

**Petition PZ-09-66 TCH City Plan Board. Amend Division 3 of the Land Development Code concerning Proportionate Fair-Share to make it consistent with Senate Bill 360 changes to State Growth Management laws.**

Onelia Lazzari, Concurrency Management Planner gave the staff presentation and stated that Senate Bill 360 has established requirements for a new TCEA. Ms. Lazzari further stated that the proposed TCEA philosophy is consistent with the existing TCEA, land uses, funding strategies and alternative modes of transportation. Ms. Lazzari further stated that the city did not seek out Dense Urban Land Areas (DULAs) status or a Transportation Concurrency Exception Area expansion; however this is a state mandate and staff feels that they need to respond quickly to provide clarity and prevent a moratorium situation. Ms. Lazzari added that another provision of Senate Bill 360 is that it exempts Developments of Regional Impact (DRI) from the state review process, and new regulations will be needed for the new state-mandated TCEA. Ms. Lazzari listed that the new state mandated TCEA philosophy, intent and procedures as:

- redevelopment incentives for development in East Gainesville and near the University of Florida
- a tiered approach where a greater number of standards must be met in distant areas
- design and streetscaping
- alternative modes of transportation other than road widening
- auto-oriented uses specially regulated
- expect congestion in urban areas

Ms. Lazzari stated that the new Zones D, E and M for the new state-mandated TCEA will be required to meet more standards and that there will be requirements for developments with more than 5,000 average daily trips. Ms. Lazzari further stated that the proposed changes to the Proportionate Fair Share are consistent with the Senate Bill 360 provision that allows local governments to adopt ordinances that may regulate and impose standards and fees in the TCEA. Ms. Lazzari added that the amendment to the Proportionate Fair Share does not apply to:

- DRI's that are using proportionate share
- to developments that are in an existing TCEA
- a new TCEA that receives a final development order after DULA status
- annexed properties without city land use and zoning.

Ms. Lazzari added that Zones A, B, and C will retain the same TCEA language; while the new zones D, E, and M will abide by the new standards that have been adopted. Ms. Lazzari further added that staff is recommending approval with amendments.

Chris Dawson inquired if petition PZ-09-66 TCH, as a text change, will change the zones of any of the properties. Ms. Lazzari stated that there will be no changes to any existing properties that are in the existing TCEA as a result of this petition; except for the Murphree Water Treatment Plant being moved from Zone B to Zone A. Mr. Dawson stated that what he is understanding this evening is that the City Commission believes that the adoption of Senate Bill 360, and subsequently its designation as a DULA, preempts any existing concurrency laws that the city has adopted. Ms. Lazzari stated that the City Attorney's Office and the City Commission have been very concerned about the large amount of uncertainty that this Senate bill brings upon local governments achieving DULA status and a TCEA.

Chair Wells stated that when this Senate Bill 360 was first described to this board, we were very concerned with the idea that a large development would escape the level of scrutiny that we felt it needed to have; and sees that the two largest areas mostly affected as being zones E and M.

Laurel Nesbit inquired if we are dealing with text changes to the Land Development Code, in the long term strategies in the Comprehensive Plan, will they be looking at a similar petition in the future, after we are established as a DULA. Ms. Lazzari stated that staff is referring to the Land Development Code Amendment as a short-term strategy until the Comprehensive Plan Amendment with the map changes are adopted; it will cease the need for that section in the Code. Ms. Lazzari further stated that if you look at the zones and the standards, the short term strategy looks very similar to the long term strategy.

Mr. Dawson stated that there are existing laws in our community that deal with transportation concurrency and proportionate fair share; as well as a concurrency system that addresses development's impacts on roadways. Mr. Dawson further stated that his concern is the presumption that this proposal will closely mirror our long term strategy for addressing the State mandated TCEA. Mr. Dawson added that he is not aware if the community vetted a long term strategy for addressing the TCEA and is not opposed to a short term strategy in the abstract; but the presumption that this is the right short term strategy because of the presumed long term strategy, has not been discussed.

Chair Wells opened the floor for public comment and no one came forward.

Ralph Hilliard, Planning Manger stated that the long range strategy for the City of Gainesville is to encourage development within the city limits and focus on multi-modal transportation; of which is what this petition does. Ms. Lazzari stated that when this is adopted it will be part of the Evaluation and Appraisal Report and will be fully vetted outside of this process.

Chair Wells inquired that now that the TCEA is proposing to move out to the city boundaries what type of compatibility does it have with the transportation concurrency policy. Ms. Lazzari stated that a county proposal called Mobility and Land Use to create a better process for transportation concurrency relies heavily on transit as a solution; and staff feels that their solution is in agreement with that.

<b>Motion By:</b> Bob Cohen	<b>Seconded By:</b> Bob Ackerman
<b>Moved To:</b> Approved with the recommendation adoption with modification of text and replacement of both map as provided by staff.	<b>Upon Vote:</b> 6 - 0.