities.*

**IV. Justification**

The requested small scale land use amendment and rezoning are compatible with the surrounding development and meet the intent of the City of Gainesville's Comprehensive Plan. This request will facilitate compatible infill development in a location serviced by existing infrastructure and urban services. Additionally, the intended multi-family development will provide a buffer from HCA Gainesville (medical) and the manufactured/mobile home park to the single-family residential uses along SW 47<sup>th</sup> Street.

The requested land use amendment and rezoning are further justified by meeting the following City of Gainesville Comprehensive Plan goals, objectives, and policies.

**Future Land Use 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.

*The proposed project intends to provide multi-family housing in a location with existing single-family homes. The intended multi-family housing will serve as a transition between HCA Gainesville, the manufactured/mobile home and the existing single-family homes. Therefore, through this rezoning and land use amendment application, the subject property will contribute to the existing mix of uses and provide a diversity of housing types along SW 47<sup>th</sup> Way.*



## **Future Land Use 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.

*The proposed project constitutes as infill development in a location with existing infrastructure and residential and medical office uses directly adjacent to the project site. Therefore, redevelopment of the subject parcels fosters a compact development pattern that promotes transportation choice. The intended development is not urban sprawl.*

## **Future Land Use Objective 1.5**

Discourage the proliferation of urban sprawl.

*The proposed project is infill development adjacent to HCA Gainesville (medical office), a manufactured/mobile home park and single-family homes (residential). Therefore, the proposed project is not urban sprawl.*

## **Future Land Use Policy 1.5.7**

The Future Land Use Map should designate appropriate areas for multi-family residential development in close proximity to neighborhood centers and important transit routes. When appropriate and in a way not detrimental to single-family neighborhoods, the City should encourage the establishment of residential, retail, office, and civic uses within ¼ mile of the center of neighborhood centers as an effective way to reduce car trips and promote transit, walking, and bicycling.

*The subject project intends to develop multi-family residential in a location adjacent to HCA Gainesville, a manufactured/mobile home park, and existing single-family homes. The project fronts along SW 44<sup>th</sup> Street, which connects directly NE SR 24, a state road.*

## **Future Land Use Goal 2**

Redevelop areas within the City, as needed, in a manner that promotes quality of transportation choice, a healthy economy, and discourages sprawl.

*The proposed project will redevelop the existing single-family homes on the property as infill development that creates a diversity of housing along SW 47<sup>th</sup> Way. Additionally, the proposed project is between the HCA Gainesville, a manufactured/mobile home park and existing single-family homes. Thus, redevelopment of the subject property as the intended multi-family residential use will not be urban sprawl. Further, the proposed development will contribute to housing options within walking distance of the HCA Gainesville. This will provide HCA employees with a multi-family housing option within walking distance of their place of employment.*

## **Future Land Use Goal 4**


## SW 47<sup>th</sup> Way Multi-Family Rezoning and Land Use Amendment Application

The Future Land Use Element shall foster the unique character of the City by directing growth and redevelopment in a manner that: Uses neighborhood centers to provide goods and services to City residents; Protects neighborhoods; Distributes growth and economic activity throughout the City in keeping with the direction of this element; Preserves quality open space; and preserves the tree canopy of the City. The Future Land Use Element shall promote statewide goals for compact development and efficient use of infrastructure.

*The proposed project is compact infill development in a location that is serviced by urban services, has existing infrastructure, and is located between the existing medical office and a manufactured/mobile home park uses to the east and single-family residential to the west.*

**EXHIBIT 7**

**NEIGHBORHOOD WORKSHOP  
MATERIALS**



# Hillpointe SW 47<sup>th</sup> Way Multi-Family

Small-scale Comprehensive Plan Amendment  
(Ss-CPA) and Rezoning Neighborhood Workshop  
November 22, 2023

The meeting will start at 6:05 PM  
Your camera is disabled. Your microphone has been muted;  
you must request to be unmuted.

Use the Q&A or raise hand feature in Teams to ask a question.  
I will attempt to answer questions at the end of the  
presentation.

The meeting will be recorded.

2024-261A

Kimley»Horn

Expect More. Experience Better.



## The purpose of the neighborhood workshop:

- The City of Gainesville requires Ss-CPA and Rezoning applicants to host a neighborhood workshop.
- The purpose is to inform neighbors of the proposed action's nature and to get feedback early in the process.
- This meeting provides the applicant an opportunity to mitigate concerns prior to the application's submission.
- This is not a legislative or judicial hearing. Elected officials and government staff are not obligated to participate.

# Public Notification

Kimley»Horn

November 7, 2023

RE: Neighborhood Workshop:  
 Hillpointe Multi-Family Development

Dear Property Owner/Interested Individual:

Kimley-Horn and Associates, Inc. will hold a Neighborhood Workshop to discuss the Hillpointe, LLC Rezoning and Land Use Amendment related to the Hillpointe Multi-Family Development in Gainesville, Florida. The Workshop will be held virtually on Wednesday, November 22, 2023, at the following link:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-workshop?rpc=1>

The Neighborhood Workshop will be held virtually on Thursday, Wednesday, November 22, 2023. Representatives will be available during the Workshop to answer any questions. This is not a public hearing and representatives from City Government are not obligated to attend.

The purpose of the Neighborhood Workshop is to educate occupants and owners of nearby units about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. The required Neighborhood Workshop is being conducted in accordance with City of Gainesville ordinance number 200722 § 3. If you have questions about this pending application or the Workshop, please feel free to contact us at 823-374-3274 or [Joan.Lopez@kimleyhorn.com](mailto:Joan.Lopez@kimleyhorn.com).

Sincerely,  
 KIMLEY-HORN

Jose A. Lopez, Jr., P.E.

Neighborhood Workshop Player Contact on back

cc: ERI

© 2023 Kimley-Horn and Associates, Inc. All rights reserved. This document is the property of Kimley-Horn and Associates, Inc. and is not to be distributed, copied, or used in any way without the prior written consent of Kimley-Horn and Associates, Inc.

Kimley-Horn.com 800-397-7795 • 823-374-3274 • 305-374-3374

## NEIGHBORHOOD WORKSHOP

### Hillpointe Multi-Family Development

Kimley-Horn and Associates, Inc. will hold a Neighborhood Workshop to discuss the Hillpointe, LLC Rezoning and Land Use Amendment related to the Hillpointe Multi-Family Development in Gainesville, Florida. The Workshop will be held virtually on Wednesday, November 22, 2023, at the following link:

Workshop Location – Virtual Workshop:  
 Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-workshop?rpc=1>  
 Workshop ID: 276 464 261 262  
 Passcode: 6NKK4Q

#### Audio Only

+1 981-204-1696, 2227 20082# US  
 (833) 779-7795, 2227 20082# US (Toll-free)  
 Phone Conference ID: 222 720 082#

This Neighborhood Workshop is being conducted in accordance with City of Gainesville ordinance 200722 § 3. The purpose of the Neighborhood Workshop is to ensure the public has an adequate opportunity to learn about application that may affect them and to work with the applicator to resolve concerns at the early stage of the review and decision-making process.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status.

### NEIGHBORHOOD WORKSHOP

Date: Wednesday, November 22, 2023  
 Time: 6:00PM – 7:00PM

Location: Virtual via Microsoft Teams

<https://www.microsoft.com/en-us/microsoft-teams/join-a-workshop?rpc=1>  
 Workshop ID: 276 464 261 262  
 Passcode: 6NKK4Q



# Public Notification

## WHY WASN'T I NOTIFIED?

Per § 30-3.8. – Public notice

- Notices must be mailed to all addresses within 400 ft of the parcel and to all neighborhood associations registered with the city and located within one-half mile of the parcel. Mailed notification must be postmarked within 15 days of the workshop.
- Signs must be posted along the right-of way at high traffic areas within 15 days of the workshop.

Address labels are provided by the City of Gainesville. Contact the City if you feel you were not properly notified.

## Parcel Information and Technical Terms:

- Parcel ID: 06972-000-000, 06973-000-000
  - Combined Parcel Area: ±12.41 acres
- Comprehensive Plan
  - A broad plan created by the City that identifies a community's resources and the long-range community needs and goals.
- Land Development Code
  - A combination of rules that specifically state how land can be utilized to achieve the goals set out in the Comprehensive Plan.
- Future Land Use
  - Indicate the intended use and development density for a particular area.
- Zoning
  - Specifically defines the allowable uses and contains the applicable development and design criteria for those intended uses.
- Entitle
  - The condition of having a right to have, do, or get something





Contextual and Aerial Map



D:\Projects\2024\261A\Map\Aerial\AerialMap.dwg 11/20/2023 4:31 PM - COLTON DEKAMM

## **Intent:**

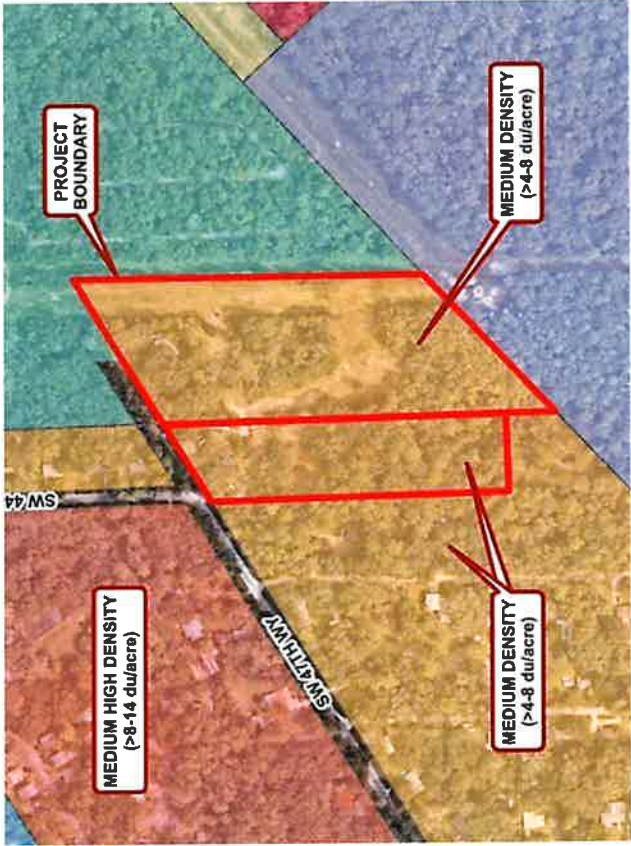
- Obtain development rights on the subject parcels so that a multi-family residential development can occur within the project area.
- Subject parcels currently consist of several existing residents

# Requests:

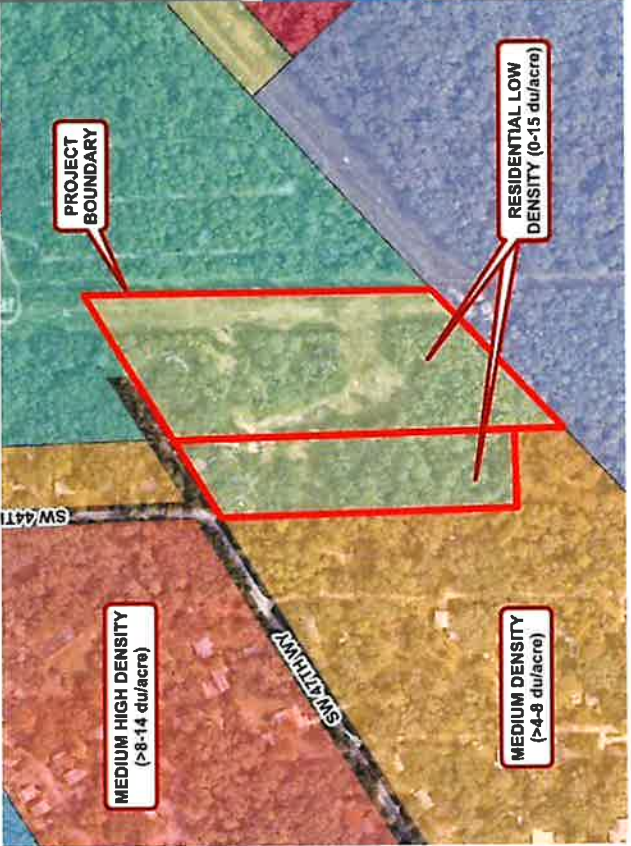
- **Ss-CPA Application**
  - From: Medium Density (County)
  - To: Residential Low Density (City)
- **Rezoning Application:**
  - From: Multi-Family, R-2 (County)
  - To: Residential, RMF-5 (City)



# Ss-CPA Application:

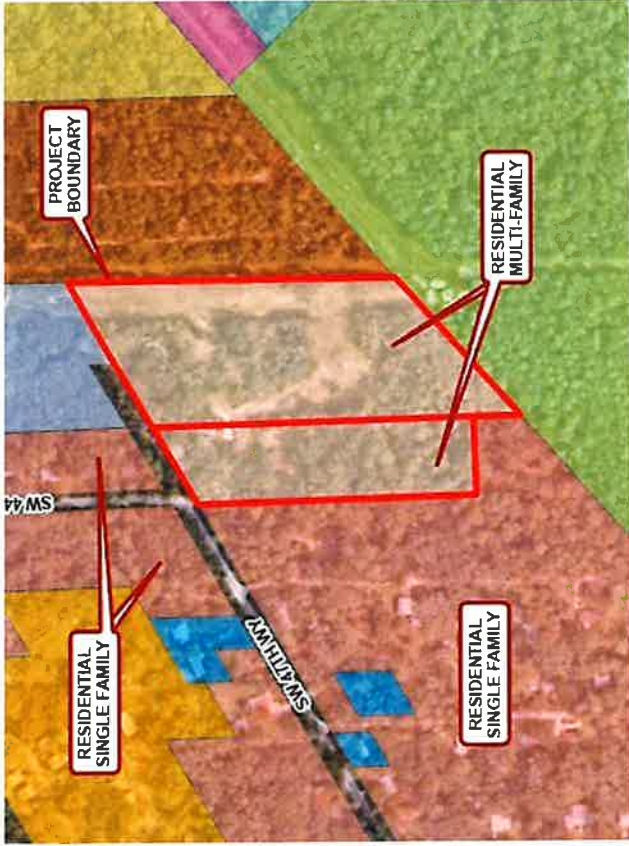


From: Medium Density (County)  
(>4-8 du/ac)



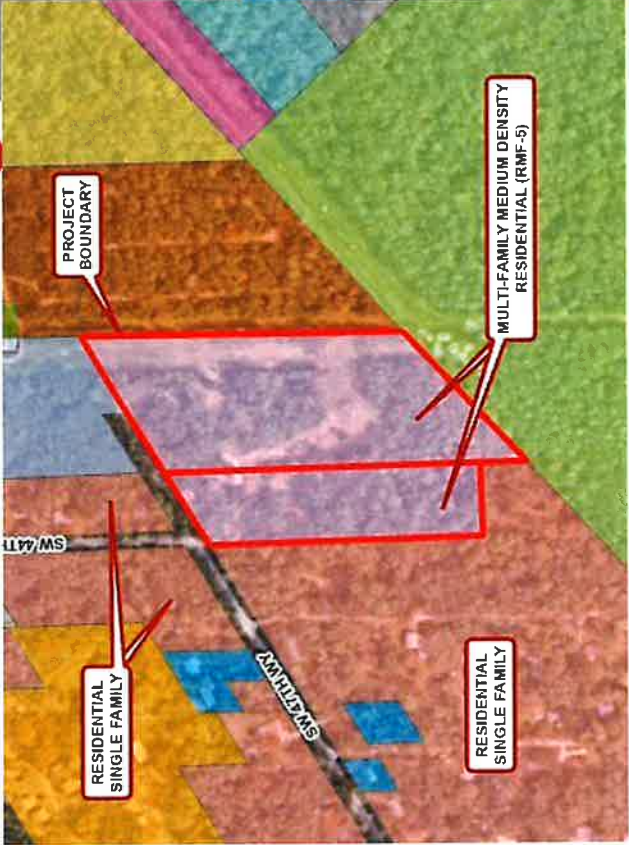
To: Residential Low Density (City)  
(0-15 du/acre)

