

**STATE OF FLORIDA**  
**DIVISION OF ADMINISTRATIVE HEARINGS**

KALI BLOUNT, NKWANDA JAH, AND  
CARRIE JOHNSON,

Appellants,

Case No. 21-2835

vs.

TRAMELL WEBB PARTNERS, INC., AND  
CITY OF GAINESVILLE,

Appellees.

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FINAL ORDER

Appellants Kali Blount, NKwanda Jah, and Carrie Johnson (Appellants), appeal a development plan application for Seminary Lane Building B2 filed by Appellee Trammel Webb Partners, Inc. (TWP), and administratively approved by Appellee City of Gainesville (City) on August 12, 2021. Pursuant to section 30-3.57 of the City's Land Development Code (2020), and a contract with the Division of Administrative Hearings (DOAH), Administrative Law Judge Hetal Desai conducted a hearing on October 25 and December 3, 2021, to accept and supplement the Record on Appeal.<sup>1</sup> The hearing was conducted via Zoom and open to the public.

APPEARANCES

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<sup>1</sup> All references to "sections" are to the 2020 version of the City's Land Development Code (LDC) in effect at the time of the original application for the Building B2 development submitted as part of the Seminary Lane Decision.

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ISSUES ON APPEAL<sup>2</sup>

The ultimate issue is whether to affirm, reverse, or modify the City's administrative approval of DB-21-00067 Major Development Plan-EZ-Seminary Lane Building B2 on August 12, 2021 (Development Decision), as part of a master planned residential development known as "Seminary Lane Development." Specifically, the issues to be determined in this appeal are as follows:

- (1) Whether the Development Decision meets the LDC's requirement that a multi-family building within 100 feet of a designated historic district contain no more than six dwelling units.
- (2) Whether the Development Decision satisfies the LDC's frontage requirements.
- (3) Whether the Development Decision satisfies the LDC's building placement requirements.
- (4) Whether the Development Decision satisfies the LDC's entrance requirements.

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<sup>2</sup> The parties stipulated to Appellants' standing to bring this appeal.

(5) Whether the Development Decision satisfies the LDC's configuration requirements.

PRELIMINARY STATEMENT (PROCEDURAL HISTORY)

On March 27, 2020, the City administratively approved TWP's "Preliminary/Final Development Plans for Phase A: Seminary Lane Development" (Seminary Lane Decision). That decision was appealed on April 24, 2020, by various individuals including the Appellants in this appeal. The City referred the appeal of the Seminary Lane Decision to DOAH. A Final Order in that case was issued on December 29, 2021. *See Blount, et. al. v. Tramell Webb Partners, Inc., and City of Gainesville*, Case No. 20-2135 (Fla. DOAH December 29, 2021) (Seminary Lane Final Order).<sup>3</sup>

The Seminary Lane Final Order upheld the City's Seminary Lane Decision with the following exception and instruction relevant to the current proceedings:

C. The approval for Building B2 is reversed without prejudice. Tramell Webb Partners, Inc., may submit amended plans for Building B2 to the City of Gainesville for review for compliance with the Gainesville Land Development Code, Comprehensive Plan, and other applicable regulations.

*Id. at 40.*

TWP amended its plans for the Building B2 development and submitted them to the City in a separate application, Petition DB 21-00067, on April 1, 2021. The City administratively approved Petition DB 21-00067 in the Development Decision on August 12, 2021. On September 10, 2021, Appellants filed a notice of appeal of the Development Decision with the City.

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<sup>3</sup> The Seminary Lane Final Order can be found in the Record on Appeal, p.p. 1527-1568.

The City forwarded the appeal to DOAH pursuant to section 30-3.57 of the LDC. The matter was originally assigned to Administrative Law Judge E. Gary Early, who held a scheduling conference on September 21, 2021. Subsequently, the matter was transferred to the undersigned who set the matter for hearing and issued an Order of Pre-hearing Instructions.

On September 28 and 29, 2021, the City electronically filed the Record on Appeal with DOAH in 16 parts. The portions most relevant to the Development Decision can be found in Part 16, pages 1569 through 1647. Additionally, TWP's expert utilized a drawing during the final hearing on December 3, 2021, which was made part of the Record on Appeal and is included in this Order as Graphic 4.

On October 13, 2021, Appellants filed their Initial Brief. Appellees jointly filed an Answer Brief on October 20, 2021. All parties filed Motions to Supplement the Record, which were granted.<sup>4</sup> The affidavits of Andrew Persons, Brittany McMullen, Kali Blount, NKwanda Jah, Carrie Johnson, Thomas Hawkins, Kim Tanzer, John "Chip" Webb, and Gerry Dedenbach were made part of the Record on Appeal.

