

LEGISLATIVE #



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Planning & Development Services

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TO: Commissioner Thomas Hawkins
THRU: Russ Blackburn, City Manager 
FROM: Erik A. Bredfeldt, Planning and Development Services Director 
DATE: July 6, 2011
SUBJECT: Additional Information Regarding Environmental Regulation Petition

We recently met to discuss various issues related to the proposed Environmental Regulation Petition that is scheduled to be heard by the City Commission at a public hearing on July 7, 2011.

Staff provided written responses to several questions that you had referred through the City Manager in late April.

I have included those responses as well as copies of the Petitions that have been modeled in light of the proposed regulations by staff.

If you have any additional questions, please do not hesitate to contact me.

Enclosures

cc: Honorable Mayor and City Commission

From: Hawkins, Jr., Thomas
Sent: Friday, April 29, 2011 12:42 PM
To: Blackburn, Russ D.
Cc: Byrne, Betsy L.
Subject: Protection of natural and archaeological resources

Russ,

The plan board recently heard Petition PB-10-143 TCH related to the protection of natural and archaeological resources. I have a few requests for information I would like staff to respond to before this petition comes to the City Commission (these can be included as back up for the City Commission's hearing on this petition, they do not need to precede scheduling the hearing).

1. Paragraph 30-310(e)(1) creates a categorical exemption from application of the ordinance for properties less than or equal to 2 acres. Please prepare a mapped representation of the portions of the city subject, and not subject to this categorical exemption. Also, please prepare some statistics describing these parcels such as the number of parcels and total acreage of parcels so exempt in relation to the total number of parcels and acres within the city. Finally, compare these data to data for hypothetical exemptions at different thresholds such as five or seven acres.

2. Paragraph 30-310(f)(1) describes a level of review called Basic Review. Applications which pass Basic Review without indicating the presence of regulated resources are not subject to further review. I would like to better understand what basic review entails and where the threshold is where an application moves from not being subject to further review to being subject to further review. Please provide several examples of basic reviews prepared for parcels within the city that result both in no indication of regulated resources and in an indication of the presence of regulated resources.

3. Paragraphs 30-310(f)(2) and (3) describe Level 1 review and Level 2 review. From the descriptions included here, I cannot understand what an applicant must do to complete each level of review. Please describe with greater clarity, perhaps by referencing appropriate portions of 30-310.1 through 30-310.5, what an applicant must do to comply with these levels of review.

4. Paragraph 30-310.4(c)2. allows a fee-in-lieu of land mitigation so that applicants may mitigate impacts to resources by making a cash payment to the city equal to 150% of the appraised market value of the real estate. A fee-in-lieu approach might instead base the amount of a cash payment on the city's cost to purchase similarly ecologically or archeologically valuable lands. Please provide a discussion of the advantages or disadvantages of choosing one of these approaches over the other.

Thank you for reviewing this. I know that these are not simple questions. I am more than happy to discuss them with appropriate staff if they are not sufficiently clear for staff to respond. I hope that responses to these questions will either diffuse some opposition to the proposed ordinance or allow the city to improve the ordinance before adoption.

**Responses to Commissioner Hawkins request for information on Natural and
Archaeological Resources Ordinance**

1. Maps showing parcels less than or equal to 2 acres and 5 acres.

2. **Paragraph 30-310(f)(1) describes a level of review called Basic Review. Applications which pass Basic Review without indicating the presence of regulated resources are not subject to further review. I would like to better understand what basic review entails and where the threshold is where an application moves from not being subject to further review to being subject to further review. Please provide several examples of basic reviews prepared for parcels within the city that result both in no indication of regulated resources and in an indication of the presence of regulated resources.**

Response:

Basic Review consists of the initial level of review in which an applicant provides a statement regarding the confirmed or potential presence of regulated natural and archaeological resources on a parcel when an application for proposed development is required by 30-310(c) *Scope of review*. The statement will be based on a review of existing information available through public records, maps, and data bases, such as resource agency publications and periodically updated online sources. Information from an earlier site inspection, such as a due diligence assessment, can be especially helpful in determining the presence of a regulated resource. This Basic assessment process will be conducted largely in the office, but may require cursory site visits by qualified specialists employed by the applicant, targeting potential habitats or other features such as geological resources which are not yet confirmed as regulated resources. A pre-application meeting or site visit with the City's environmental review staff may be needed to determine regulated resource presence and specify the Methodology Agreement for the boundary of the planning parcel, if applicable. The applicant will submit a City application form which includes a checklist of the regulated natural or archaeological resources. The application will be supplemented as needed to document the conclusions of the checklist, by attaching a description of the references and other available data sources used to make the determination regarding the confirmed or potential presence of regulated resources. If any regulated resource type is checked on the application checklist, the proposal will proceed to Level 1 for further review.