# Rezoning Application:



From: Residential Multi-Family - R-2 (County)

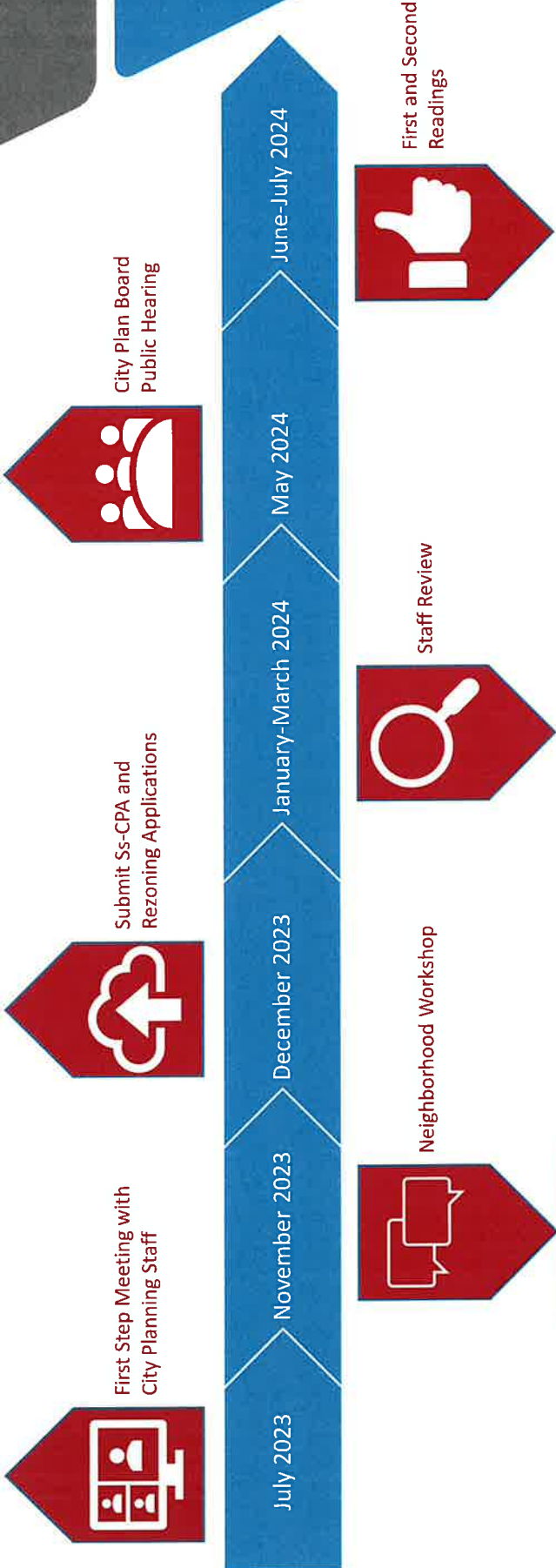
- Max. density by right: 8 units/acre
- Max. Building Height: 35 feet



To: Multi-Family Medium Density Residential - RMF-5 (City)

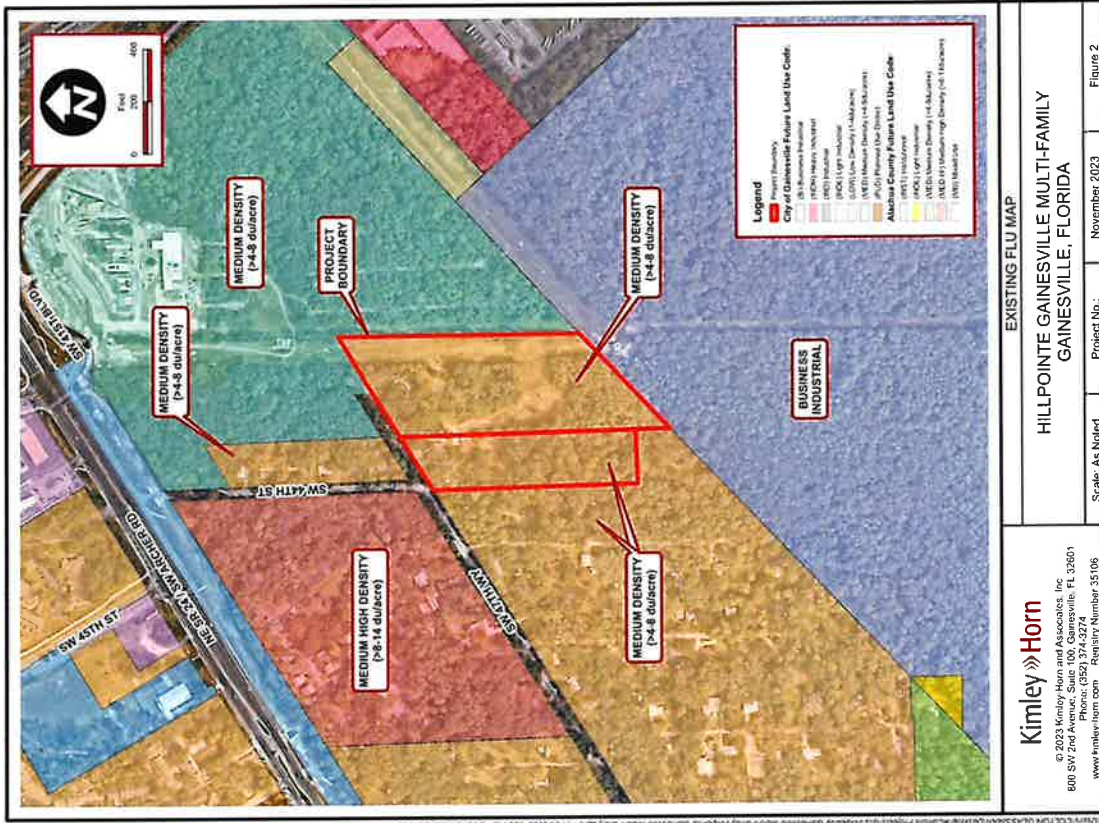
- Max. density by right: 12 units/acre
- Max. Building Height: 3 Stories

# Ss-CPA and Rezoning Timeline

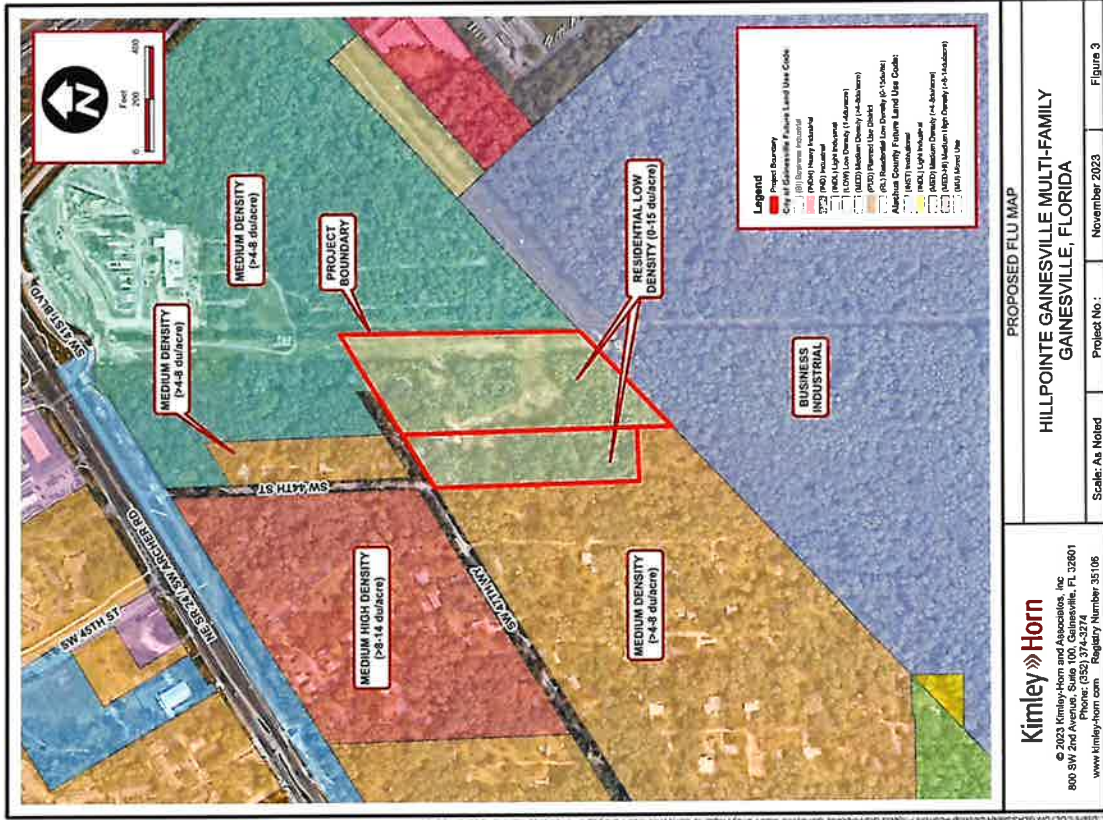


We are here

Existing Future Land Use Map  
 FLU: Medium Density (>4-8 du/acre)  
 (County)



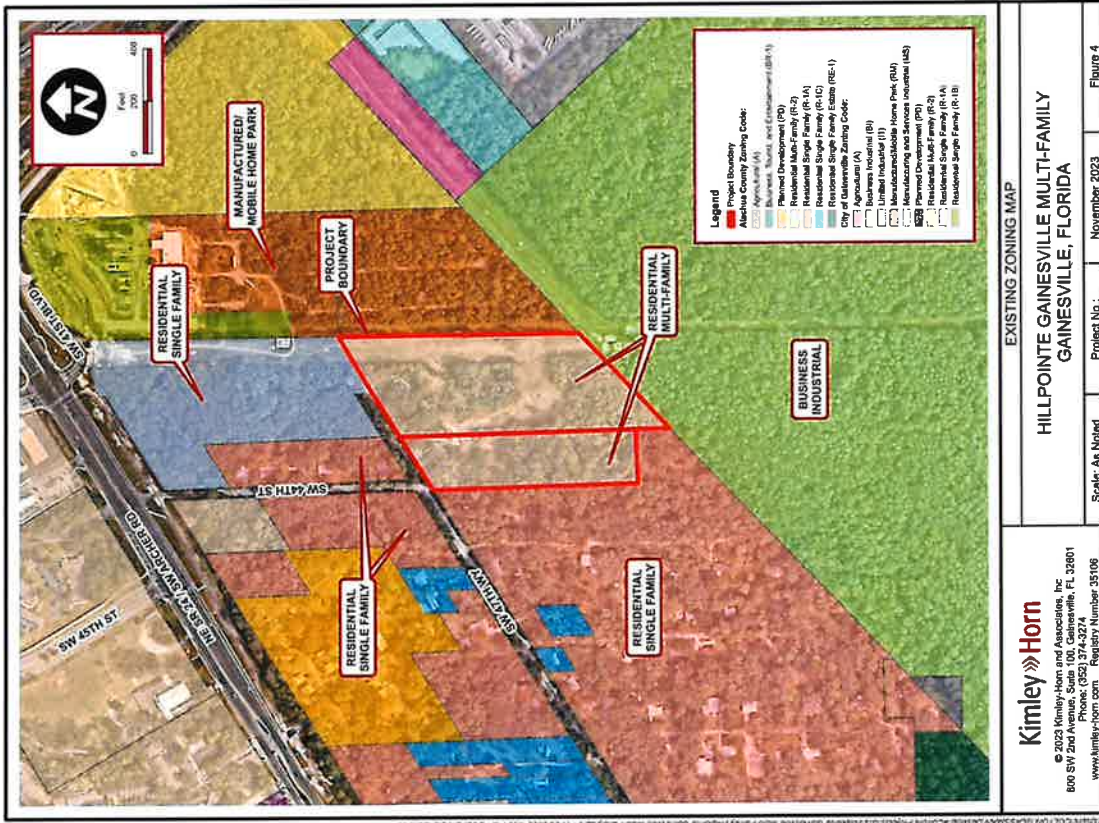
Proposed Future Land Use Map  
 FLU: Residential Low Density (0-15 du/acre)  
 (City)





Existing Zoning Map

Zoning District: Residential Multi-Family (R-2)  
(County)



C:\Users\jason\OneDrive\Documents\Projects\2023\2023 Hillpointe Multi-Family\Map\_Figure\_4 - 11/20/2023 4:59 PM - COLTON OLASMAN



# Permitted Uses (Alachua County)

Alachua County Unified Land Development Code, Chapter 404. – Use Regulations

## Article II: Use Table

Use	R-2
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling	P
Multiple-Family Dwelling	P
Residential over Commercial	P

### Legend

(P) – Use allowed by right

(L) – Limited Use

Left Blank – Use not allowed

# Permitted Uses (City of Gainesville)

City of Gainesville Land Development Code, §30-4.16. – Permitted Uses

Table V-4: Permitted Uses in Residential Districts

Use	RMF-5
Multi-Family Dwelling	P
Multi-Family, small scale (2-4 units per building)	P
Single Family Dwelling	P
Single Room Occupancy Residence	P

Legend

(P) – Use allowed by right

(S) – Use allowed by Special Use Permit Approval

(-) – Use not allowed

# Compatibility Buffers

City of Gainesville Land Development Code, §30-8.5. – Compatibility Buffers

Chart A: Land Use Buffer Types

Future Land Use Designation		
Adjacent Property → Subject Property ↓	Single Family Residential Low	Mixed-Use Low Mixed-Use Medium Urban Core Urban Mixed-Use Urban Mixed-Use High
Single-Family Residential Low	None	None
Commercial Business Industrial	C	A
		Commercial Business Industrial
		None
		None

Chart B: Required Width and Plantings for Buffer Types

Buffer Type	Minimum Width	Shade Trees (per 100 linear feet)	Understory Trees (per 100 linear feet)	Shrubs (per 100 linear feet)
A	9'	2	2	20
B	9'	3	2	20
C	15'	3	3	25