The final hearing to supplement the Record on Appeal was held on October 25 and December 3, 2021, during which the parties were allowed to present witness testimony to supplement the Record on Appeal. Appellants presented the testimony of Kim Tanzer (expert witness—architecture and land use planning); and William Hawkins (expert witness—land use planning). The City presented the testimony of Andrew Persons (City's Director of the Department of Sustainable Development). TWP presented the

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<sup>4</sup> Appellants objected to the City's Motion to Supplement the Record as being untimely. This objection was overruled because the City had just cause and Appellants could not show how they were prejudiced by the delay.

testimony of John “Chip” Webb (TWP President); and Gerry Dedenbach (expert witness - land use planning).

The Transcript of the final hearing was electronically filed and available to the undersigned on December 10, 2021. Appellants filed a Motion for Extension of Time for Proposed Final Orders (PFOs), which was granted. The parties timely filed their PFOs which have been duly considered. To the extent necessary, the undersigned also takes official recognition of the Seminary Lane Final Order, and the Record on Appeal in DOAH Case No. 20-2135.

#### STANDARD OF REVIEW

Pursuant to section 30-3.57.D., the standard of review for this appeal is as follows:

*Appeal criteria.* The Hearing Officer shall give deference to the administrative official’s final decision, order, requirement, interpretation, determination, or action, and may only reverse or modify such when the Hearing Officer finds that the administrative official’s final decision, order, requirement, interpretation, determination, or action:

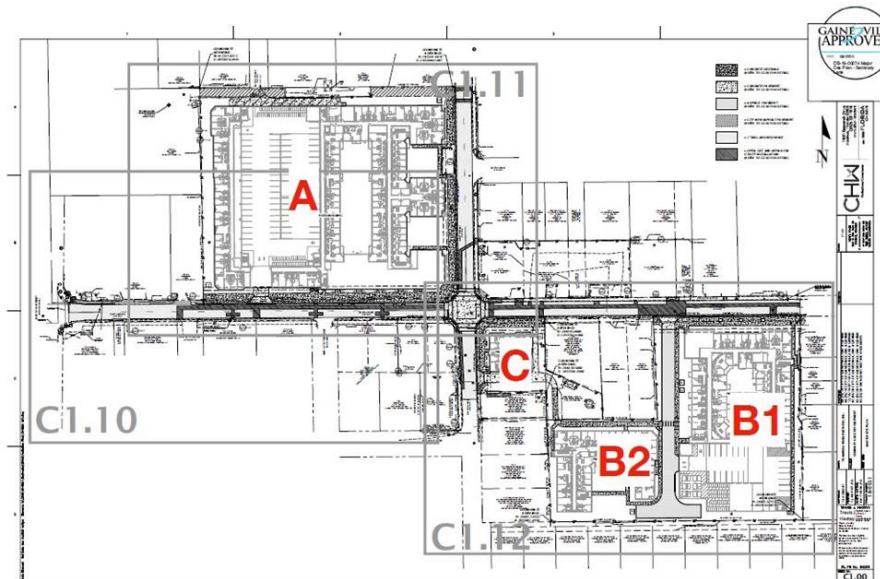
1. Was clearly erroneous or patently unreasonable and will result in a miscarriage of justice;
2. Has no foundation in reason, meaning the absence of a situation where reasonable minds could disagree, and is a mere arbitrary or irrational exercise of power having no substantial relation to the public health, morals, safety, or welfare; or
3. Was an ultra vires act, meaning the administrative official clearly lacked the authority to take the action under statute or the City of Gainesville Charter Laws or Code of Ordinances.

GENERAL FINDINGS OF FACT BASED ON THE RECORD

THE PARTIES AND DEVELOPMENT

1. The Seminary Lane Development consists of multiple parcels totaling 6.33 acres of property that straddle Northwest 5th Avenue and Northwest 12th Street in Gainesville, Florida.<sup>5</sup> The area around the Seminary Lane Development is known as the Fifth Avenue Neighborhood (Neighborhood).

2. The Seminary Lane Development (shown below in Graphic 1) consists of numerous buildings in different areas designated as Areas A, B, and C. Area B is subdivided into development labeled B1 and B2.



Graphic 1

3. This appeal challenges the Development Decision on Petition DB 21-00067 for the Building B2 development (or proposed development) in Area B of the Seminary Lane Development. As explained below, the Petition DB-2100067 proposes development consisting of three buildings with a total of 27 residential dwelling units.

4. Appellant Kali Blount is a resident of Gainesville who has worked continuously to improve the Neighborhood since 1987. Mr. Blount has served multiple terms on the Gainesville Fifth Avenue Community Redevelopment

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<sup>5</sup> Northwest 5th Avenue in Gainesville, Florida, is also known as “Seminary Lane.”

and Pleasant Street Advisory Board, a board of citizens appointed by the Gainesville Community Redevelopment Agency (CRA) to advise the CRA on development in the area including and surrounding the Seminary Lane Development.

5. Appellant NKwanda Jah is a resident of Gainesville and is the founder and executive director of the Cultural Arts Coalition, which is housed in the Wilhelmina Johnson Center (Center) located in the Neighborhood at 321 Northwest 10th Street. The Center is about 500 feet from the area at issue in this appeal.

6. Appellant Carrie Johnson resides in the Neighborhood at 705 Northwest 10th Street. Ms. Johnson has lived in her home for the last 35 years. Her home is about 900 feet from the area of the proposed development.