3. **Paragraphs 30-310(f)(2) and (3) describe Level 1 review and Level 2 review. From the descriptions included here, I cannot understand what an applicant must do to complete each level of review. Please describe with greater clarity, perhaps by referencing appropriate portions of 30-310.1 through 30-310.5, what an applicant must do to comply with these levels of review.**

Response:

Compliance with Level 1 review consists of the applicant performing coordination and data collection, including onsite field survey information, to locate, inventory and provide a written assessment of the natural and archaeological resources occurring on the planning parcel (30-310.1). Staff would perform a detailed review of the application data, use the written assessment, with field truthing, as needed, to confirm the characteristics, extent, and value of the regulated resource areas, confirm whether the proposed activity or use would affect a regulated resource, and evaluate the potential impacts of the proposal. The application would be evaluated for compliance with the protection standards which are specified for each resource type (30-310.2), and with the general requirement to avoid and minimize impacts to the resource, and to provide mitigation for unavoidable impacts, if applicable (30-310.4). Where impacts to the resource could be avoided, and mitigation is required, or where protection set-asides and a management plan are required to meet the protection standards, the application would be subject to Level 2 review, on a determination by staff, with concurrence of the applicant.

Compliance with Level 2 review consists of the applicant submitting a complete management plan and/or mitigation proposal which is sufficient to meet the protection and mitigation standards. The proposal would involve the identification of conservation management areas or mitigation areas, specify allowable uses for these areas, and provide management details. For proposals that are conceptually approvable, the applicant would provide documents and fund commitment for permanent legal protection, performance guarantee, and financial assurance for completion of the mitigation, management and monitoring elements of the proposal (30-310.3).

For Basic and Level 1 review, staff would evaluate the proposal for compliance with the provisions of the applicable level of review, and respond by preparing a technical report, with recommendations for approval, approval with conditions, or disapproval. For Level 2 review, staff would respond to the full application, including the proposed management plan and/or mitigation proposal by preparing a technical report, with recommendations for conceptual approval or disapproval. After submittal of satisfactory documents and fund commitment for

fulfillment of mitigation, management and monitoring, staff would respond by preparing a final approval with conditions.

4. **Paragraph 30-310.4(c)2. allows a fee-in-lieu of land mitigation so that applicants may mitigate impacts to resources by making a cash payment to the city equal to 150% of the appraised market value of the real estate. A fee-in-lieu approach might instead base the amount of a cash payment on the city's cost to purchase similarly ecologically or archaeologically valuable lands. Please provide a discussion of the advantages or disadvantages of choosing one of these approaches over the other.**

Response:

The fee-in-lieu of land sub-section is part of the overall 30-310.4 Avoidance, Minimization, Mitigation, and Monitoring portion of the regulations. Applicants can avoid the costs of the fee-in-lieu of land, which is considered a last resort method, by using the priority order established in the regulations, which is: 1) avoidance; 2) minimization; 3) mitigation. If avoidance is used, then the applicant will not be faced with any fee-in-lieu of land costs.

The fee-in-lieu of land method was established as a high cost technique to ensure its use as a method of last resort. The clear goals of the Natural and Archaeological Resource regulations are to preserve and protect these resources by using avoidance and minimization. The 150% cash payment fee is the same fee used by Alachua County for this method of mitigation. In discussions between the City Attorney and staff, it had been determined that we can entirely eliminate this method if there is significant opposition to it. It was provided as a last-resort convenience to applicants, but the option can be deleted. The consequence of that is the elimination of an available option. Staff made this announcement during the Plan Board hearing process.

Mitigation will only occur/be required when an applicant can prove that development activities on a site that cause impacts to natural or archaeological resources cannot be avoided or minimized and after consideration of hardships related to land conditions or structures. In all other cases, the applicant will be using the avoidance or minimization techniques.

In the case of mitigation, there is a further priority order for mitigation:

- 1) Resource-based mitigation: 1. on-site, 2. adjacent to the site, or 3. off-site; or,
- 2) Fee-in-lieu of land.

The fee-in-lieu of land method is, as stated in the regulation, "a last resort alternative, if on- or off-site preservation of land for mitigation is not feasible."