## Contact Information

Address: 800 SW 2<sup>nd</sup> Avenue, Suite 100  
Gainesville, FL 32601

Phone: 352-554-9792

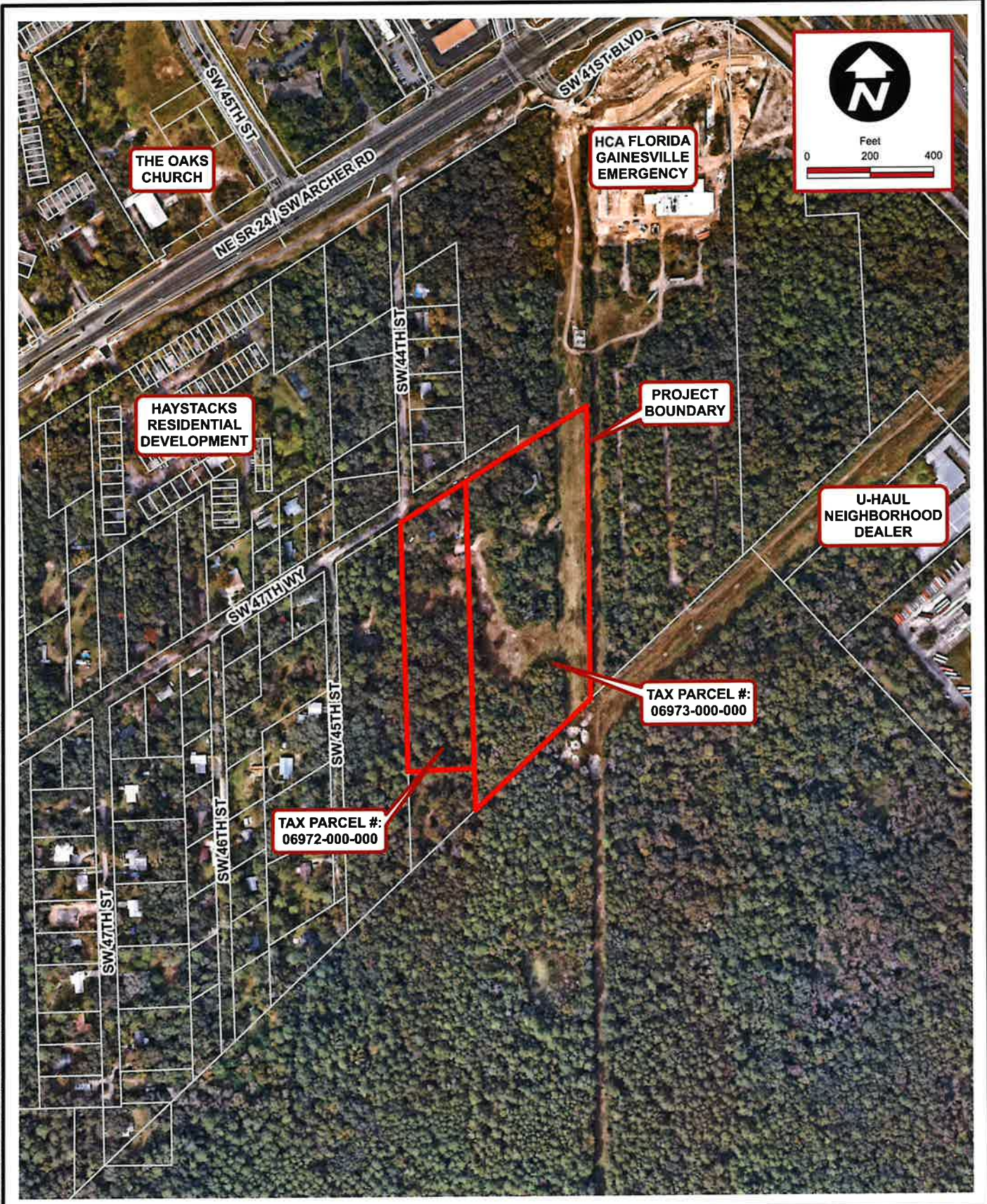
Email: [Jose.LopezJr@kimley-horn.com](mailto:Jose.LopezJr@kimley-horn.com)

**Kimley»»Horn**

2024-261A

**EXHIBIT 8**  
**SITE LOCATION MAP**

C:\Users\COLTON.GLASSMAN\Desktop\Current Projects\GIS\Hillpointe Gainesville Multi-Family\Hillpointe Gainesville Multi-Family.aprx - 11/20/2023 4:21 PM - COLTON GLASSMAN



# Kimley»Horn

© 2023 Kimley-Horn and Associates, Inc.  
 800 SW 2nd Avenue, Suite 100, Gainesville, FL 32601  
 Phone: (352) 374-3274  
[www.kimley-horn.com](http://www.kimley-horn.com) Registry Number 35106

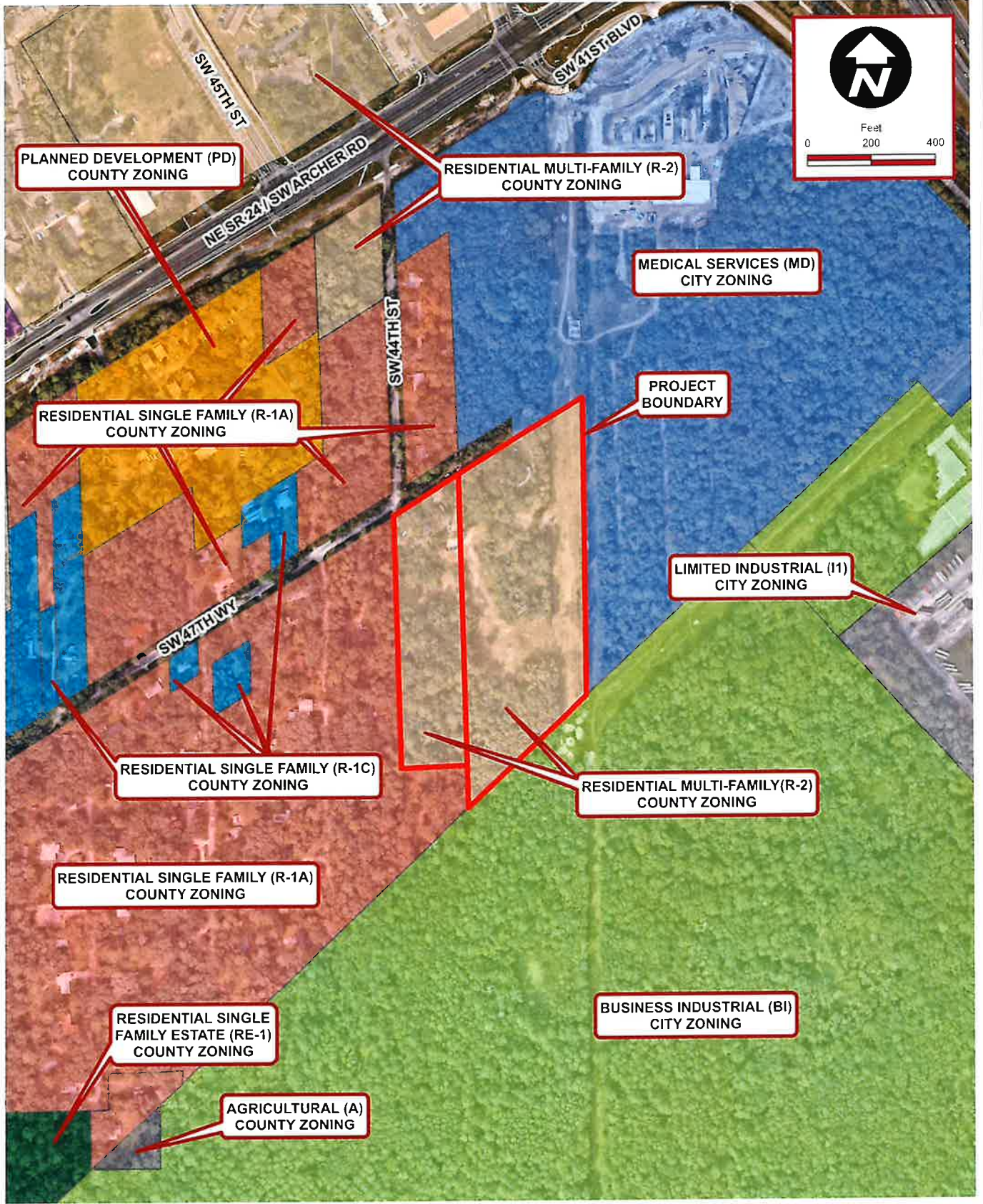
## AERIAL MAP

### HILLPOINTE GAINESVILLE MULTI-FAMILY GAINESVILLE, FLORIDA

Scale: As Noted	Project No.:	November 2023	Figure 1
-----------------	--------------	---------------	----------



**EXHIBIT 9**  
**EXISTING ZONING**



K:\GVL\_Civil\142957020-SW 47th Way Multi-Family\Neighborhood Workshop\GIS\Hillpointe Gainesville Multi-Family\Hillpointe Gainesville Multi-Family.aprx - 1/31/2024 3:00 PM - COLTON GLASSMAN

**Kimley » Horn**

© 2024 Kimley-Horn and Associates, Inc.  
 800 SW 2nd Avenue, Suite 100, Gainesville, FL 32601  
 Phone: (352) 374-3274  
[www.kimley-horn.com](http://www.kimley-horn.com) Registry Number 35106

EXISTING ZONING MAP

HILLPOINTE GAINESVILLE MULTI-FAMILY  
 GAINESVILLE, FLORIDA

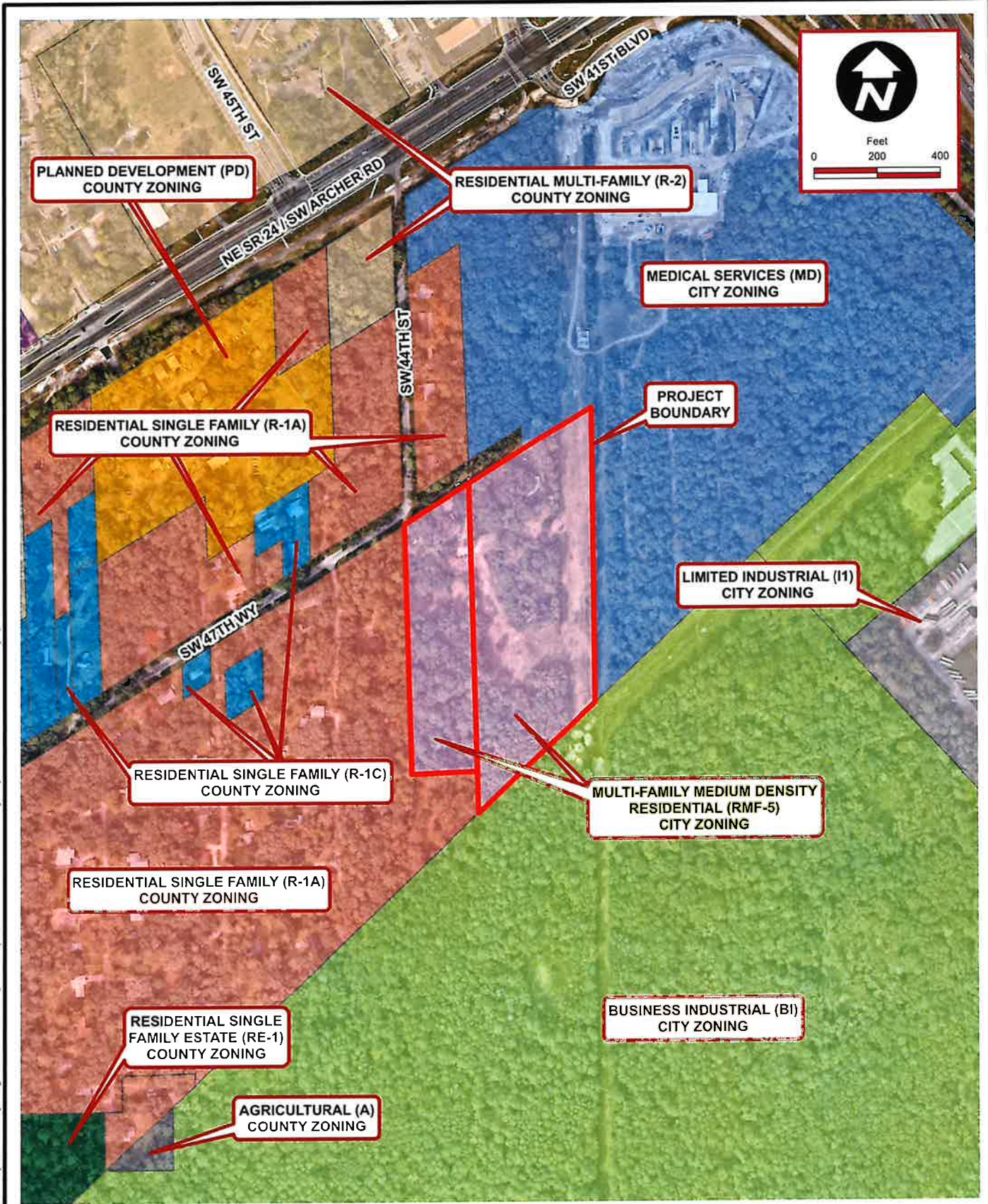
Scale: As Noted

Project No.: 142957020

February 2024

Figure 4

**EXHIBIT 10**  
**PROPOSED ZONING**



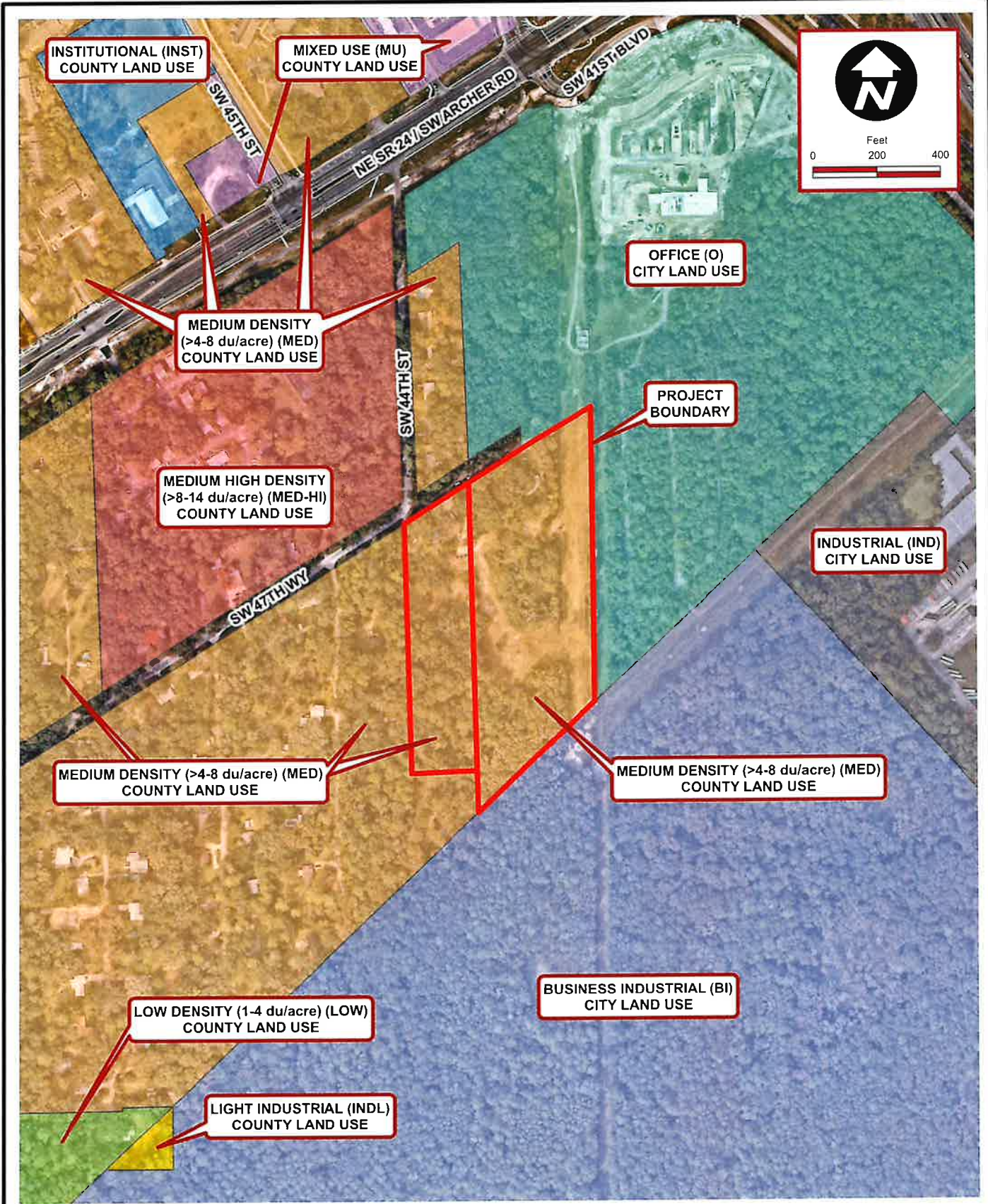
K:\GVL\_Civil\142957020-SW 47th Way Multi-Family\Neighborhood Workshop\GIS\Hillpointe Gainesville Multi-Family\Hillpointe Gainesville Multi-Family.aprx - 1/31/2024 2:50 PM - COLTON GLASSMAN