7. Appellee TWP is the Florida limited liability company overseeing the Seminary Lane Development, including the proposed development. TWP submitted Petition DB-2100067 to the City, which resulted in the Development Decision.

8. Appellee City is a Florida municipality. The City enacted the LDC and authorized its staff to administratively issue the Development Decision approving Petition DB-2100067 and the revised plans for the proposed development.

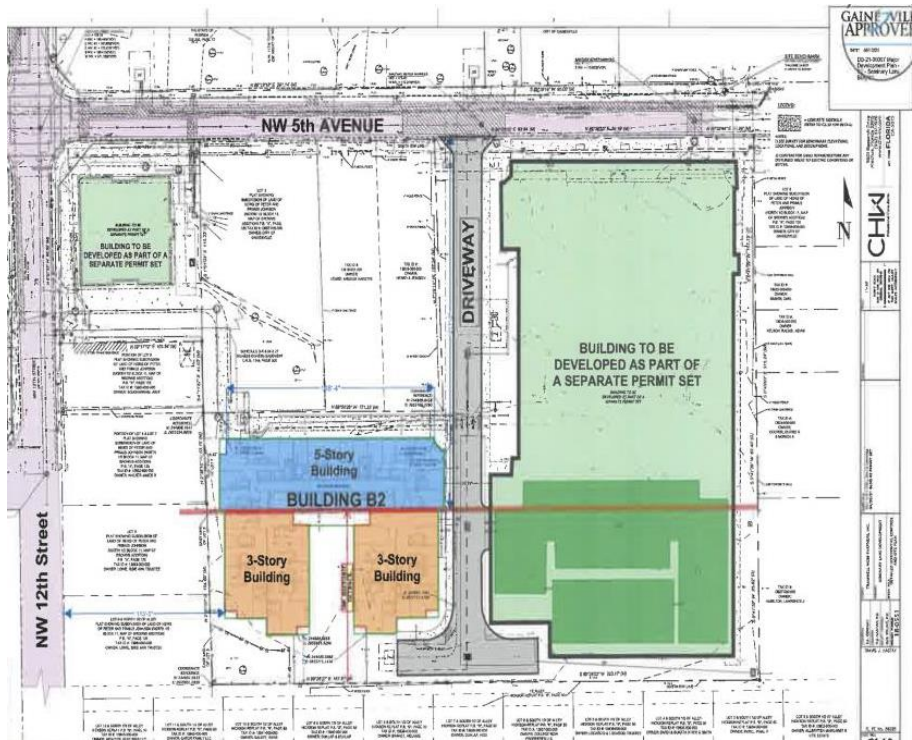
#### THE DEVELOPMENT DECISION

9. On April 1, 2021, TWP submitted the Building B2 Development Plan Application, Petition DB-2100067, to the City. Petition DB-2100067 consists of revised plans for the proposed development in accordance with the Final Order for the Seminary Plan Appeal. On August 12, 2021, the City Staff administratively approved Petition DB-2100067, rendering the Development Decision.

10. The proposed development is located on the west side of Area B in the Seminary Lane Development shown below in Graphic 2. The parcel making

up Area B is a backwards “L” shape on the interior portion of a block bordered by N.W. 5th Street to the north. The Building B1 development (shown in light green in Graphic 2) is located on the east portion of the Area B parcel, and will be made up of multi-family residential units and a multi-story parking garage. Area B abuts the rear of several single-family homes.

11. Buildings B1 and the proposed development are separated by a driveway (shown in gray in Graphic 2). This provides access from N.W. 5th Avenue (a public street) to the buildings in Area B.



Graphic 2<sup>6</sup>

12. The proposed development will contain 27 multi-family residential units, but no parking spaces with the Building B2 footprint. Building B1’s parking garage (shown in dark green in Graphic 2) will serve the units in the proposed development.

<sup>6</sup> Graphic 2 was an attachment to Gerry Dedenbach’s Affidavit. Mr. Dedenbach imposed the text and coloring onto an existing plan in TWP’s Building B2 Application.



13. The proposed development abuts the rear of several single-family homes on the south. These existing homes are in the University Heights Historic District (UHHD), which the City has designated as a historic district. Portions of Area B are within 100 feet from the UHHD district (the 100-foot distance is indicated by the orange line in Graphic 2).

#### SPECIFIC FINDINGS OF FACTS AND ANALYSIS

ISSUE I - WHETHER THE DEVELOPMENT DECISION MEETS THE LDC'S REQUIREMENT THAT A MULTI-FAMILY BUILDING WITHIN 100 FEET OF A DESIGNATED HISTORIC DISTRICT CONTAIN NO MORE THAN SIX DWELLING UNITS.

14. Appellants argue that the Development Decision should be reversed because it will be a multi-family development that has more than six dwelling units and, therefore, fails to comply with section 30-4.8.D.1., which states:

1. *Generally.* Multi-family development shall contain no more than six dwelling units per building and shall be in the form of single-family dwellings, attached dwellings, or small-scale multi-family when located within 100 feet of any property that is in a single-family zoning district, the U1 district, or *a designated historic district.* (emphasis added).