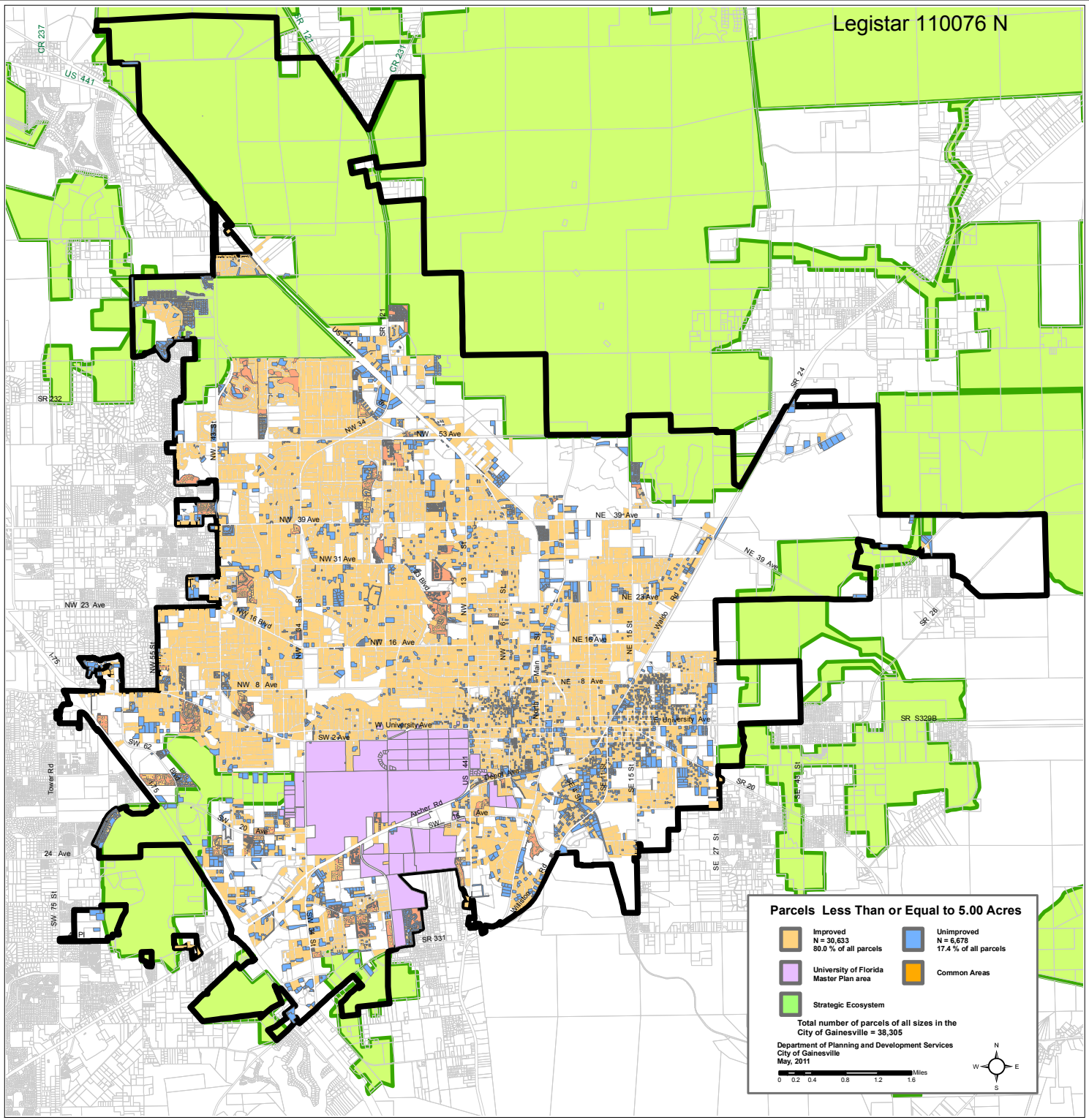
Even if mitigation is required, an applicant can avoid the 150% cash fee by doing:

1. *On-site restoration or enhancement*, which includes: replanting of the site; relocating movable resources from one area of the site to another (such as plants); or, any other method of that restores the quality, function and value of the resource; or,
2. *Off-site preservation*, which includes transferring off-site land off-site through dedication, transfer of fee simple or less-than-fee simple title to a land conservation agency, non-profit conservation organization, or other entity approved by the City.

If the applicant uses, #2 immediately above, the cost will be negotiated by the applicant with the seller of the off-site preservation land. It may be the case that the applicant already owns land that can be used for off-site preservation purposes, in which case the out-of-pocket costs would be significantly reduced.

The disadvantage of basing the fee-in-lieu cost on the City's cost to purchase similarly ecologically or archeologically valuable lands is:

1. It makes the fee-in-lieu method more attractive and less of a "last resort" technique, and,
2. It shifts the burden of negotiating the cost of buying the land on the City.