**Kimley»Horn**

© 2024 Kimley-Horn and Associates, Inc.  
 800 SW 2nd Avenue, Suite 100, Gainesville, FL 32601  
 Phone: (352) 374-3274  
[www.kimley-horn.com](http://www.kimley-horn.com) Registry Number 35106

PROPOSED ZONING MAP			
HILLPOINTE GAINESVILLE MULTI-FAMILY GAINESVILLE, FLORIDA			
Scale: As Noted	Project No.: 142957020	February 2024	Figure 5

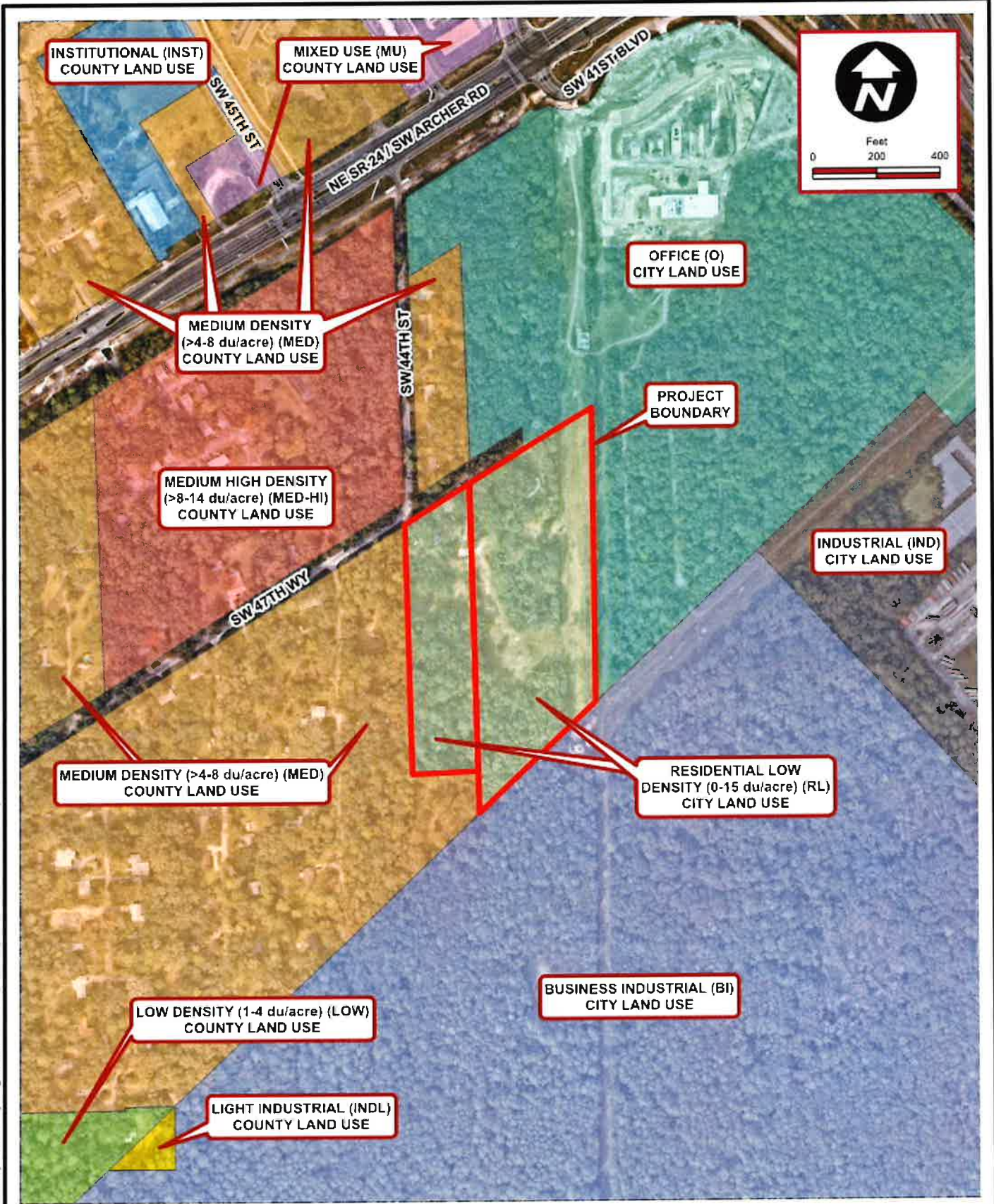
**EXHIBIT 11**  
**EXISTING LAND USE**



K:\GVL\_Civil\142957020-SW 47th Way Multi-Family\Neighborhood Workshop\GIS\Hillpointe Gainesville Multi-Family\Hillpointe Gainesville Multi-Family.aprx - 1/31/2024 3:40 PM - COLTON GLASSMAN

<p><b>Kimley » Horn</b></p> <p>© 2024 Kimley-Horn and Associates, Inc.              800 SW 2nd Avenue, Suite 100, Gainesville, FL 32601              Phone: (352) 374-3274              www.kimley-horn.com Registry Number 35106</p>	EXISTING FLU MAP		
	HILLPOINTE GAINESVILLE MULTI-FAMILY GAINESVILLE, FLORIDA		
	Scale: As Noted	Project No.: 142957020	February 2024

**EXHIBIT 12**  
**PROPOSED LAND USE**



K:\GVL\_Cent\142957020-SW 47th Way Multi-Family\Neighborhood Workshop\GIS\Hillpointe Gainesville Multi-Family\Hillpointe Gainesville Multi-Family.aprx - 1/31/2024 4:09 PM - C:\C:\GVL\AS\GVL\AS\GVL\AS

**Kimley»Horn**

© 2024 Kimley-Horn and Associates, Inc.  
 800 SW 2nd Avenue, Suite 100, Gainesville, FL 32601  
 Phone: (352) 374-3274  
[www.kimley-horn.com](http://www.kimley-horn.com) Registry Number 35106

PROPOSED FLU MAP

HILLPOINTE GAINESVILLE MULTI-FAMILY  
 GAINESVILLE, FLORIDA

Scale: As Noted

Project No.: 142957020

February 2024

Figure 3





# FIRST STEP MEETING NOTES

## First Step Meeting Notes

First Step meetings with development review staff are a free service provided by the City of Gainesville to help guide a project through the development review and permitting process. These meetings are intended to be a helpful information exchange in an informal atmosphere. If you have any questions concerning the First Step meeting or the meeting notes please call (352) 334-5023 for assistance.

<b>Project Agent or Applicant</b>	Kyle Webb
<b>Company</b>	Hillpointe
<b>Email</b>	kwebb@hillpointe.com
<b>Phone Number</b>	706-424-8439
<b>Property Owner</b>	ROSIER MARY C TRUSTEE
<b>Property Address</b>	4301 SW 47TH WAY
<b>Parcel Number(s)</b>	06973-000-000
<b>Meeting Date</b>	07/17/2023
<b>Zoning</b>	
<b>Enterprise Zone</b>	No
<b>Historic District</b>	Not in a Historic District

### City Staff Attendees

Miranda Searing, Brittany McMullen, Matt Williams, Chase Knight, Wendy Mercer, Scott Wright, Seth Wood, Jennie Ford, Chelsea Proia, Linda Maze

### Applicant Attendees

Kyle Webb, Frederick Jameson, Nick Everly

### Project Description

12.50 acre tract recently annexed into City of Gainesville. Concept plan includes 108 dwelling units, cottage style development anticipated to be managed under one entity. We would like to review the site plan with Staff ahead of our next steps (FLU/Rezone).

### Planning

Property still needs land use and zoning designations. Planning requirements will be based on zoning. Will look a density, building setbacks, etc. Max parking allowances exist vs min. 200 parking spaces or more - requires parking structure (can be stand alone) - Section 30-7.5.

Zoning district discussed so far is residential/multifamily. Transect zoning has not been discussed, will likely end up as more traditional zoning where the proposed type of layout will work. City Commission will ultimately adopt zoning, but staff will not recommend transect zoning.

Southern parcel is still within County boundaries, could make interconnectivity more interesting.

Process: Will need land use and zoning. Requires development review first and then can move to site work and building permitting. Anything over 50 units requires Development Review Board approval (pubic hearing). Review processes can run concurrently.

School concurrency forms that will need to be provided at development review stage - no fees associated.

## Public Works

Hospital project going in to NE. Providing stub for connectivity, will need to look at this. Can be private with easement, connecting parcel to east and south for future development. Will need to work out how future connections are made.

Stormwater required - will need to look at this layout.

## GRU - Gainesville Regional Utilitites

Will need to schedule project meeting to discuss utility connections. Plenty of power available. Heavy duty transmission lines. Applicant plans for master meter, preference. GRU will allow master or individual meters as long as properties aren't going to be sold off. If selling off units, would change things - service must go with property. Applicant stated there is no intention to sell.

Water comes down SW 45 from North, moves east, water main stops. May have extension that needs to be built, will depend on where initial tap comes from. One exiting tap at intersection, this is a possibility. Sewer - gravity feeding to a force main and to a lift station. May need a gravity main extension to be able to connect. Running down easement where transmission line is to East, runs entire length. Real Estate will attend project meeting to say what is allowed within easements under transmission lines. Gas available but would require extension. Same easement, also has GRUcom lines (fiberoptic high speed internet) - this project may be eligible.

Prefer separate meter for fire line typically, can discuss at project meeting.

GRU provides fire flow information at no charge. Takes about 10 days to obtain information. Wendy provided link to request - will provide calculations and map. This will need to be submitted with site plan.

Reclaimed not available within area, but do provide irrigation.

Self permitting from DEP - will not have to have any separate permits.

## Environmental - Urban Forestry

Strategic ecosystem and previous mapped wetlands (this parcel is not included in project). Can schedule a site visit with Jennie, doesn't believe there are wetlands on site but would like confirmation. Applicant should share environmental assessment report.

Will need tree survey showing all regulated trees and if they are being removed or preserved (should also show species). Chelsea will do site visit and calculate mitigation based on removals. Will need landscape buffers, islands, street tree requirements.

## Transportation and Mobility

SW 47 Way envisioned as important East-West alternate to Archer road long term. Should think about pedestrian connectivity through the site. TMPA fees will apply, based on net new trips, should submit a trip generation. Scott can provide estimate. Typically ask for driveway stub out to adjacent properties for cross access. Matt stated the intent is 47th way be built, ultimate goal. Can be private type roadways with easement over, but will need to discuss again.

## Building Notes

Fire separation distance - 3 ft min from overhang to overhang. Will need fire separation wall that runs all the way to the top.

**Level of Review** Major

**Neighborhood Workshop Required** Yes

**4301 & 4329 SW 47<sup>th</sup> WAY  
ALACHUA COUNTY, FLORIDA**

**ECOLOGICAL SITE ASSESSMENT**

**NOVEMBER 2023**



ENVIRONMENTAL  
PLANNING  
DESIGN &  
PERMITTING

*Prepared for:*

Nick Everly  
Senior Director of Land Planning & Entitlements  
**Hillpointe, LLC**  
1031 W. Morse Boulevard, Suite 240  
Winter Park, FL 32789

*Prepared by:*

**Modica & Associates**  
302 Mohawk Road  
Clermont, FL 34715

4301 & 4329 SW 47<sup>th</sup> WAY  
ALACHUA COUNTY, FLORIDA

ECOLOGICAL SITE ASSESSMENT

TABLE OF CONTENTS

1.0 INTRODUCTION ..... 1

2.0 PROJECT SITE CONDITIONS..... 1

    2.1 Soils..... 2

    2.2 Land Use Types & Vegetative Communities..... 2

    2.3 Wildlife..... 3

    2.4 Listed Flora..... 4

3.0 PROTECTED SPECIES REGULATIONS AND PERMITTING ..... 4

    3.1 Gopher Tortoise ..... 4

    3.2 American Bald Eagle ..... 5

    3.3 Eastern Indigo Snake..... 5

    3.4 Southeastern American Kestrel..... 6

4.0 SUMMARY ..... 7

5.0 OTHER ENVIRONMENTAL CONCERNS ..... 8

LIST OF FIGURES

Figure 1 Location Map

Figure 2 Aerial Map

Figure 3 Soils Map

Figure 4 Land Use Map

Figure 5 Wetland Map

Figure 6/6a Historic Aerials

Figure 7 Eagle Nesting Map

LIST OF EXHIBITS

Exhibit A FNAI Tracking List – Alachua County

Exhibit B USFWS IPaC Resource List



**4301 & 4329 SW 47<sup>th</sup> WAY  
ALACHUA COUNTY, FLORIDA**

**ECOLOGICAL SITE ASSESSMENT**

## **1.0 INTRODUCTION**

Modica & Associates conducted Ecological Site Assessment on the 12.40± acre 4301 & 4329 SW 47<sup>th</sup> Way project (“Project Site”) on November 9, 2023. The property is generally located west of I-75 and south of Archer Road (SR 24) in the City of Gainesville, Alachua County, Florida (**Figures 1 & 2**). The Project Site consists of two (2) parcels identified by the Alachua County Property Appraiser with Property Identification Numbers 63295 and 63297.

A second site inspection was conducted with Jennie Ford of the City of Gainesville and Mark Brown of Alachua County on February 1, 2024. The purpose of this site visit was to verify the wetland/surface limits, confirm surface water W-B will be exempt from both City and County Codes, and discuss feasibility of incorporating wetland W-A and/or W-C into the stormwater design.

The intent of the Site Assessment was to evaluate existing conditions of the property including onsite habitats and vegetative communities, delineate any onsite wetlands, and document the presence, or potential presence of protected wildlife species that might affect the cost or feasibility of property acquisition and/or development.