15. There is no dispute the property south of Area B is located within a designated historic district, the UHHD, and, therefore, the six-unit cap is triggered. The issue is: what part of the proposed development is subject to the cap? Appellants argue this provision applies to the entire Building B2 development, which they argue should be considered to be one building. TWP argues the proposed development is actually three buildings—B2, B3, and B4. It asserts that only Buildings B3 and B4 are subject to the six-unit limit because they are the two buildings within 100 feet of the UHHD. The City argues it is irrelevant whether Building B2 is one or three buildings

because the six-unit limit only applies to the portion of Building B2 within 100 feet of the UHHD.

16. The City's interpretation that the six-unit cap only applies to the portion of Building B2 within the 100-foot area from the UHHD is supported by the record, but its reasoning that it does not matter whether the proposed development involves one building or three buildings is clearly erroneous.

17. Whether the cap in section 30-4.8.D.1. applies to the entire Building B2 development, or only those portions that are built in Area B that are within the 100 feet of the historic district is the initial issue. The City has interpreted section 30-4.8.D.1. as establishing a definite prescriptive compatibility standard that applies specifically to a land area that is measured as 100 feet within certain protected areas (i.e., single-family zoning district or designated historic district). According to the City, section 30-4.8.D.1. does not apply to the entire proposed development, no matter how large, just because a portion may be within 100 feet of a described area. In other words, the portion of the proposed development that is not within 100 feet of the UHHD is not subject to the six-unit limit.

18. As an example, Appellees point to Figure 2 in section 30-4.8, which depicts an example of allowable transitioning between property in a designated protected area and a portion of a multi-family building that lies within 100 feet of that protected area.



§ 30-4.8, Fig. 2, LDC.

19. The City has applied this provision to allow development within the applicable 100-foot area where each building, or portion thereof, contains no more than six dwelling units in the form of single-family dwellings, attached dwellings, or small-scale multi-family dwellings. This achieves the City’s goal to provide a transition between property designated as a protected area (such as the UHHD) and property proposed for larger-scale development (such as the Seminary Lane Development). This concept was utilized in the Seminary Lane Decision for the development of Area A and affirmed in the Seminary Lane Final Order. *See Seminary Lane Final Order, ¶¶71-73.*

20. Applying the six-unit limit to only the portion of the proposed development that is within 100 feet of the UHHD, however, does not negate the requirement that there be “no more than six dwelling units *per building*” in section 3-4.8.D.1 (emphasis added). The Development Decision approves 12 units within 100 feet of the UHHD. This is six more than allowed for one building but allowable if there are two buildings. Thus, contrary to the City’s reasoning, it does matter how many buildings are planned for development.

21. The issue then becomes whether “there is no foundation in reason, meaning the absence of a situation where reasonable minds could disagree” regarding the existence of three buildings that make up the Building B2 development, as asserted by TWP. § 30-5.57.D.2., LDC.

22. Appellants point to multiple citations in the Record on Appeal where the Appellees refer to the proposed development as simply “Building B2.” This reference to “Building B2” instead of the “Buildings B2 through B4” or “B2 development” is confusing. It is reasonable to believe the Development Decision involves one building. But a closer review of the Record on Appeal establishes that “reasonable minds could disagree” as to whether there are one or three buildings in the proposed development.

23. First, the General Notes and plans submitted by TWP and approved by the City specifically state, “The building will be segmented into three different buildings.” The General Notes go on to explain that parking for Buildings B2 through B4 will be provided through the parking garages as part of Buildings A, B1, and C.

24. Second, the approved plans for the proposed development contain a sheet titled “Building B2 Floor Level 1” or Sheet “A1-15B.” This sheet labels the proposed development as separate buildings: the northern five-story building with three units per floor is identified as “BLDG B2”; the southeastern three-story building with two units per floor is identified as “BLDG B3”; and the southwestern three-story building with two units per floor is identified as “BLDG B4.”

25. Finally, the LDC defines a building as:

Building means any structure, either temporary or permanent, except a fence or as otherwise provided in this definition, used or built for the enclosure or shelter of persons, vehicles, goods, merchandise, equipment, materials or property generally. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, jails, barns or vehicles serving

in any way the function of a building as described herein. This definition shall not include individual doll houses, play houses, and animal or bird houses.

§ 30-2.1., LDC.

26. Technically, Buildings B2, B3, and B4 each satisfy the LDC's definition of "building" in that each will be built for the enclosure or shelter of persons. Although seemingly connected from the outside, the plans show fire walls between Buildings B2 and B3, and between Buildings B2 and B4. There is a courtyard and Building B2 between Buildings B3 and B4. This supports the conclusion that the proposed development is actually three buildings. Moreover, this interpretation is consistent with the City's position in the Seminary Lane Decision that Building A was actually multiple buildings, later affirmed in the Seminary Lane Final Order. *See Seminary Lane Final Order*, ¶ 74.