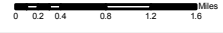


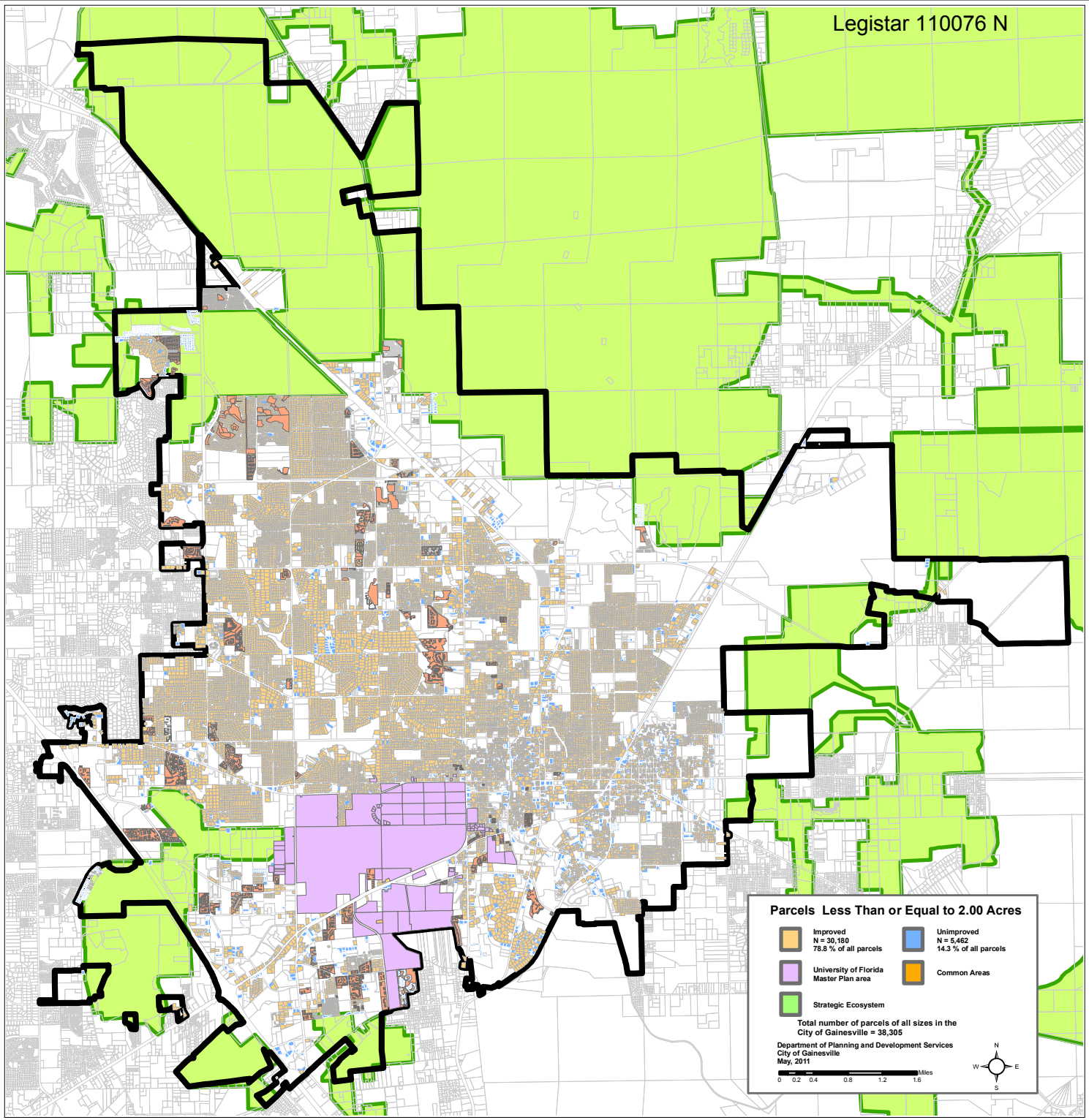
Parcels Less Than or Equal to 5.00 Acres

- Improved
N = 30,633
80.0 % of all parcels
- Unimproved
N = 6,678
17.4 % of all parcels
- University of Florida
Master Plan area
- Common Areas
- Strategic Ecosystem

Total number of parcels of all sizes in the
City of Gainesville = 38,305

Department of Planning and Development Services
City of Gainesville
May, 2011





Powell, Emily L.

From: Lazzari, Onelia R.
Sent: Thursday, July 07, 2011 8:43 AM
To: Bredfeldt, Erik A.; Murry, Fredrick J.; Powell, Emily L.
Subject: Updated Commissioner Hawkins request response information (contains second map_
Attachments: Hawkinsreplyenvpetition.pdf; Parcels-Less-or-equal-2acres_5_2_2011.jpg; Parcels-Less-or-equal-5acres_5_11_2011.jpg

Erik,

Attached is a document showing Planning's responses to Commissioner Hawkins request for information concerning the proposed new natural and archaeological regulations (Petition PB-10-143TCH). The petition is being heard at a public hearing this evening (July 7, 2011). A separate attachment contains the map showing all parcels less than or equal to 2 acres, which is the threshold for applicability of the proposed new regulations (NOTE: the map can be zoomed on screen for ease of viewing). As the map indicates, 93.1% of the City's parcels are less than or equal to 2 acres and would not be impacted by the proposed new regulations.

In addition, when we met with Commissioner Hawkins, he expressed an interest in seeing examples of Basic Level Review for development proposals. Since January, Planning has been doing Basic Level Review of all land use and zoning petitions that have been heard before the Plan Board.

The following link contains the agendas and backup for the Plan Board hearings during 2011. Listed below are the dates, petition numbers, and page numbers associated with various environmental reviews done as Basic Level Review. When the viewer is on the web page, clicking on the specific agenda associated with a Plan Board hearing date will provide the Staff Report backup.

<http://www.cityofgainesville.org/GOVERNMENT/CityDepartmentsNZ/PlanningDepartment/CitizenBoards/tabid/507/Default.aspx>

April 28, 2011 hearing; PB-11-47LUC see p. 3 of the Staff Report

April 28, 2011 hearing; PB-11-51LUC see p. 4 of the Staff Report (example of Strategic Ecosystem involvement)

April 28, 2011 hearing; PB-11-49LUC; see p. 4 of the Staff Report (smaller example of Strategic Ecosystem involvement)

February 24, 2011 hearing; PB-11-12LUC; see p. 5 of the Staff Report

May 26, 2011 hearing; PB-11-63LUC; see p. 4 of the Staff Report

June 23, 2011 hearing; PB-11-78ZON; see p. 4 of the Staff Report (example of Strategic Ecosystem involvement)

Onelia Lazzari

Petition PB-11-47 LUC
April 28, 2011

retail center. The requested Commercial land use is wholly consistent with the General business district (BUS) zoning proposed by related Petition PB-11-48 ZON.