## **2.0 PROJECT SITE CONDITIONS**

Modica & Associates reviewed a variety of data prior to conducting an evaluation of the Project Site. Data evaluated included published literature and publicly available ArcView™ GIS data layers of site soils, vegetation, and anticipated / documented wildlife use in the vicinity of the property, etc. The following resources were accessed as part of the subject assessment:

- Aerial Photographic Imagery, Alachua County, Florida;
- Google Earth Aerial Imagery, 1994 to present;
- U.S. Department of Agriculture (USDA) *Soil Survey of Alachua County Florida*;
- Florida Natural Areas Inventory (FNAI) - Species Occurrence Tracking List, Alachua County;
- *Florida’s Endangered and Threatened Species*; December 2023, FWC;
- *Florida Land Use, Cover and Forms Classification System Handbook*, U.S. Department of Transportation; and
- Audubon Florida EagleWatch Nest Map  
(<https://cbop.audubon.org/conservation/about-eaglewatch-program>).

Modica & Associates conducted a field inspection of the Project Site on November 9, 2023.

The property was traversed via pedestrian transects for the purpose of identifying any listed wildlife species and to map the onsite land uses and vegetative communities. The findings of the survey are discussed in greater detail below.

## 2.1 Soils

The onsite soil types were classified according to the *Soil Survey for Alachua County, Florida* (USDA, 1976) and available USDA Natural Resource Conservation Service (NRCS) (**Figure 3**). The following presents a brief description of the soil type mapped within the Project Site; the description is an excerpt from the Soil Survey.

**Millhopper Sand, 0 to 5 Percent Slopes (#8)** is a nearly level to gently sloping, moderately well-drained soil that occurs on knolls and ridges on marine terraces. The depth to water tables in about 42 to 72 inches. No frequency of ponding or flooding. Often found on sandy ridges of mesic uplands.

**Lochloosa fine sand, 2 to 5 percent slopes (#29)** is a nearly level, somewhat poorly drained soil that occurs in small and large areas in the uplands. The surface layer is dark gray fine sand about seven inches thick. The water table fluctuates between 30 and 60 inches from 1 month to 4 months during most years. Permeability is rapid in the upper 28 inches, moderately rapid from 28 to 32 inches, and moderate below.

**Bivans (#32)** is a very deep, poorly drained, slowly or very slowly permeable soils on the rolling uplands of central Florida. They formed in thick beds of clayey and sandy marine sediments. Slopes range from 0 to 12 percent. Rapid permeability in the A and E horizons and slow or very slow permeability in the Btg horizons.

## 2.2 Land Use Types & Vegetative Communities

The onsite land uses, and vegetative community types were classified according to the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (**Figure 4**). The Project Site contains two (2) vegetative communities as classified using FLUCFCS. The following section provides a general description of the vegetative community found on site.

### 110 – Residential, Low Density

There are two single-family residences with various outbuildings and a barn in the northern portion of the Project Site.

### 420 – Upland Hardwood Forests

The uplands on the Project Site consists of this land use type. Vegetation consists of live oak (*Quercus virginiana*), camphor (*Cinnamomum camphora*), sweetgum (*Liquidambar styraciflua*), southern magnolia (*Magnolia*

*grandiflora*), cabbage palm (*Sabal palmetto*), pignut hickory (*Carya glabra*), Carolina laurel cherry (*Prunus laurocerasus*), and scattered loblolly pine (*Pinus taeda*).

#### 630 – Wetland Forested Mixed

The onsite wetlands appear to be relict sinkholes and contain vegetation consistent with this land use type. Vegetation consists of sweet gum, loblolly pine, sugar berry (*Celtis laevigata*), swamp chestnut oak (*Quercus michauxii*), cabbage palm, and laurel oak (*Quercus laurifolia*).

#### 530 – Reservoir

There is a manmade pond in the southern portion of the Project Site, as evidenced by historic aerials. Vegetation consists solely of duck weed (*Lemna* spp.).

#### 832 – Electrical Transmission Lines

An overhead powerline easement is located along the eastern project boundary.

#### 190 – Open Land

There is a cleared, open area in the center of the Project Site. Vegetation consists predominantly of bahia grass (*Paspalum notatum*).

## **2.3 Wildlife**

A qualitative review of the Project Site was conducted to determine if any wildlife species using the property are listed as protected by the U.S. Fish & Wildlife Service (USFWS) or the Florida Fish & Wildlife Conservation Commission (FWC). To assist in documenting the potential protected species on the project site, the Florida Natural Areas Inventory Tracking List for Alachua County was obtained and reviewed (**Exhibit A**). The USFWS's Information for Planning and Consultation (IPaC) website was also accessed; the project boundary was uploaded to generate the list of potential protected species (**Exhibit B**).

Wildlife species with the potential to occur onsite based on USFWS Consultation Areas, geographic locale, habitat types present, and presence of suitable soils or vegetative cover include the American bald eagle (*Haliaeetus leucocephalus*), gopher tortoise (*Gopherus polyphemus*), southeastern American kestrel (*Falco sparverius paulus*), and eastern indigo snake (*Drymarchon couperi*). Although listed as potential for occurrence based on location, the Project Site does not contain suitable habitat for other species of wildlife listed in the IPaC resource list and therefore those species are not discussed further in this report. Using this information, a survey of the site was conducted to determine the need and extent of formal survey for any particular wildlife species.

The following is a list of those species that were observed on or near the Project Site during the November 9, 2023 site inspection.

**Birds**

Black vulture (*Coragyps altratus*)  
 Northern cardinal (*Cardinalis cardinalis*)  
 Blue jay (*Cyanocitta cristata*)  
 Carolina wren (*Thryothorus ludovicianus*)  
 Blue-gray gnatcatcher (*Poliopitila caerulea*)  
 Eastern phoebe (*Sayornis phoebe*)  
 Ruby-crowned kinglet (*Regulus calendula*)  
 Carolina chickadee (*Poecile carolinensis*)

**Reptiles and Amphibians**

Brown Anole (*Anolis sagrei*)

**Mammals**

Eastern grey squirrel (*Sciurus carolinensis*)  
 Nine-banded armadillo (*Dasypus novemcinctus*)  
 White-tailed deer (*Odocoileus virginianus*)

No listed species of wildlife were observed during the November 9, 2023 site inspection. Protected species which have the potential to occur on the Project Site are explained in further detail in Section 4 below.

**2.4 Listed Flora**

A survey was conducted to document the presence of any protected plant species within the Project Site. This floral species survey was conducted in conjunction with the assessment on November 9, 2023.

No plant species listed by either the Florida Department of Agriculture (FDA) or USFWS were observed on the site during the survey.

**3.0 PROTECTED SPECIES REGULATIONS AND PERMITTING**

Modica & Associates conducted a qualitative review of the Project Site to determine if any wildlife species using the property are listed as protected by the USFWS or the FWC.

The information outlined below is provided to detail development constraints and permitting requirements, as applicable, associated with listed species, and other species afforded protection by law, occurring on the site, or having the potential to occur onsite.

**3.1 Gopher Tortoise**

The gopher tortoise is listed by the FWC as “Threatened”. Gopher tortoises are commonly found in areas occurring on well-drained sandy soils associated with xeric pine-oak hammock, scrub, pine flatwoods, pastures, and citrus groves.



FWC regulations prohibit development within a 25-foot radius of any potentially occupied gopher tortoise burrow. A permit will need to be obtained from the FWC authorizing the relocation of any gopher tortoises within 25-feet of the footprint of development prior to the initiation of any land clearing or construction activities.

A preliminary survey was completed by Modica & Associates, Inc. on November 9, 2023. No gopher tortoise burrows were observed on the Project Site. The FWC *Gopher Tortoise Permitting Guidelines* (“Guidelines”; FWC, April 2008, rev. April 2023) state that “because gopher tortoises and their burrows are protected from development activities by Florida law, regulatory compliance requires a comprehensive 100% burrow survey of all potential tortoise habitat proposed for development.” Additionally, the Guidelines state that gopher tortoise surveys are considered valid for 90 days. The Project Site contains very limited potential habitat for the gopher tortoise. However, a comprehensive 100% burrow survey will be conducted in accordance with the Guidelines within 90-days of the anticipated start date of construction.

If any burrows are documented on the Project Site, an application for relocation will be submitted to FWC by a state-licensed Authorized Gopher Tortoise Agent. Once a formal survey is conducted and the application submitted, the permit issuance typically occurs within 45 days following a complete application submittal. The permit will be valid for a period of one (1) year and is renewable for six months to one (1) additional year (depending on the type of permit) and is transferrable.

Additionally, the FWC will not authorize initiation of the relocation effort until written local government approvals have been obtained for land clearing, grading, or construction activities.

### **3.2 American Bald Eagle**

The American bald eagle is no longer listed as a federally protected species under the Endangered Species Act. However, it is still afforded protection by the USFWS under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

A review of the FWC bald eagle nest database and of the Audubon Florida EagleWatch Nest Map was conducted prior to visiting the site to determine if there are any known bald eagle nests that could affect development of the property. The database review revealed the closest eagle nest (AL-055) is 1.58 miles northwest of the Project Site (**Figure 7**). The associated management zones for nest AL-055 do not extend onto or near the Project Site. Therefore, coordination with USFWS is not anticipated.

### **3.3 Eastern Indigo Snake**

The Eastern indigo snake is listed as “Threatened” by the USFWS. Indigo snakes are thick-bodied, glossy black snakes with iridescent blue highlights. Adult indigo snakes

may be between 60 and 74 inches long (USFWS, 2016c). The USFWS routinely concurs that a project is “not likely to adversely affect” the indigo snake if the USFWS’s *Standard Protection Measures for the Eastern Indigo Snake* (“Standard Protection Measures”; USFWS, 2004c) will be followed during project construction. The Standard Protection Measures require that an educational program be developed by the Applicant to inform all construction personnel of the potential presence of indigo snakes on the project site. This requires placement of posters on the project site, distribution of educational pamphlets and informational signs and videos. These educational documents have been prepared by USFWS and are readily available for use by the landowner.

Discussions with USFWS staff indicate that if a snake’s presence on a property is “reasonably certain to occur”, consultation will be required. The USFWS is defining “reasonably certain to occur” as recorded or known primary evidence of a snake’s presence on or near a property (i.e. documented observation of an indigo snake, snake shed).

There are no known observances of the indigo snake on the Project Site or in the vicinity. However, the Project Site is surrounded by rural residential and undeveloped land to the south. Although unlikely, there may be potential for the presence of the indigo snake. Although it is not anticipated that site development would result in significant impact to the snake’s behavioral patterns or movement, it is recommended that the Standard Protection Measures be implemented during project construction.

### **3.4 Southeastern American Kestrel**

The southeastern American kestrel is listed as “Threatened” by the FWC. This falcon species is a permanent and non-migratory resident of Florida. The population of southeastern American kestrels in Central Florida has decreased by 82% from 1940’s to 1980’s (Stys, 1993). The population decline is due to loss of habitat caused by clearing of woodlands for agriculture and residential development. Cleared areas have reduced suitable nesting and foraging sites.

The southeastern American kestrel is the smallest of the falcon species and is approximately the size of a robin. It grows to a length of 9 to 12 inches (Stys, 1993). They are colorful birds and there is a color difference between the male and female. Both sexes have reddish and blue crowns. The males have blue wings and cinnamon backs and tails. They have dark spots on a white breast. The females have a cinnamon body color with dark streaks. They have a light tan breast with vertical brown streaks. They have long, pointed wings when seen in flight and will hover. It is common to see them sitting on electrical wires, poles, and fences.

Kestrels prefer open habitats so they can hunt small terrestrial animals. Southeastern American kestrels typically nest in cavities excavated by woodpeckers and in artificial objects such as power poles, nesting boxes and buildings. They have a clutch of 3 to 5 eggs (Stys, 1993). The eggs are pinkish to beige having with

Reddish-brown speckles and dark brown spot. They usually have one brood a year. Egg incubation is 28 to 31 days, and the young fledge at 28 to 31 days of age.

No southeastern American kestrels were observed during the November 9, 2023 site visit and it is unlikely that any will be documented as suitable habitat does not exist on the Project Site. Agency coordination for this species is not anticipated.

#### 4.0 SUMMARY

Modica & Associates conducted Ecological Site Assessment on the 12.40± acre 4301 & 4329 SW 47<sup>th</sup> Way project (“Project Site”) on November 9, 2023. The property is generally located west of I-75 and south of Archer Road (SR 24) in the City of Gainesville, Alachua County, Florida (**Figures 1 & 2**). The Project Site consists of two (2) parcels identified by the Alachua County Property Appraiser with Property Identification Numbers 63295 and 63297.

The intent of the Site Assessment was to evaluate existing conditions of the property including onsite habitats and vegetative communities, delineate any onsite wetlands, and document the presence, or potential presence of protected wildlife species that might affect the cost or feasibility of property acquisition and/or development.

Development of the Project Site will require permitting through the SJRWMD, the City of Gainesville and Alachua County.

The Project Site occurs within the Consultation Area of several federally listed species. Of these federally listed species, it is anticipated that development of the Project Site should consider the potential presence of eastern indigo snake. State-protected species for consideration include the gopher tortoise and the southeastern American kestrel.

No southeastern American kestrels were observed during the November 9, 2023 site visit and it is unlikely that any will be documented as suitable habitat does not exist on the Project Site. Agency coordination for this species is not anticipated.

A preliminary survey was completed by Modica & Associates, Inc. on November 9, 2023. No gopher tortoise burrows were observed on the Project Site. However, this was only a preliminary survey and did not cover the entire Project Site. The FWC only considers a survey to be valid for 90 days. A comprehensive survey (100%) will be conducted within 90 days of the anticipated start date of construction to document the presence, or absence, of this species. If any gopher tortoise burrows are found at that time, a permit will be obtained to relocate the onsite population to an approved gopher tortoise recipient site.

Although it is not anticipated that site development would result in significant impact to the eastern indigo snake’s behavioral patterns or movement, it is recommended that the Standard Protection Measures be implemented during project construction.

Review of the bald eagle nesting databases revealed the closest eagle nest (AL-055) is 1.58 miles northwest of the Project Site (**Figure 7**). The associated management zones for nest

AI-055 do not extend onto or near the Project Site therefore coordination with USFWS is not anticipated.

## 5.0 OTHER ENVIRONMENTAL CONCERNS

No other environmental concerns were identified or expected for the subject property. This ecological assessment does not constitute a Phase 1 Environmental Audit and this report makes no representation as to the presence or absence of hazardous materials.

This report does not constitute a Cultural Resource Assessment Survey and provides no opinion on the presence of cultural or historical resources.

Florida Fish & Wildlife Conservation Commission. 2003. Florida's breeding bird atlas: A collaborative study of Florida's birdlife.  
[http://legacy.myfwc.com/bba/docs/bba\\_RTHA.pdf](http://legacy.myfwc.com/bba/docs/bba_RTHA.pdf).

Florida Fish & Wildlife Conservation Commission. 2021. Florida's Endangered and Threatened Species. Tallahassee, Florida.