27. It cannot be said that treating the proposed development as three buildings—B2, B3, and B4—is clearly erroneous, patently unreasonable, without foundation in reason, merely arbitrary or irrational, or that reasonable minds could not disagree. As such, the Record on Appeal establishes that the proposed development consists of three buildings.

28. Of these three buildings, Buildings B3 and B4 are located within 100 feet of property of the UHHD. Each of these two multi-family buildings is subject to the limitations that they be no more than three stories with a maximum of six units per building. These buildings are three stories with two units per story, and have a maximum of six units per building. Therefore, Buildings B3 and B4 meet the requirements of section 30-4.8.D.1., as interpreted by the City, and the Development Decision complies with the LDC.

ISSUE II – DOES THE DEVELOPMENT DECISION SATISFY THE LDC’S FRONTAGE REQUIREMENTS?

29. Because the Development Decision approves construction of three separate buildings, each building must comply with the requirements of the LDC. Appellants contend that the buildings which make up the proposed development do not comply with the LDC’s frontage requirements in section 30-4.13, *Building Form Standards*. Specifically, Appellants argue that the Development Decision violates the frontage requirements in section 30-4.13.D. and Table V-2, Row D.

30. Appellants argue the plans for Building B2 violate section 30-4.13. D., which they claim requires every building to incorporate one of several specified design elements (a storefront, gallery, arcade, courtyard, stoop, or porch) into the building façade. Section 30-4.13.D. states:

*D. Building frontage zone requirements.*

All *development* shall provide a minimum 5-foot wide *building frontage zone* behind the public sidewalk, and buildings shall have at least one type of *building frontage* incorporated into its design. Table V-3 contains the dimensional requirements for the various types of building frontages allowed. *The intent of the building frontage zone is to provide a transition between the public street/sidewalk and the building.* The type of activity conducted in the private frontage zone depends on the nature of the proposed use (Figure V-8). For a commercial building, the intent of the private frontage zone is to attract customers into the business. For a residential site, the intent of the private frontage zone is to provide for a private outdoor space and establish a separation from the public sidewalk for the ground floor rooms. (emphasis added).

31. Table V-2, “Building Form Standards within Transects,” Row D also applies to building frontage and requires every building that has frontage occupy a minimum percentage of the property’s frontage.

32. Before analyzing whether the Development Decision complies with these subsections, it is helpful to review the definition of “building frontage” in the LDC:

Building frontage means the total length in linear feet of a building façade(s) within a development that fronts directly on a *required street* or urban walkway. Building frontage is regulated as a required percentage of the total length of the development frontage along the *street* or urban walkway.

§ 30-2.1., LDC (emphasis added).

33. Furthermore, the LDC defines “street” as:

Street means any *publicly dedicated accessway* such as a street, road, highway, boulevard, parkway, circle, court or cul-de-sac, and shall include all of the land lying between any right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, except those accessways such as easements and rights-of-way intended solely for utilities and similar facilities and easements of ingress and egress.

*Id.* (emphasis added).

34. As depicted in Graphic 3, the block which contains Area B is bordered to the north by N.W. 5th Avenue, to the west by N.W. 10th Street, to the south by N.W. 4th Avenue, and to the west by N.W. 12th Street. Buildings B2, B3, and B4 do not front directly on any of these streets. Rather they abut property owned by other entities to the west, north and south; and they abut the driveway that will separate them from the Area B parking garage and Building B1 to the east.



Graphic 3

35. Appellants argue the driveway separating the proposed development from the Building B1 development is a street or public access way. The LDC defines “driveway” as “the improved area between a public street and private property intended to provide ingress and/or egress of vehicular traffic from the public or private street to a definite area of private property.” § 30.2.1, LDC. The record reflects that driveways like the one approved for Area B in the Seminary Lane Decision are used in multi-family developments with several buildings. These developments may include certain buildings that are not directly fronting a publicly dedicated street or a publicly dedicated accessway. The driveway adjacent to Buildings B2 and B3 is not a street or publicly dedicated accessway.

36. Consequently, there is no building frontage or applicable building frontage form requirement for Buildings B2, B3, and B4. In other words, the frontage requirements of section 30-4.13 are not applicable to the proposed development because Buildings B2, B3, and B4 do not front a street as defined in the LDC. As such, the Development Decision cannot be said to violate sections 30-4.13., Table V-2, Row D or 30-4.13.D.



ISSUE III – DOES THE DEVELOPMENT DECISION SATISFY THE LDC’S BUILDING PLACEMENT REQUIREMENTS?

37. Appellants also argue the Development Decision does not comply with section 30-4.13, Table V-2, Row E, *Building Placement*. This section requires a minimum landscaping, sidewalk and building frontage placement on certain types of *streets* including a “Storefront Street,” “Principal Street,” “Thoroughfare Street,” and “Local Street.”

38. As explained above, Buildings B2, B3, and B4 are not located on any kind of street. Therefore, the building placement requirements do not apply, and the Development Decision cannot be said to violate Table V-2, Row E of section 30-4.13.