See Appendix A for the Commercial future land use category and other applicable policies in the City's Comprehensive Plan.

2. Compatibility and surrounding land uses

This developed, commercial property is adjacent on the north to a tire store (and automotive service center), car wash, motel and Interstate 75 entrance and exit ramps. To its west are a bank, auto parts store, and a veterinary hospital on the east side of Tower Road. To its east are a large home improvements store (Home Depot), business/technical college (City College), computer learning center (New Horizons), beauty school (Salon Professional Academy), motel (Marriot Fairfield Inn), self-storage facility, professional offices, and various retail uses. Professional offices are south of the property, on the north side of West University Avenue.

See Table 1 at the end of this document for a tabular summary of adjacent existing uses and adjacent zoning and land use categories.

The proposed Commercial land use (and BUS zoning) is compatible with the City of Gainesville Commercial land use (and BUS zoning) to the east, and with the Alachua County Commercial land use (and Highway oriented business services (BH), Retail sales and services (BR), and Wholesale and warehousing (BW) zoning district(s)) farther to the east. The proposed land use and zoning are compatible with the Alachua County Commercial (and Administrative and professional (AP) zoning) and Tourist/Entertainment (and Highway oriented business services (BH) zoning) land use to the north. The proposed land use and zoning are also compatible with the County Commercial (and Highway oriented business services (BH), and Retail sales and services (BR) zoning, and Office land use (and Administrative and professional (AP) zoning) to the west. The proposed land use and zoning are also compatible with the County Commercial (and Retail sales and services (BR) zoning) district to the south.

3. Environmental impacts and constraints

There are no major environmental impacts and constraints associated with this petition that pertains to developed, commercial property. The property is located in FEMA Flood Zone X, outside of the 100-500-year floodplain, and in FEMA Flood Zone A (100-year flooding, no Base Flood Elevations established). The Tower Center development is located in Flood Zone X (except for a very small area in its southwestern corner, which is in Zone A). The very large, contained, stormwater retention basin to the north of Northwest 4th Boulevard is in Flood Zone A. Development is allowed in Zone A, but is subject to the specific standards for floodplain areas (Section Section 30-291 of the Land Development Code). These standards apply to new construction and substantial improvement of structures, and include elevation of the lowest finished floor to one foot above the base flood elevation.

Petition PB-11-51 LUC
April 28, 2011

75, S. W. 41st Boulevard, the Fred Bear Archery development, which was annexed in 2007 and has City of Gainesville Industrial land use and I-1 (Limited industrial district) zoning, a vacant parcel with Alachua County Light Industrial land use and A (Agricultural) zoning and a office and warehouse development with Alachua County Heavy Industrial land use and MS (Manufacturing/Services) zoning. On the northwest side of the property are residential areas and agricultural uses with Alachua County land use designations of Low Density Residential and Medium Density Residential, and with zoning designations of Agricultural, RE-1 (Residential-Estate), R1-A (Single Family Residential), R1-C (Single Family Residential), and R-2 (Multi-family Residential). To the southwest is Alachua County Low Density Residential land use with RE-1 and Agricultural zoning. On the south and southeast side of the property are agricultural land, vacant residential land, and a recycling center, with Alachua County Low Density Residential, Light Industrial, and Heavy Industrial land use and PD (Planned Development), Agricultural, and MS zoning.

The proposed Business Industrial category was chosen because it offers a wide variety of uses that can be developed in a business park setting, which can be designed around the sensitive environmental areas on the site. The uses allowed in the associated BI zoning district are generally not objectionable because of noise, heavy truck traffic or fumes, and can be adequately regulated for mitigation of nuisances by performance standards. The BI uses will also tend to be more compatible with the surrounding residential uses.

3. Environmental impacts and constraints

The entire subject property has been designated as a Strategic Ecosystem by Alachua County. These are sensitive environmental areas identified for various environmental features including watershed quality, the presence of endangered species and native plant and animal habitats. They are mapped in a generalized manner until a specific proposal is brought forth requiring an actual determination on the ground for specific boundaries. When the boundaries are set, set-asides for conservation of the environmental features are required. For annexed property, the Strategic Ecosystem designation remains in place until the City adopts a land use designation for the property. Although these areas are not currently regulated by the City, current petition PB-10-143 TCH is a proposal to amend the Land Development Code to add and update provisions for environmental protection, including adopting regulations for strategic ecosystems that are within City limits as identified by the KBN/Golder 1996 report, which was adopted by Alachua County, and that identified significant natural biological communities, both upland and wetland, that remain in private ownership in Alachua County. Any type of development proposal will have to comply both with the provisions of Policy 3.1.1 of the Future Land Use Element, which addresses the protection of environmentally sensitive resources, and with the land development regulations that implement this policy.

On April 12, John Hendrix, the City's Environmental Coordinator visited the site and provided the following report. In addition, some basic review information was obtained from a 2002 preliminary environmental field-based assessment performed by Pete Wallace, Ecosystem Research Corporation.