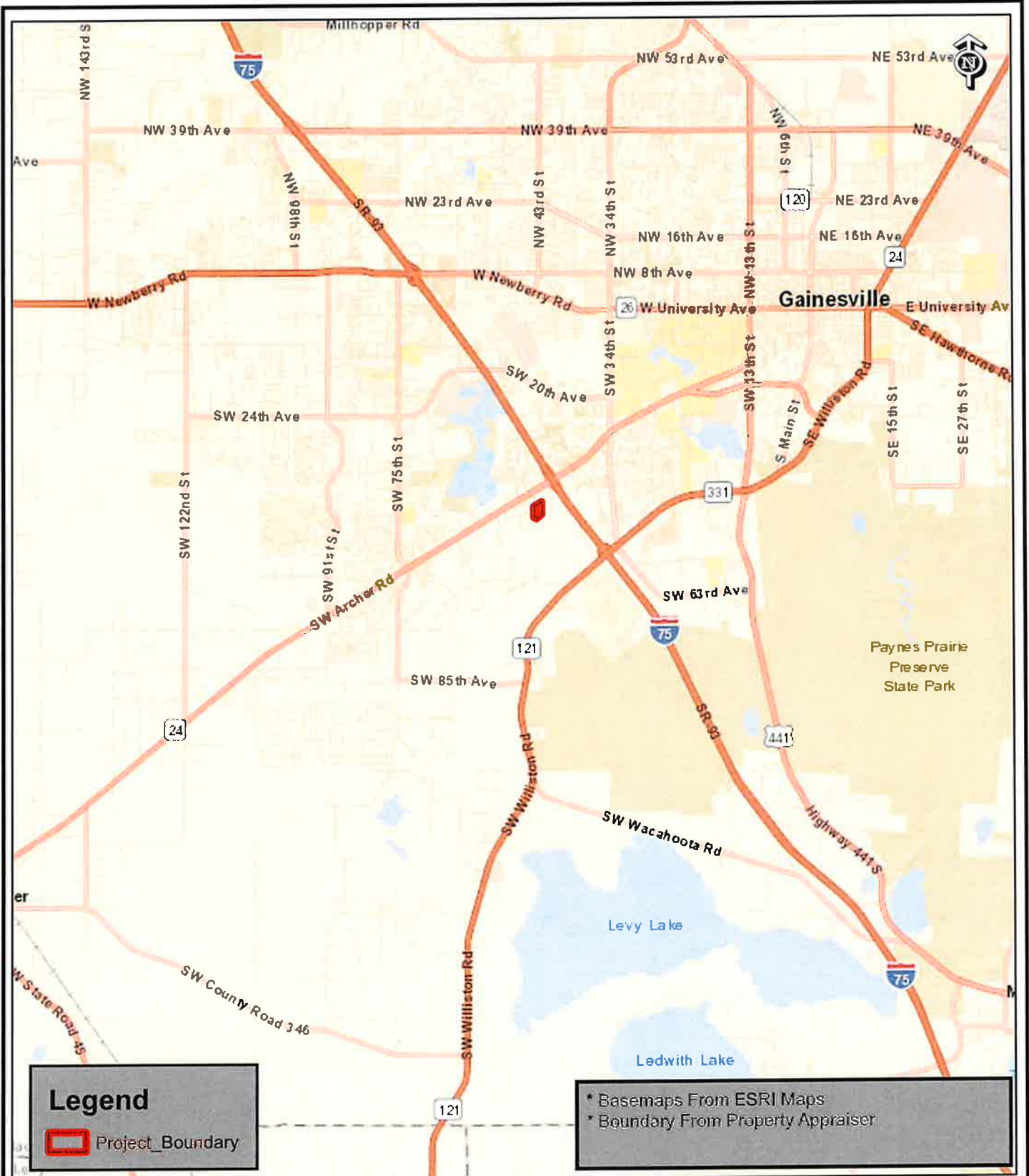
Florida Natural Areas Inventory. 2021. Tracking List Alachua County.  
<http://www.fnai.org/bioticssearch.cfm>, accessed in October 2022.

U.S. Department of Agriculture, Soil Conservation Service. 1979. Soil survey of Alachua County Area, Florida.

U.S. Fish & Wildlife Service. 2004c. Standard Protection Measures for the Eastern Indigo Snake. Souza, Paul (U.S. Department of Interior, Fish & Wildlife Service, Vero Beach, FL). Letter to: Connie Kinard (Jacksonville District Corps of Engineers, Jacksonville, FL). 2010 May 18. Wood stork key and biomass foraging assessment methodology.

U.S. Fish & Wildlife Service. 2016c. Species profile for Eastern indigo snake (*Drymarchon corais couperi*).  
<https://ecos.fws.gov/ecp0/profile/speciesProfile?sPCODE=C026>, accessed February 20, 2017.

**FIGURES**



## 4301 & 4329 SW 47th Way

Figure 1 - Location Map  
Section 22, T10S, R19E  
Alachua County, Florida

5,000 0 5,000 Feet



**MODICA & ASSOCIATES**

302 Mohawk Road

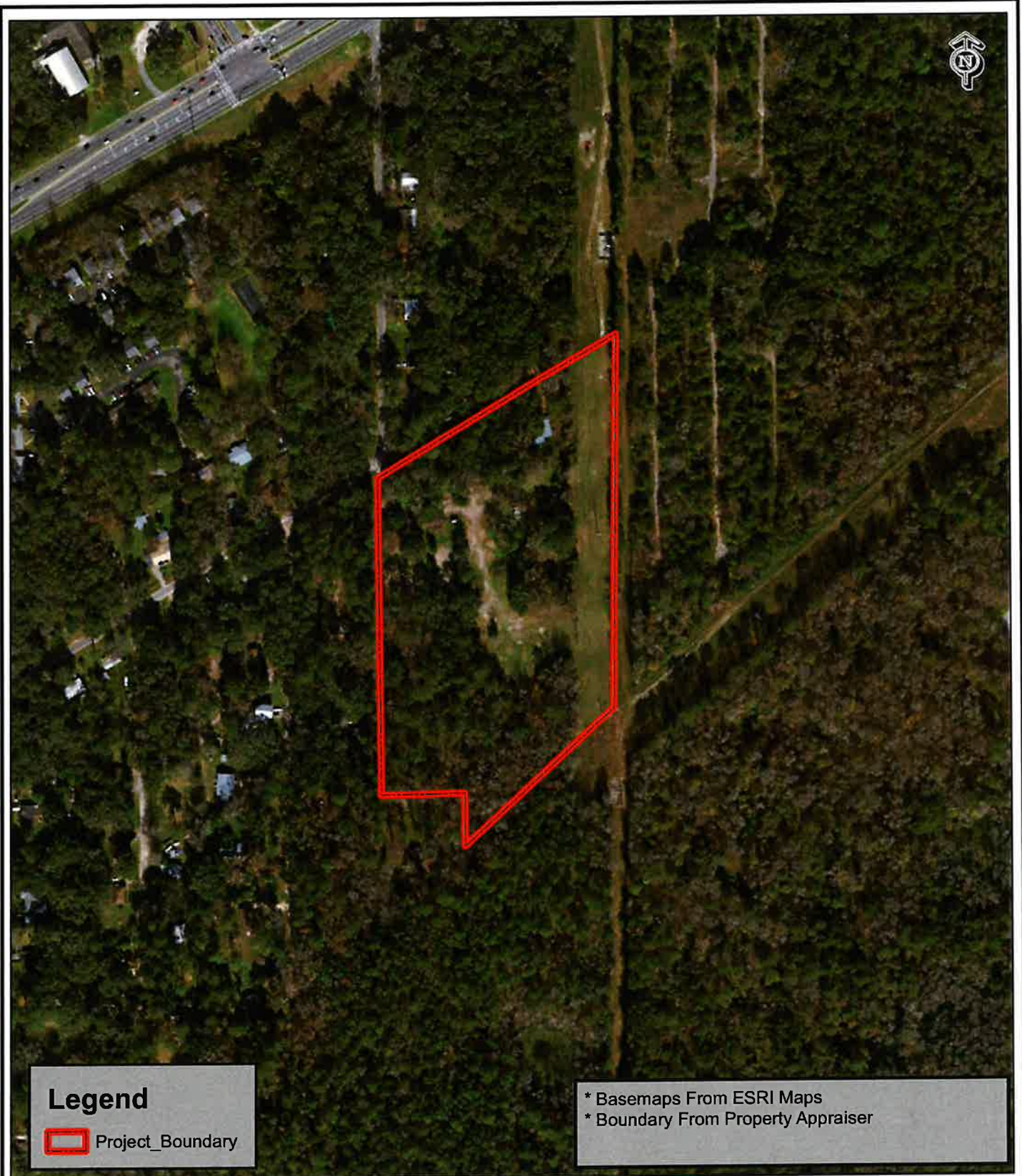
Clermont, Florida 34715

P: (352) 394-2000

F: (352) 394-1159

Email: [Environmental@Modica.cc](mailto:Environmental@Modica.cc)

[www.ModicaAndAssociates.com](http://www.ModicaAndAssociates.com)



**Legend**

 Project\_Boundary

\* Basemaps From ESRI Maps  
 \* Boundary From Property Appraiser

**4301 & 4329 SW 47th Way**


Figure2 - Aerial Map  
 Section 22, T10S, R19E  
 Alachua County, Florida




**MODICA & ASSOCIATES**  
 302 Mohawk Road  
 Clermont, Florida 34715  
 P: (352) 394-2000  
 F: (352) 394-1159  
 Email: [Environmental@Modica.cc](mailto:Environmental@Modica.cc)  
[www.ModicaAndAssociates.com](http://www.ModicaAndAssociates.com)





**Legend**

 Project\_Boundary

**NRCS Soils and Hydric Rating**

 29, LOCHLOOSA, NO

 32, BIVANS, YES

 8, MILLHOPPER, NO

\* Basemaps From ESRI Maps  
 \* Boundary From Property Appraiser  
 \* Soil Data from NRCS Soil Survey

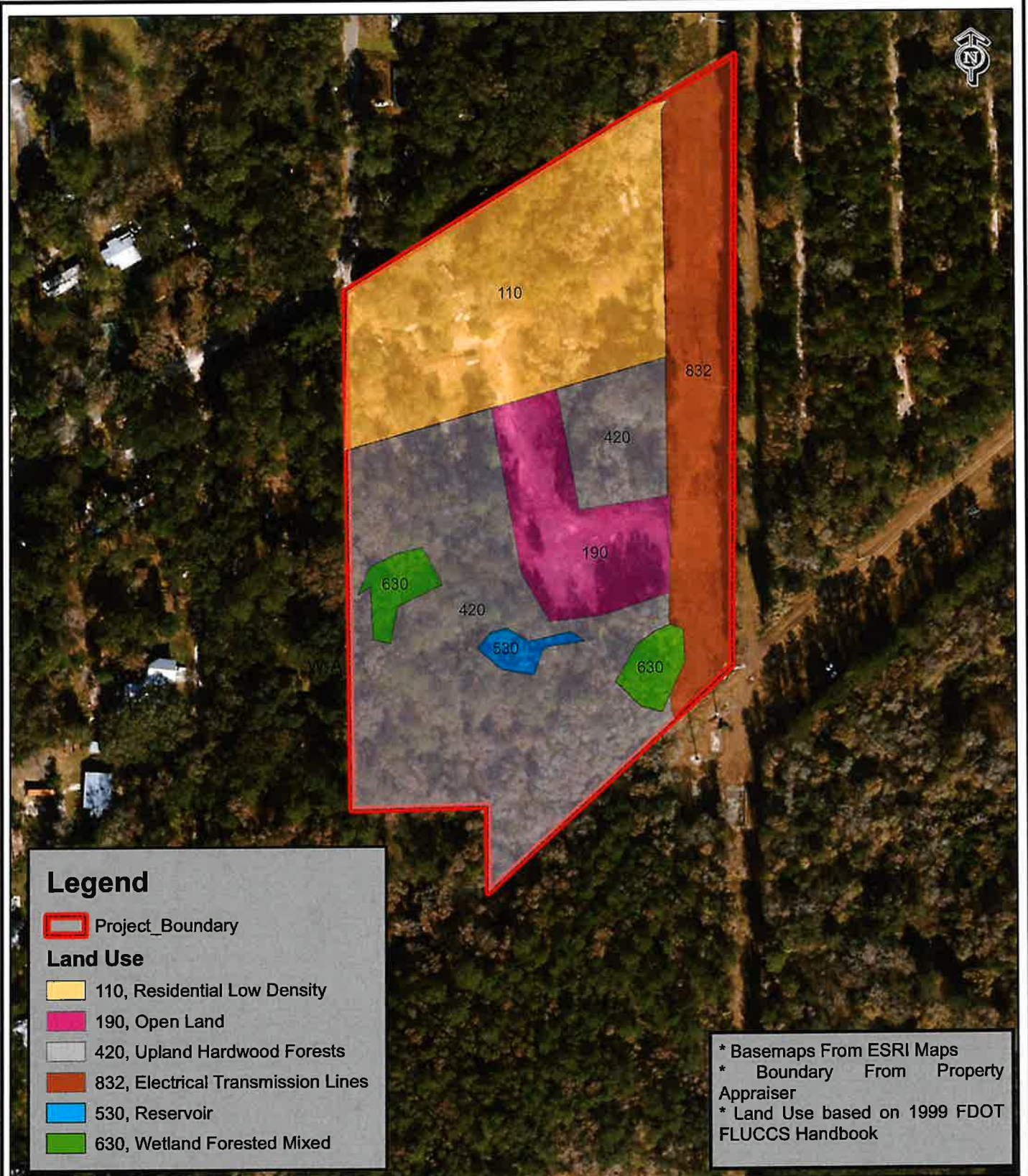
**4301 & 4329 SW 47th Way**

Figure 3 - Soils Map  
Section 22, T10S, R19E  
Alachua County, Florida



**MODICA & ASSOCIATES**  
 302 Mohawk Road  
 Clermont, Florida 34715  
 P: (352) 394-2000  
 F: (352) 394-1159  
 Email: Environmental@Modica.cc  
 www.ModicaAndAssociates.com





**Legend**

Project\_Boundary

**Land Use**

- 110, Residential Low Density
- 190, Open Land
- 420, Upland Hardwood Forests
- 832, Electrical Transmission Lines
- 530, Reservoir
- 630, Wetland Forested Mixed