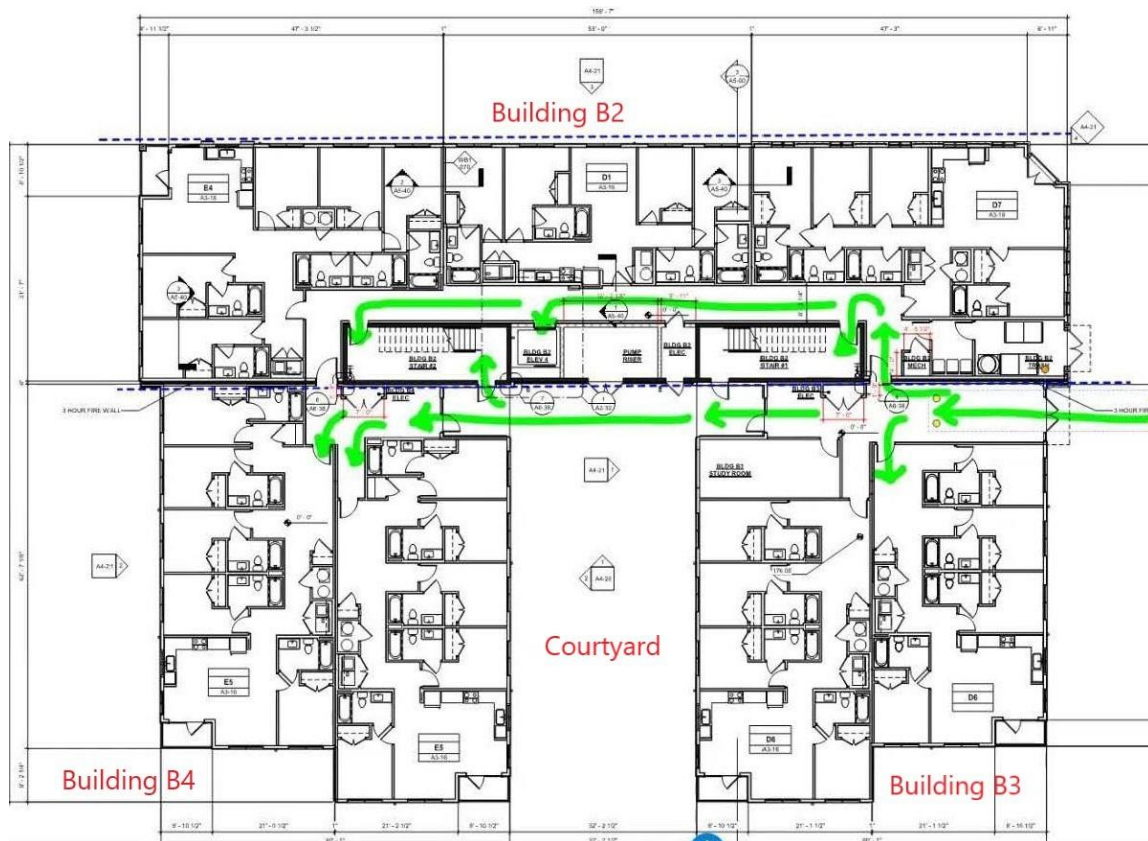
ISSUE IV – DOES THE DEVELOPMENT DECISION SATISFY THE LDC’S ENTRANCE REQUIREMENTS?

39. Appellants also argue the Development Decision violates the entrance requirements found in section 30-4.14. D., which states:

D. Building entrances.

1. *Each building* shall provide a primary public entrance oriented toward the public right-of-way, and may be located at the building corner facing the intersection of two streets. Additional entrances may be provided on other sides of the building.
2. Primary public entrances shall be operable, clearly-defined and highly-visible. In order to emphasize entrances they shall be accented by a change in materials around the door, recessed into the facade (alcove), or accented by an overhang, awning, canopy, or marquee.
3. *Building frontages* along the street shall have functional entrances at least every 150 feet. (emphasis added).

40. The record establishes only one entrance for Buildings B2, B3, and B4 from the driveway side. This entrance is located at the northeastern corner of Building B3, where it connects with Building B2 (driveway entrance) There is no access for Building B2 without going through Buildings B3 or B4. Building B3 can be accessed through the driveway entrance or through doors located on the northwest end of the courtyard. Building B4 can be accessed through the driveway entrance and a door on the northwest end of the courtyard, or by walking around Building B3 and using doors located on the northeast end of the courtyard.



Graphic 4 (Plan of first-floor of proposed development; green arrows in original; labels in red added for clarification).

41. As reflected in Graphic 4 to access units in Building B3 (containing two units on each of three floors), a person would walk through the driveway entrance and then take a left turn into one of the ground floor Building 3 units. To access units on the second or third floor of Building B3, a person

must walk through Building B2 by going through the driveway entrance into a hallway in Building B3, taking a right into Building B2, taking a left into either the staircase or elevators located in Building B2, taking the stairs or elevator to the second and third floors, exiting the stairs or elevator into Building B2, taking a right into a hallway back into Building B3, and then to the individual units in Building B3 on that floor.