Petition PB-11-51 LUC
April 28, 2011

This large parcel is completely wooded, except for a gasline utility easement which traverses the property running north and south. Historic aerial photography shows the western half of the parcel in cleared use as pasture, but this part has succeeded in the last sixty years to a young forest of mixed hardwoods. The remaining old forest of the eastern half of the site is associated with numerous depressional wetlands, sinkholes, and other geological features. The quality of the wetland areas on the eastern half are high, with some very excellent examples of black gum ponds which provide excellent wildlife habitat. Several of the wetlands are characterized by almost pure stands of very mature black gum trees and indicators within the depressions show sustained hydrologic support. The surrounding upland hardwood and mesic hammock forested communities are mature and provide a relatively undisturbed unit of natural upland and wetland forest over an area of approximately 120 acres. There is some potential for listed species and archaeological resource sites in this area.

Approximately 100 acres of the western side of the parcel is covered for the most part by an early stage hardwood forest. The few wetlands present in this part are shallow depressions dominated by such shrubby species as willow and buttonbush. A small karst drain feature is present on the north boundary of the western part. This feature and its limited canopy of large hardwoods is significant and is seen to persist through the aerial record of the last 80 years. In addition, some mature mesic hammock forest with a canopy of large live oak trees is present along the southwest boundary.

The entire property is identified as Strategic Ecosystem in the KBN study for Alachua County. The site summary (Fred Bear Hammock) of the study describes the area as a "fine example of calcareous mesic hammock...with small areas of ponds and wetlands...and abundant sinkhole activity and exposed limerock, including one that is an elongated multiple sinkhole formation (uvala). There is a diversity of habitats, especially feeding habitats for migratory song birds and several listed wading bird species." The application of the Strategic Ecosystem provisions of the proposed Natural and Archaeological Resources regulations would result in a set-aside of the most important contiguous area of mature calcareous upland hammock and the numerous wetlands and geological features on the east half and the south margin of the parcel. These resource areas are extensive enough that the maximum set-aside may be expected under the Strategic Ecosystem provisions. No extensive resources will be present on the western half of the parcel, except along the southwest margin, where only a few small wetlands and the karst drain formation mentioned above occur in an old pasture area now covered by young forest.

4. Infill and redevelopment

This proposed land use amendment does promote infill development in close proximity to the Interstate 75 corridor. Along S.W. 41st Boulevard abutting this property is the Bear Archery manufacturing facility; while north of this is a business park and self-storage facility built in 2007, and Beach Construction company. Adjacent to the southeast corner of the subject property are offices, warehouse facilities, and automobile service shops on the east side of S.W. 41st Boulevard, that have all been constructed from 2003 to 2006. South of the subject property is the Boone Waste Industries recycling facility.

Petition PB-11-49 LUC
April 28, 2011

Commercial land use designation and BT (Tourist-oriented business district) zoning. This is currently a vacant parcel in a commercial minor subdivision, which includes a recently built motel.

The proposed Office category was chosen because it is more compatible with existing development in the area, particularly the single-family residential area across S.W. Williston Road. Also, because of the existence of sensitive environmental features on the property, manufacturing types of uses are less appropriate than typical office and residential developments.

3. Environmental impacts and constraints

Approximately 16 acres (66.6%) of the subject property has been designated as Strategic Ecosystem by Alachua County. These are sensitive environmental areas identified for various environmental features including watershed quality, the presence of endangered species and native plant and animal habitats. They are mapped in a generalized manner until a specific proposal is brought forth requiring an actual determination on the ground for specific boundaries. When the boundaries are set, set-asides for conservation of the environmental features are required. For annexed property, the Strategic Ecosystem designation remains in place until the City adopts a land use designation for the property. Although these areas are not currently regulated by the City, current petition PB-10-143 TCH is a proposal to amend the Land Development Code to add and update provisions for environmental protection, including adopting regulations for strategic ecosystems that are within City limits as identified by the KBN/Golder 1996 report. This report was adopted by Alachua County and identifies significant natural biological communities, both upland and wetland, that remain in private ownership in Alachua County. Any future development proposal will have to comply both with the provisions of Policy 3.1.1 of the Future Land Use Element, which addresses the protection of environmentally sensitive resources, and with the land development regulations that implement this policy.

The subject parcel is completely wooded, with three variants of hardwood forested community types dominant:

- 1) A depressional floodplain area of approximately 5 acres is located in the western part of the parcel. This depression will possibly be determined to be a wetland, but evidence during a brief site visit on April 18, 2011, is not conclusive. Sweet gum, hackberry, and other mixed hardwoods dominate this depression, and signs of ponding/inundation were noted, although not of extended duration.
- 2) Areas around this floodplain depression and immediately adjacent areas to the east support a limited stand of mid-aged upland hardwood forest.
- 3) Two other areas of mesic hammock were found on the parcel, with canopies dominated by very large live oak. One area lies midway on the south side of the parcel, adjacent to Williston Road, and the other is located in the east part of the parcel just west of SW 41st Blvd.

Petition PB-11-49 LUC
April 28, 2011

The balance of the parcel supports early successional hardwood growth from more recent land use or other disturbances.

If the proposed natural and archaeological resource protection regulations are adopted by the City Commission, this property would be regulated for natural resources, including the Strategic Ecosystem. Due to the presence of the Strategic Ecosystem overlay on the western 2/3 of the parcel, the potential for upland set-aside for this resource would consist of the uplands of the western half of the site, comprised of the floodplain/wetland buffer and the mature upland forested community types described above. No records of listed species or geological resource areas are present on the parcel. Only the southeast corner at the highway intersection is disturbed/open enough and well enough drained to possibly provide habitat for gopher tortoise, but the likelihood of tortoises persisting in this limited area is small.