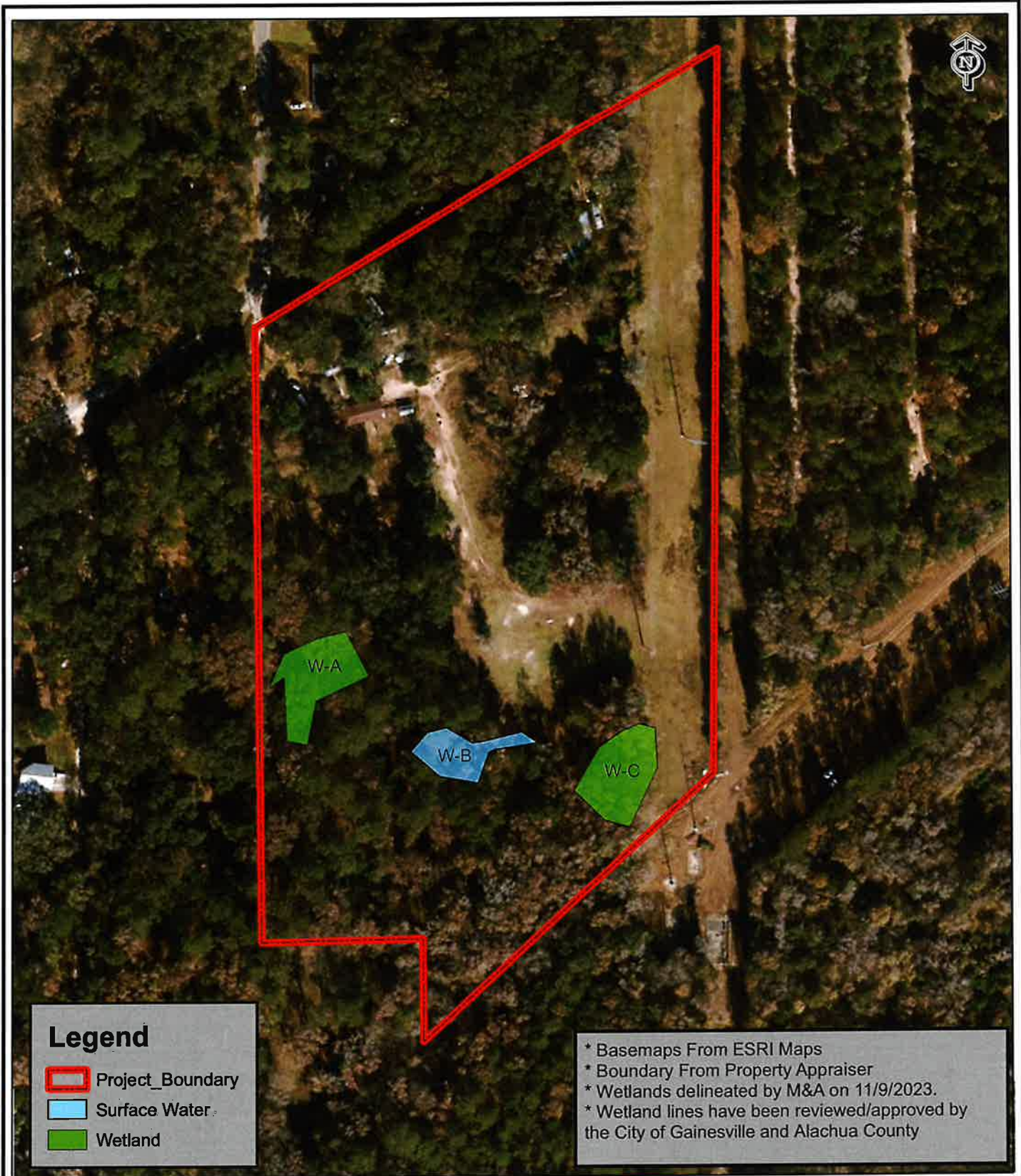
\* Basemaps From ESRI Maps  
 \* Boundary From Property Appraiser  
 \* Land Use based on 1999 FDOT FLUCCS Handbook

**4301 & 4329 SW 47th Way**

Figure 4 - Land Use Map  
 Section 22, T10S, R19E  
 Alachua County, Florida



MODICA & ASSOCIATES  
 302 Mohawk Road  
 Clermont, Florida 34715  
 P: (352) 394-2000  
 F: (352) 394-1159  
 Email: Environmental@Modica.cc  
 www.ModicaAndAssociates.com



**Legend**

- Project\_Boundary
- Surface Water
- Wetland

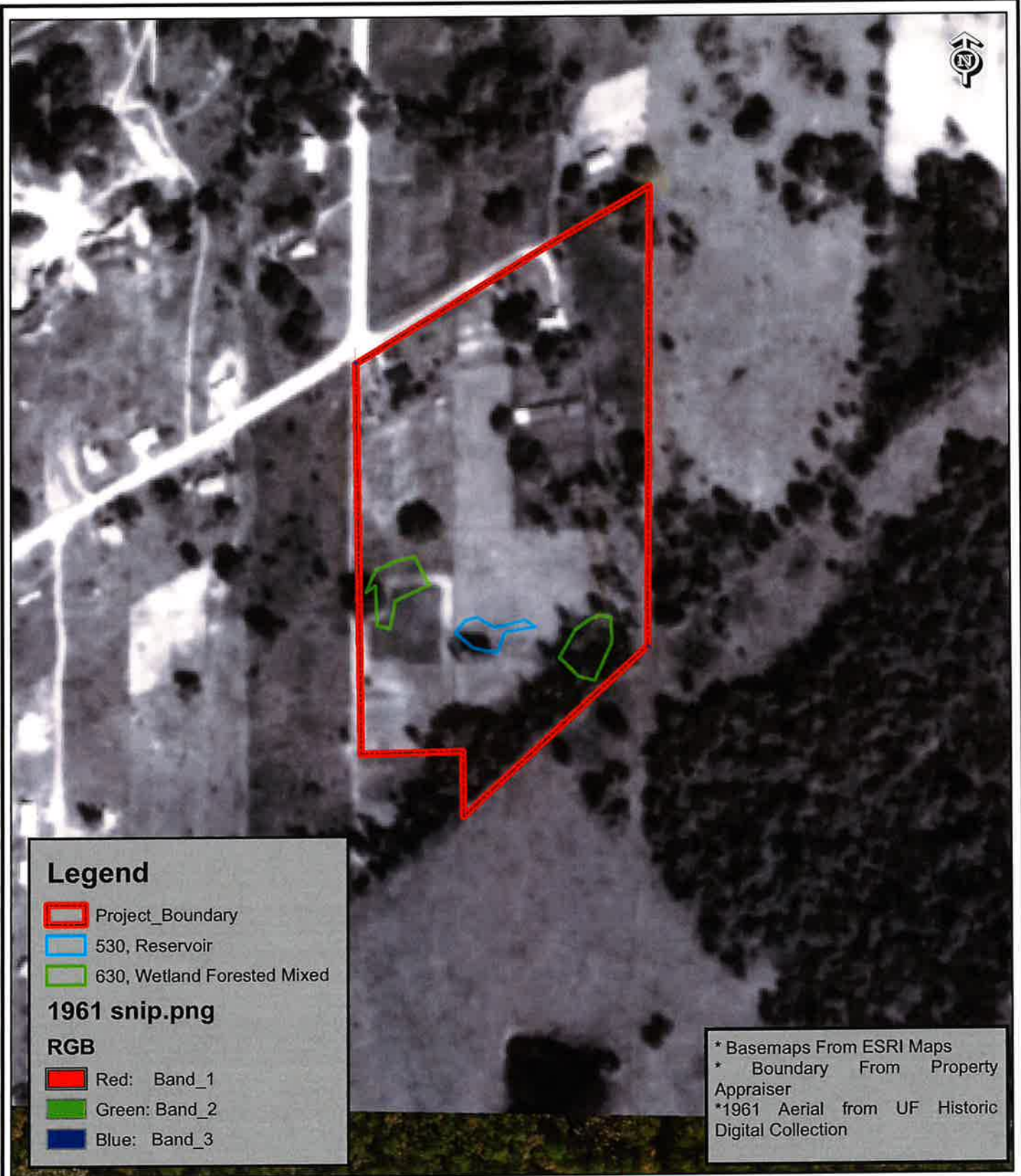
- \* Basemaps From ESRI Maps
- \* Boundary From Property Appraiser
- \* Wetlands delineated by M&A on 11/9/2023.
- \* Wetland lines have been reviewed/approved by the City of Gainesville and Alachua County

**4301 & 4329 SW 47th Way**

Figure 5 - Wetland & Surface Water Map  
Section 22, T10S, R19E  
Alachua County, Florida



**MODICA & ASSOCIATES**  
 302 Mohawk Road  
 Clermont, Florida 34715  
 P: (352) 394-2000  
 F: (352) 394-1159  
 Email: Environmental@Modica.cc  
 www.ModicaAndAssociates.com



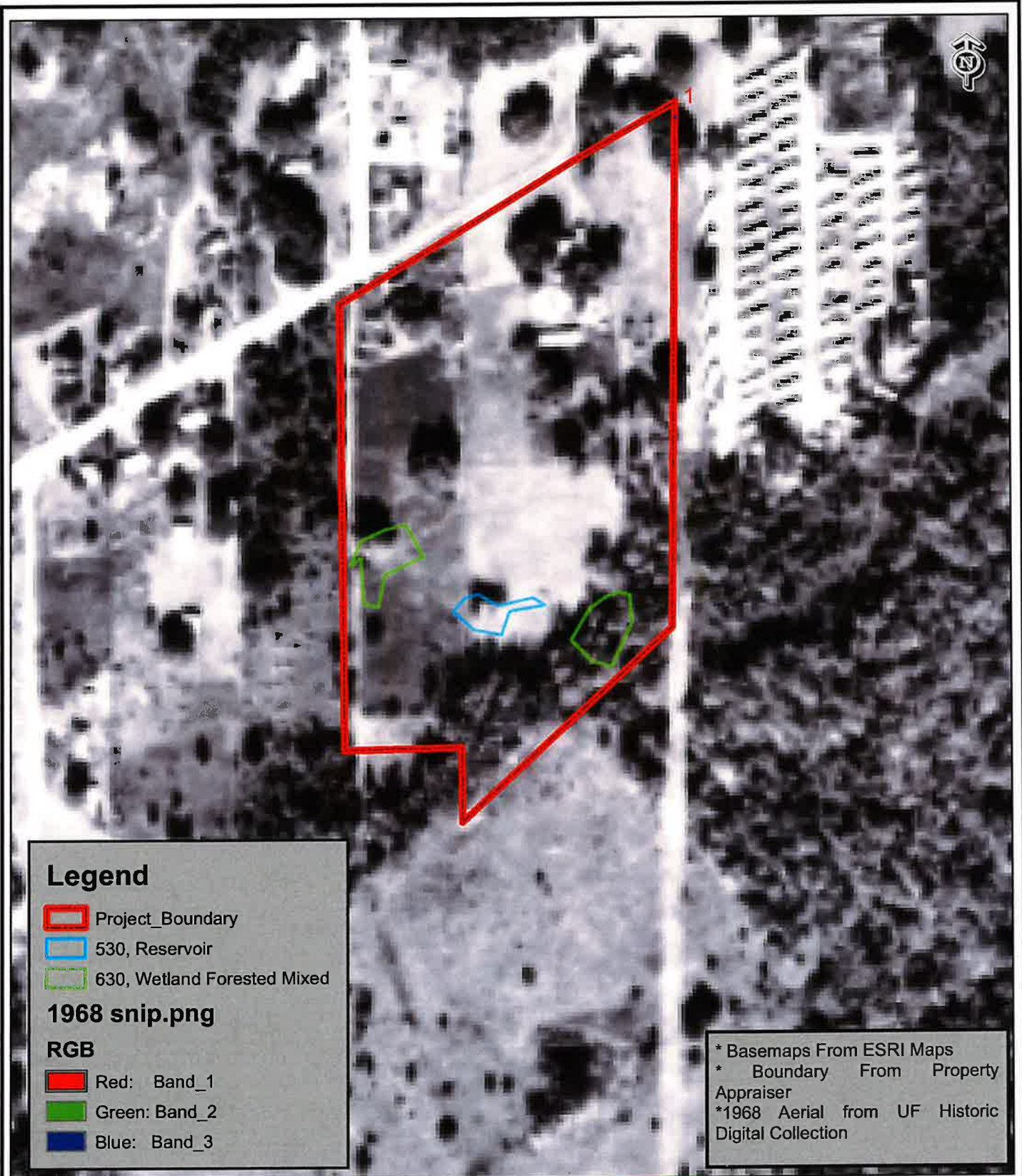
**4301 & 4329 SW 47th Way**

Figure 6 - 1961 Historic Aerial  
Section 22, T10S, R19E  
Alachua County, Florida

100 50 0 100 Feet



**MODICA & ASSOCIATES**  
302 Mohawk Road  
Clermont, Florida 34715  
P: (352) 394-2000  
F: (352) 394-1159  
Email: Environmental@Modica.cc  
www.ModicaAndAssociates.com



**Legend**

- Project\_Boundary
- 530, Reservoir
- 630, Wetland Forested Mixed

**1968 snip.png**

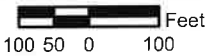
**RGB**

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

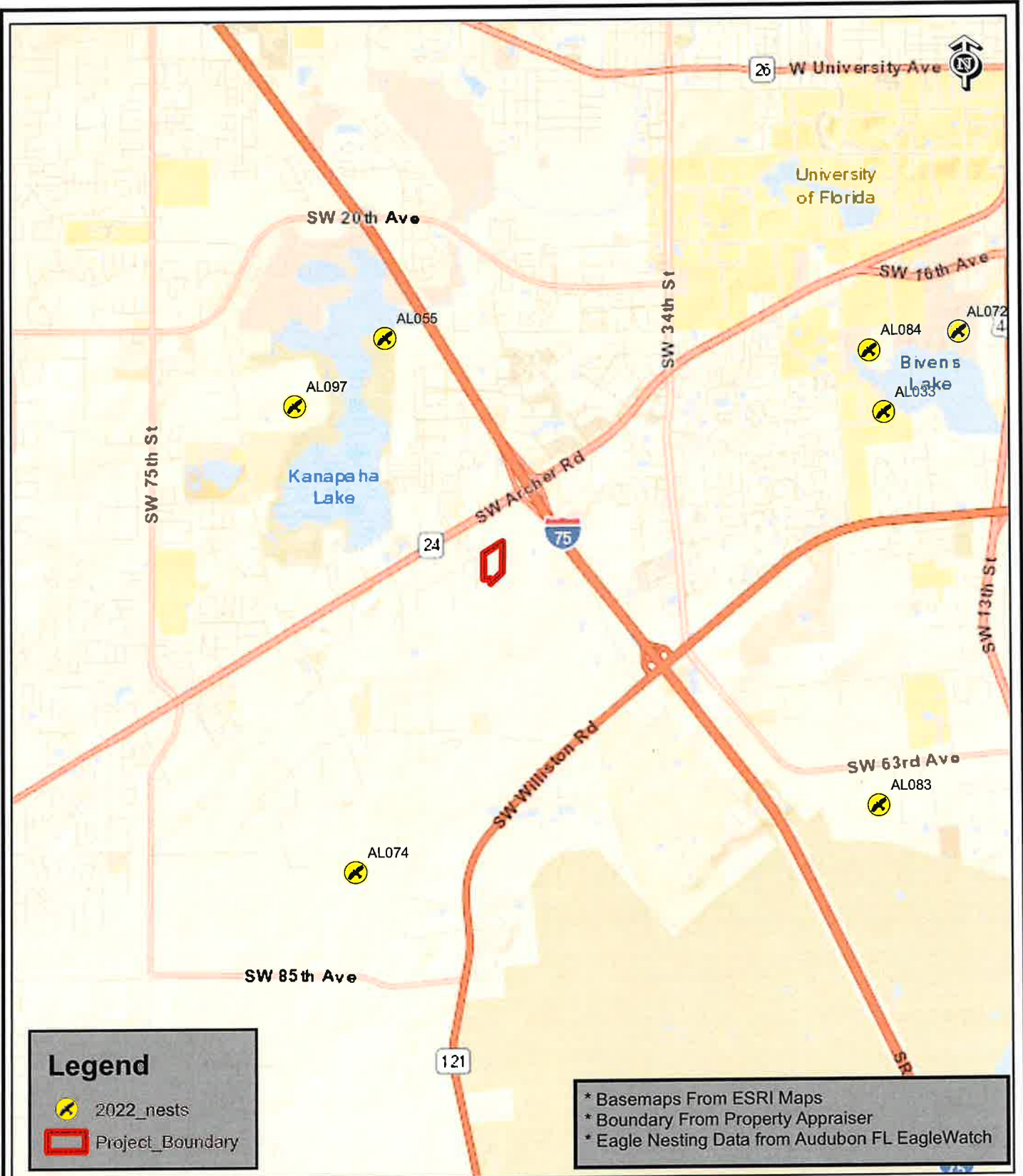
\* Basemaps From ESRI Maps  
 \* Boundary From Property Appraiser  
 \*1968 Aerial from UF Historic Digital Collection