42. To access Building B2 (containing three units on each of five floors), a person would have to walk through the driveway entrance into Building B3, walk through a hallway located in Building B3, and take a right into an internal hallway in Building B2 accessing the first-floor units in Building B2. To access a unit on floors two through five of Building B2, a person would take the same process as accessing a first-floor unit in Building B2, but take a staircase or elevator in Building B2 to the second through fifth floors for Building B2, and then access the individual units through an internal hallway on that floor.

43. To access Building B4 (containing two units on each of three floors), a person could walk through the driveway entrance, walk through a hallway located in Building B3, exit into the courtyard, walk across the courtyard to a door into Building B4, and enter into a hallway that provides access to the first-floor units of Building B4. To access the units on the higher floors of Building B4, a person must go through Building B2 by going through the same process of going to the stairs or elevator in Building B2 to the appropriate floor, and then take a left to walk into Building B4 to a hallway accessing one of the two units on that floor.

44. As discussed above, section 30.4-14.D.3., applies only to building frontages. None of the buildings front a street. Buildings B2 and B3 front the driveway; Building B4 fronts a courtyard. Therefore, the 150-foot requirement for entrances in section 30-4.14.D.3 does not apply.

45. Appellees argue that the primary public entrance requirement in section 30-4.14.D.1. and 2. also do not apply because Buildings B2, B3, and

B4 do not front a public right-of-way. A plain reading of these subsections requires all buildings to have a public entrance that “orient toward” a public right-of-way, not “front” a public right-of-way.

46. Unlike the sections previously discussed, the requirements in subsections D.1. and D.2 of 30-4.14 are not contingent on having building frontage. Rather, these subsections apply to *each building* and require “primary public entrances.” Because Building B2, B3, and B4 are separate structures or “buildings,” they must each satisfy these two subsections of section 30-4.14. They do not.

47. The plans for Building B2 do not provide “a primary public entrance oriented toward the public right-of-way” as required by section 30-4.14.D.1. Because this failure to designate an entrance is in violation of the LDC and clearly erroneous, the Building B2 Development Decision must be modified to require such an entrance for Building B2. Because there are public right-of-ways in the form of public streets, any such entrance could be located on the driveway side, courtyard, east side or north side of Building B2.

48. Additionally, assuming that the door from the courtyard is the primary entrance to Building B4, there is nothing in the record that establishes that this entrance is “operable, clearly-defined and highly-visible ... accented by a change in materials around the door, recessed into the facade (alcove), or accented by an overhang, awning, canopy, or marquee.” Because the plans fail to designate the courtyard entrance as the primary public entrance for Building B4, it violates section 30.4.14.D.2., and is clearly erroneous. As a result, the Development Decision must be modified to bring the courtyard entrance for Building B4 into compliance with this section.

ISSUE V – DOES THE DEVELOPMENT DECISION SATISFY THE LDC’S CONFIGURATION REQUIREMENTS?

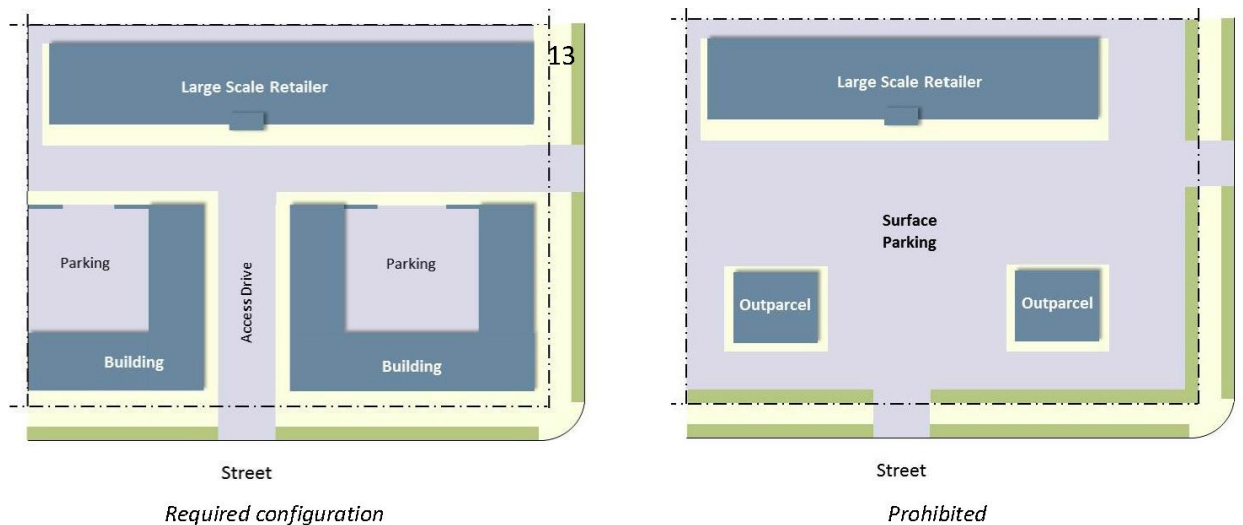
49. Appellants argue the Development Decision fails to meet the requirements of section 30-4.13.C.5. and the configuration requirements depicted in Figure V-7 in section 30-4.13.