4. Infill and redevelopment

This proposed land use amendment does promote infill development along the Williston Road corridor and S.W. 41st Boulevard. The Office land use category allows for development projects that are more compatible with the existing single-family residential area on the south side of S.W. Williston Road. This category allows for residential uses to be developed in conjunction with office development.

5. Impacts on Affordable Housing

This land use amendment may have a limited impact on affordable housing. Residential development can occur within the proposed Office land use and zoning designations.

6. Transportation

The proposed land use amendment would allow no more trips in general than the existing Heavy Industrial land use. The subsequent OF zoning would allow fewer trips than the existing Alachua County BH zoning. The property is located within Zone D of the City's Transportation Concurrency Exception Area (TCEA). One of the highest priority transportation mitigation projects in TCEA Zone D is the extension of S.W. 40th Boulevard from S.W. Archer Road to S.W. 47th Avenue. This would be a parallel roadway for I-75 relief. Any future development or redevelopment on the subject property would have to comply with the provisions of Policy I.1.9 of the Concurrency Management Element. There is no direct access to a bus route along this section of Southwest Williston Road or S.W. 41st Boulevard. The property is currently undeveloped. There is a driveway into the site off of S.W. Williston Road, but there are no sidewalks or other transportation infrastructure to gain access into the site.

7. Financial Feasibility

In the case of any future development on the property, the proposed land use amendment will not adversely impact adopted levels of service for potable water, wastewater, solid waste, and recreation. Stormwater management is addressed at the time of development plan review.

Petition PB-11-12LUC
February 24, 2011

ENVIRONMENTAL IMPACTS AND CONSTRAINTS

The proposed Future Land Use Map change requests a change from the Conservation to Business Industrial land use category on 47.8 acres, leaving 0.2 acres in the southeast corner of the property in the Conservation land use category. In the 1980 Comprehensive Plan this property had a Recreation/Open Space/Buffers (R/OS/B) land use designation related to its use in conjunction with the Alachua County Fairgrounds. In the 1990 Comprehensive Plan, the R/OS/B category was renamed Conservation, which includes the buffer use.

This land consists of largely disturbed and drained former flatwoods which have been cleared for at least 70 years. Regulated surface waters are present, which are old drainage ditches dating back approximately 70 years. These ditch watercourses represent headwaters of the Little Hatchet Creek basin, and convey an intermittent base flow of surficial groundwater and drain local runoff from this area of the airport property. These ditches are naturalized box cuts with a closed tree canopy of pines, red maple, and oaks.

The most significant environmental consequence of this land-use change is the potential increase in impervious surface within the Little Hatchet Creek drainage basin. Drainage from this site flows into a ditch that leads to Little Hatchet Creek and ultimately into the highly eutrophic Newnan's Lake, making careful design of stormwater treatment systems necessary for any development on this site. The property contains 100-year floodplain, and is within both the secondary and tertiary zones of the Murphree Wellfield Protection Area. Future development will be required to comply with the Murphree Wellfield Protection Ordinance. New development will require a Wellfield Protection Permit or a Wellfield Protection Special Use Permit from the City Commission, unless the use is exempt.

The Florida Natural Areas Inventory (FNAI) has no record of state- or federally-listed plants or animals on this site. The Alachua County Environmental Protection Department reported gopher tortoise (*Gopherus polyphemus*) on site. These tortoises must be preserved on-site or moved before development in accordance with state regulations.

No archaeological or historic sites are known from this area, according to the Florida Master Site File.

In the opinion of the City's current Environmental Coordinator, the anticipated environmental consequences of this land use change are minor. Appendix B of this report contains a justification report from Eng, Denman and Associates, agent for the petitioner, with additional information and maps pertaining to the environmental features of this site, and a site evaluation provided by the City's former Environmental Coordinator, Mark Garland.

IMPACTS ON AFFORDABLE HOUSING

Because this land use change does not involve residential land, no impact on affordable housing is anticipated.

TRANSPORTATION

The property is located within Zone A of the Gainesville Transportation Concurrency Exception Area (TCEA) and is excepted from transportation concurrency for roadway level of service standards. Any development proposed for the property will have to meet TCEA policy requirements to address transportation needs. The number of new average daily trips that will be

Petition PB-11-63LUC
May 26, 2011

"The residents of the Ashton subdivision would like it to be made part of the record that they have concern over the fact that there may be more traffic with any zoning changes. They are concerned because of the number of children that walk and ride their bicycles to Talbot Elementary School located on NW 43rd Street just north of the current substation. They also would like it to make it known that if there was to be development on this parcel in the future, they would very much like the aesthetics of the building to be much like the buildings that are located in Waterford Park."

Transportation and other development concerns will be reviewed in the future at the time of development plan review. See section 6 (Transportation) of this report.

3. Environmental impacts and constraints

Following a Basic Level review of the site, the City's Environmental Coordinator determined that there are no major environmental impacts and constraints associated with this developed property and with this petition. The property is located in FEMA Flood Zone X, outside of the 100-500-year floodplain.