**4301 & 4329 SW 47th Way**

Figure 6a - 1968 Historic Aerial  
 Section 22, T10S, R19E  
 Alachua County, Florida



**MODICA & ASSOCIATES**  
 302 Mohawk Road  
 Clermont, Florida 34715  
 P: (352) 394-2000  
 F: (352) 394-1159  
 Email: Environmental@Modica.cc  
 www.ModicaAndAssociates.com



## 4301 & 4329 SW 47th Way

Figure 7 - Eagle Nesting Map  
Section 22, T10S, R19E  
Alachua County, Florida

4,000 2,000 0 4,000 Feet



**MODICA & ASSOCIATES**  
302 Mohawk Road  
Clermont, Florida 34715  
P: (352) 394-2000  
F: (352) 394-1159  
Email: [Environmental@Modica.cc](mailto:Environmental@Modica.cc)  
[www.ModicaAndAssociates.com](http://www.ModicaAndAssociates.com)

**EXHIBITS**



1018 Thomasville Road  
Suite 200-C  
Tallahassee, FL 32303  
850-224-8207  
850-681-9364 fax  
www.fnai.org

FLORIDA  
**Natural Areas**  
INVENTORY

## Florida Natural Areas Inventory

### Biodiversity Matrix Query Results

#### UNOFFICIAL REPORT

Created 11/7/2023

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

### Report for 1 Matrix Unit: 26432

	<p><b>Descriptions</b></p> <p><b>DOCUMENTED</b> - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.</p> <p><b>DOCUMENTED-HISTORIC</b> - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.</p> <p><b>LIKELY</b> - The species or community is <i>known</i> to occur in this vicinity, and is considered likely within this Matrix Unit because:</p> <ol style="list-style-type: none"> <li>1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; <i>or</i></li> <li>2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.</li> </ol> <p><b>POTENTIAL</b> - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.</p>
--	--

### Matrix Unit ID: 26432

0 Documented Elements Found

0 Documented-Historic Elements Found

2 Likely Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<u><i>Drymarchon couperi</i></u> Eastern Indigo Snake	G3	S2?	T	FT
<u><i>Mycteria americana</i></u> Wood Stork	G4	S2	T	FT

### Matrix Unit ID: 26432

37 Potential Elements for Matrix Unit 26432

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
<u><i>Agrimonia incisa</i></u> incised groove-bur	G3	S2	N	T
<i>Antigone canadensis pratensis</i> Florida Sandhill Crane	G5T2	S2	N	ST
<i>Aphodius troglodytes</i> Gopher Tortoise Aphodius Beetle	G2G3	S2	N	N
<u><i>Arnoglossum diversifolium</i></u> variable-leaved Indian-plantain	G2	S2	N	T
<i>Asplenium x curtissii</i> Curtiss' spleenwort	GNA	S1	N	N
<i>Asplenium x heteroresiliens</i> Morzenti's spleenwort	G2	S1	N	N
<i>Asplenium x plenum</i> ruffled spleenwort	G1Q	S1	N	N
<i>Ataenius brevicollis</i> An Ataenius Beetle	G3G5	S1S2	N	N
<u><i>Athene cunicularia floridana</i></u> Florida Burrowing Owl	G4T3	S3	N	ST
<i>Bolbocerosoma hamatum</i> Bicolored Burrowing Scarab Beetle	G3G4	S3	N	N
<u><i>Brickellia cordifolia</i></u> Flyr's brickell-bush	G3	S2	N	E
<i>Ceratocanthus aeneus</i> Shining Ball Scarab Beetle	G2G3	S2	N	N
<i>Copris gopheri</i> Gopher Tortoise Copris Beetle	G2	S2	N	N
<u><i>Corynorhinus rafinesquii</i></u> Rafinesque's Big-eared Bat	G3G4	S1	N	N
<i>Dasymutilla archboldi</i> Lake Wales Ridge Velvet Ant	G2G3	S2S3	N	N
<u><i>Forestiera godfreyi</i></u> Godfrey's swampprivet	G2	S2	N	E
<u><i>Gopherus polyphemus</i></u> Gopher Tortoise	G3	S3	C	ST
<u><i>Hartwrightia floridana</i></u> hartwrightia	G2	S2	N	T
<i>Lampropeltis extenuata</i> Short-tailed Snake	G3	S3	N	ST
<i>Lithobates capito</i> Gopher Frog	G2G3	S3	N	N
<u><i>Matelea floridana</i></u> Florida spiny-pod	G2	S2	N	E
<u><i>Myotis austroriparius</i></u> Southeastern Myotis	G4	S3	N	N
<u><i>Neofiber alleni</i></u> Round-tailed Muskrat	G2	S2	N	N
<i>Onthophagus polyphemi polyphemi</i> Punctate Gopher Tortoise Onthophagus Beetle	G2G3T2T3	S2	N	N
<i>Peltotrupes profundus</i> Florida Deepdigger Scarab Beetle	G3	S3	N	N
<i>Peucaea aestivalis</i> Bachman's Sparrow	G3	S3	N	N
<i>Phyllanthus liebmannianus ssp. platylepis</i> pinewoods dainties	G4T2	S2	N	E
<i>Phyllophaga elongata</i> Elongate June Beetle	G3	S3	N	N
<u><i>Podomys floridanus</i></u> Florida Mouse	G3	S3	N	N
<u><i>Pycnanthemum floridanum</i></u> Florida mountain-mint	G3	S3	N	T
<i>Sciurus niger niger</i> Southeastern Fox Squirrel	G5T5	S3	N	N



11/7/23, 2:07 PM

## FNAI Biodiversity Matrix

<i>Selonodon floridensis</i> Florida Cebrionid Beetle	G2G4	S2S4	N	N
<i>Selonodon mandibularis</i> Large-Jawed Cebrionid Beetle	G2G4	S2S4	N	N
<i>Sideroxylon alachuense</i> silver buckthorn	G1	S1	N	E
<i>Spigelia loganioides</i> pinkroot	G2Q	S2	N	E
<i>Ursus americanus floridanus</i> Florida Black Bear	G5T4	S4	N	N
<i>Verbesina heterophylla</i> variable-leaf crownbeard	G2	S2	N	E

**Disclaimer**

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

**Unofficial Report**

These results are considered unofficial. FNAI offers a [Standard Data Request](#) option for those needing certifiable data.

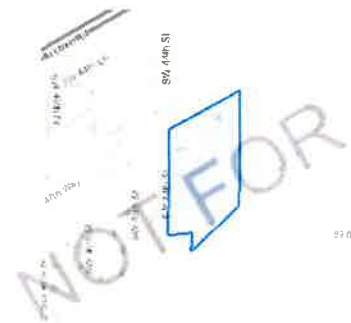
## IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

### Location

Alachua County, Florida



### Local office

Florida Ecological Services Field Office

☎ (772) 562-3909

📠 (772) 562-4288

✉ [fw4flesregs@fws.gov](mailto:fw4flesregs@fws.gov)

1339 20th Street

Vero Beach, FL 32960-3559

<https://www.fws.gov/office/florida-ecological-services>

## Endangered species

**This resource list is for informational purposes only and does not constitute an analysis of project level impacts.**

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

### Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Everglade Snail Kite <i>Rostrhamus sociabilis plumbeus</i> Wherever found There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. <a href="https://ecos.fws.gov/ecp/species/7713">https://ecos.fws.gov/ecp/species/7713</a>	Endangered
Whooping Crane <i>Grus americana</i> No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>	<a href="#">EXPN</a>

### Reptiles

NAME	STATUS
Eastern Indigo Snake <i>Drymarchon couperi</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/646">https://ecos.fws.gov/ecp/species/646</a>	Threatened

### Insects

11/7/23, 2:10 PM

IPaC: Explore Location resources

NAME	STATUS
<b>Monarch Butterfly</b> <i>Danaus plexippus</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Crustaceans

NAME	STATUS
<b>Squirrel Chimney Cave Shrimp</b> <i>Palaemonetes cummingi</i> Wherever found No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/1551">https://ecos.fws.gov/ecp/species/1551</a>	Threatened

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

## Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act<sup>1</sup> and the Migratory Bird Treaty Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats<sup>3</sup>, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

**There are bald and/or golden eagles in your project area.**

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (B)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

#### Breeding Season (●)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

#### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

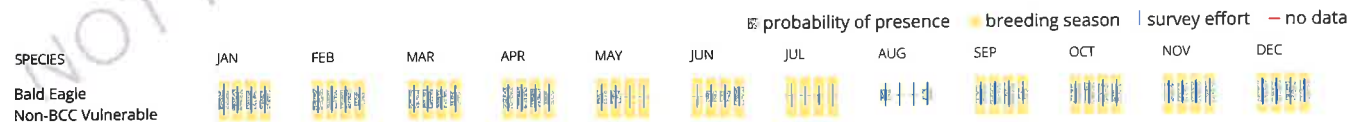
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

#### No Data (—)

A week is marked as having no data if there were no survey events for that week.

#### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



#### What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

#### What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

#### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

## Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats<sup>3</sup> should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9587">https://ecos.fws.gov/ecp/species/9587</a>	Breeds Apr 1 to Aug 31
Bachman's Sparrow <i>Aimophila aestivalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/6177">https://ecos.fws.gov/ecp/species/6177</a>	Breeds May 1 to Sep 30
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31
Black Skimmer <i>Rynchops niger</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/5234">https://ecos.fws.gov/ecp/species/5234</a>	Breeds May 20 to Sep 15
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Great Blue Heron <i>Ardea herodias occidentalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 1 to Dec 31
Gull-billed Tern <i>Gelochelidon nilotica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9501">https://ecos.fws.gov/ecp/species/9501</a>	Breeds May 1 to Jul 31
King Rail <i>Rallus elegans</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8936">https://ecos.fws.gov/ecp/species/8936</a>	Breeds May 1 to Sep 5
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Oct 1 to Apr 30

<p><b>Painted Bunting</b> <i>Passerina ciris</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds Apr 25 to Aug 15
<p><b>Pectoral Sandpiper</b> <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p><b>Prairie Warbler</b> <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p><b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Sep 10
<p><b>Swallow-tailed Kite</b> <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8938">https://ecos.fws.gov/ecp/species/8938</a></p>	Breeds Mar 10 to Jun 30

## Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (█)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

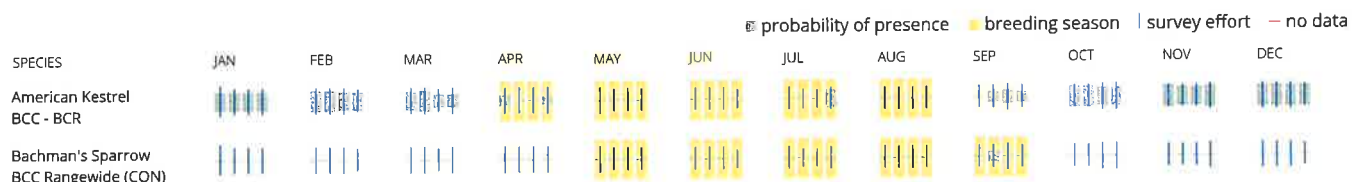
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

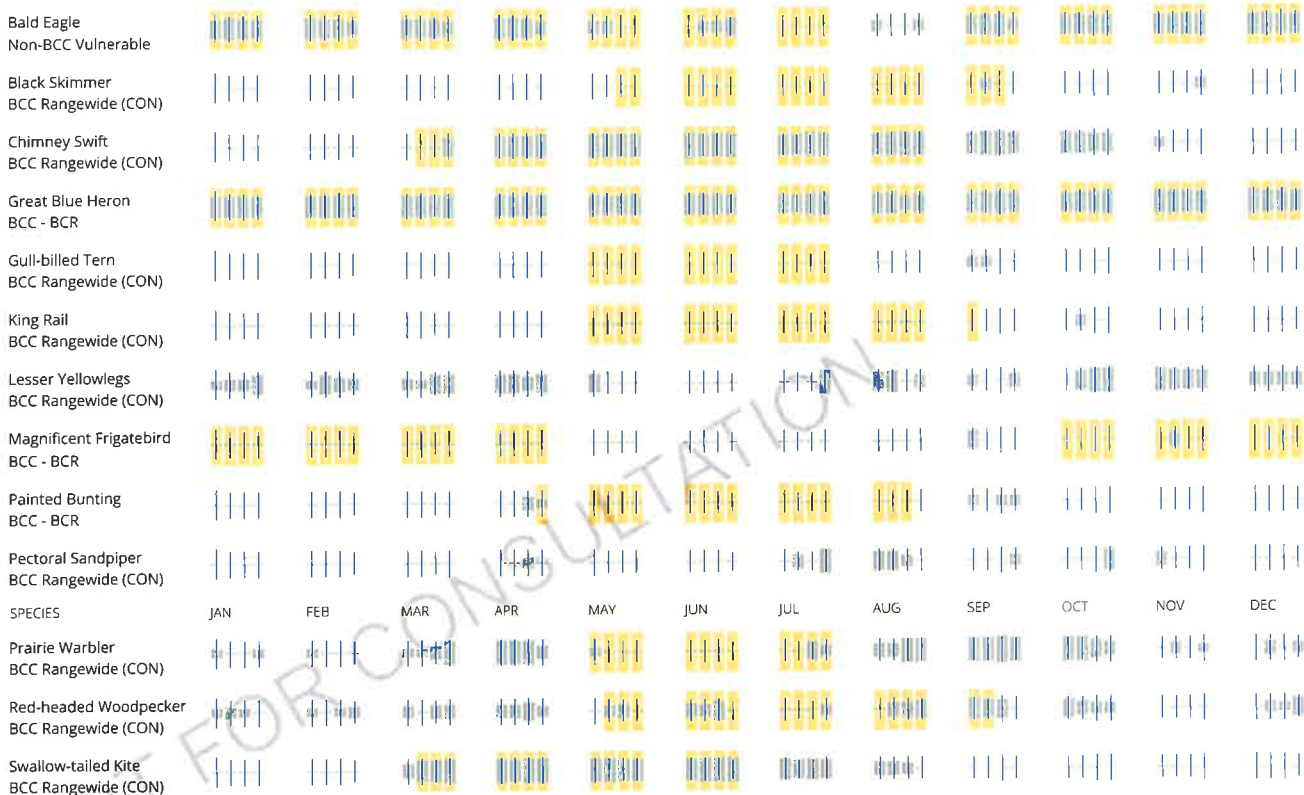
### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



11/7/23, 2:10 PM

IPaC: Explore Location resources



**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering or migrating in my area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and



3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

#### Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

#### What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

#### Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Facilities

### National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

### Fish hatcheries

There are no fish hatcheries at this location.

## Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

#### Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

#### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

#### Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

#### Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.