50. Section 30-4.13.C.5. states:

Where multiple buildings are proposed within a development, the placement of buildings at the rear of a site is allowed as long as one or more buildings are placed along the front of the site meeting the building placement and setback and building frontage requirements of this division. Figure V-7 depicts the required configuration of multiple buildings on a site, such as within a shopping center. Streets or access drives shall be incorporated into the site to break it down into smaller lots/blocks (platting will not be required). The primary access drive shall be centered on the anchor building and shall be lined with buildings, which shall meet the required frontage standards along the street and access drive.

51. Figure V-7 in Section 30-4.13, *Multiple Buildings on a Site*, provides the following graphic depiction regarding how to apply section 30-4.13.C.5.:

Figure V-7: Multiple Buildings on a Site



§ 30-4.13., Figure V-7, LDC.

52. Again, reviewing the definitions in section 30-2.1 is helpful in determining whether and how this section is applicable. “Development” is defined as:

Development or development activity means any of the following activities:

A. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil or vegetation of a site.

B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface or water management system, and including the long-term storage of materials.

C. The erection, placement, alteration, remodeling or reconstruction of any building on any land or the authorization of any improvements on any land to facilitate the use of such land.

53. Section 30-2.1. also defines “project” as follows:

Project means a single development as designated by the applicant, but two or more purportedly separate developments shall be considered one project if the City Manager or designee determines that three or more of the following criteria exist:

A. The purportedly separate developments are located within 250 feet of each other;

B. The same person has an ownership interest or an option to obtain an ownership interest of more than 50% of the legal title to each purportedly separate development;

C. There is a unified development plan for the purportedly separate developments;

D. The purportedly separate developments voluntarily do or shall share private infrastructure; or

E. There is or will be a common management or advertising scheme for the purportedly separate developments.

54. As explained previously, the application for the proposed development was resubmitted after the larger Seminary Lane Development was approved and affirmed, except for the Building B2 development. It is reasonable to conclude based on the configuration shown in Figure 7 above, and the plain language of section 30-4.13.C.5., that any placement requirements apply to the entire Seminary Lane Development, including Areas A, B, and C, and not to just a portion of the development.

55. Moreover, the placement of Buildings B2, B3, and B4 in Area B is consistent with the intent of section 30-4.13.C.5. that a building on a large development project site be placed in such a way that includes streets and access drives in order to ensure compliance with the rest of the requirements provided in Section 30-4.13. For example, the Area B driveway breaks the L-shaped site into smaller blocks on each side.

56. Moreover, the Seminary Lane Decision and Seminary Lane Final Order establish the development of Area B fulfills the requirements of section 30-4.13.C.5. by locating Building B1 at the front of Area B and meeting the applicable building placement, setback, and frontage requirements.

57. Finally, given the L-shaped figure of the site, it cannot be said that the configuration of Area B or the placement of Buildings B2, B3 and B4 are clearly erroneous, patently unreasonable, or have no foundation in reason. Accordingly, the Development Decision is consistent with the configuration requirements of section 30-4.13.C.5. and depicted in Figure V-7.

### CONCLUSION OF LAW

58. The parties do not dispute, and the record supports, standing to appeal for all Appellants.

59. Appellants challenging the administrative decision are tasked with the burden of proving that the City approved a development plan application in violation of the applicable administrative review criteria in section 30-3.46 of the LDC.

60. Section 30-3.46 of the City's LDC provides that an application may be approved if the "proposed development is consistent with the Comprehensive Plan and complies with the Comprehensive Plan, the Land Development Code, and other applicable regulations."

61. Based on the above Findings of Fact, TWP's plans for the proposed development are consistent with the Comprehensive Plan, and complies with the Comprehensive Plan, the LDC, and other applicable regulations, except with regards to the entrances to Buildings B2 and B4.

62. Except as indicated above regarding sections 30-4.14.D.1. and 2., Appellants did not carry their burden to show that the Development Decision is in violation of the LDC.

### DETERMINATION

Based on the foregoing Findings of Fact, the Development Decision for Major Development Plan-EZ-Seminary Lane Building B2 (Petition DB 21-00067) is approved, with the modification and partial reversal that Trammel Webb Partners, Inc. update the architectural sheet and resubmit it to the City of Gainesville for approval so that it reflects that Buildings B2 and B4 each depict an entrance in compliance with the Gainesville Land Development Code.



DONE AND ORDERED this 14th day of January, 2022, in Tallahassee, Leon County, Florida.



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HETAL DESAI  
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Filed with the Clerk of the  
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this 14th day of January, 2022.

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to section 30-3.57 of the City of Gainesville Land Development Code, this decision shall be final, and may be subject to judicial review as provided by ordinance.