4. Infill and redevelopment

This proposed small-scale land use amendment is consistent with the City's infill and redevelopment goals (See Appendix A, Exhibit A-1, Future Land Use Element Goal 2, Objective 2.1). The proposed change in land use designation would provide increased redevelopment opportunities for the site.

5. Impacts on Affordable Housing

The current Public Facilities land use and Public services and operations district zoning do not allow residential development on the approximately 2.69-acre property. The proposed Mixed-Use Low-Intensity (8-30 units per acre) land use allows residential use. In the unlikely case that the property were to be redeveloped as a residential development, a maximum of 80 residential units could be allowed. Therefore, the requested land use (and related rezoning) could have a positive impact on the supply of potential affordable housing in Gainesville.

6. Transportation

This small-scale land use amendment has no major transportation issues. The property is located within Transportation Concurrency Exception Area (TCEA) Zone B. It is accessible by car, bicycle and walking from NW 53rd Avenue (Millhopper Road) and from NW 43rd Street, both of which have a bicycle lane and a 5-foot-wide sidewalk adjacent to the property. The closest transit service is RTS Route 43 (which provides service between Santa Fe College and downtown Gainesville) with stops near the intersection of NW 43rd Street and NW 39th Avenue. The property currently has three driveways, but future redevelopment will likely result in a total of two driveways in order to meet the access management requirements for these Alachua County roads.

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Compatibility

The property is currently undeveloped. The only development on adjacent property is to the east. However, long-range planning efforts in this immediate area include the Urban Village, Southwest Annexation land use and zoning, Butler Plaza planned development, and future extension of SW 62nd Boulevard. For this reason, RMF-8 zoning on the developable portion of the site is compatible with the surroundings.

The proposed zoning districts are compatible with the existing conditions of the site as well as the surrounding uses.

Impacts on Affordable Housing

The proposed RMF-8 zoning allows 8-30 dwelling units per acre, which is an increase in density over the existing Alachua County zoning designation. Upon redevelopment, the proposed zoning district will provide more housing opportunities which may increase affordable housing.

Transportation

The subject property is currently landlocked. The land to the south is owned by Alachua County and will presumably be developed in the future as a continuation of SW 24th Avenue west of SW 43rd Street.

Any use proposed for the property would have to meet Concurrency Management Element Zone M standards to address transportation needs; the proposed rezoning is not anticipated to have an impact on the roadway level of service. When the property is developed, a traffic impact analysis will be conducted as part of the development plan review stage to assess any net impact to the local road network.

Environmental Impacts

Natural features of the subject property include Hogtown Creek, 100-year floodplain, and the ten-year flood channel. The subject property and land to the north, west, and south are forested. It is located adjacent to City-designated Conservation lands. This property contains one recorded archaeological site, and five other potential sites may be found in the immediate area.

An environmental report prepared by Mark Garland, the City's former Environmental Coordinator, is attached in Appendix B. The current Environmental Coordinator, John Hendrix, has reviewed this report and concurs with its findings.

Strategic Ecosystems

Alachua County designates certain sensitive areas as Strategic Ecosystems, based on a variety of ecological characteristics including watershed quality, native plant and animal habitats, and presence of endangered species. They are mapped as broadly-defined areas in a future land use map overlay, and require ground truthing to determine their specific boundaries. Once these boundaries are set, the County requires set-asides for conservation of the environmental features of the land. When these lands are annexed into the City and are regulated by the City's land use and zoning designations, the Strategic Ecosystem designation no longer applies. Staff has included consideration of the County's designation in its proposed zoning delineation due to the environmental sensitivity of a substantial portion of the subject property.

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Approximately 40 percent of the subject property falls within the County's Hogtown Prairie Strategic Ecosystem (see map in Appendix B). The property is crossed by a power line easement, which represents an informal boundary; the most environmentally sensitive features are found north of the easement, and approximately two thirds of this northern portion of the site is designated as a strategic ecosystem. Informal ground truthing carried out by County and City environmental staff in November 2007 concluded that, were the subject property to be developed under the County's land development regulations, all land north of the easement would likely be regulated as part of the strategic ecosystem.

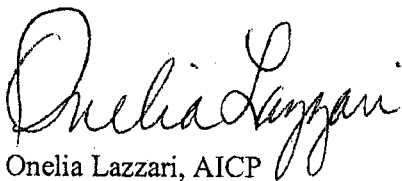
City Regulations

Due to its environmental features, the subject property is constrained for development by policies in the comprehensive plan policies as well as LDC regulations. Standards are in place to buffer creeks and wetlands, and no permanent structures are permitted within the ten-year flood channel. Staff's proposed Conservation zoning designation will serve to protect these areas.

In addition, the City is currently considering an LDC text change (Petition Number PB-10-143TCH) that will enact environmental protections similar to the County's strategic ecosystems policies. If these changes are adopted, additional buffer areas may apply to environmental features of the site; however, the density rights in those buffer areas may be transferred to the developable portion of the site.

Full text of the relevant comprehensive plan and LDC policies may be found in Appendix A.

Respectfully submitted,



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Principal Planner

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