

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

August 05, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100149.

Community Development Block Grant Program Disaster Recovery Grant (\$100,000) (B)

This item involves a request for the City Commission to approve the acceptance of a \$100,000 Community Development Block Grant Program Disaster Recovery Grant from Alachua County for the City's Roof Program.

Explanation: Alachua County has been awarded \$475,822 through a non-competitive grant process from the State of Florida for disaster recovery due to 2008 Tropical Storm Fay. This grant will fund the following projects: stormwater projects within low-moderate income areas of the City of Newberry and City of Archer, rehabilitation of Alachua County Housing Authority public housing units, roofing repair of Gainesville Housing Authority public housing units and a roof replacement program for low-moderate income homes in the City of Gainesville. The sub-recipient grants awarded are as follows: Gainesville Housing Authority \$60,000; Alachua County Housing Authority \$60,000; City of Gainesville Housing \$100,000; City of Newberry Stormwater \$189,213; City of Archer Stormwater \$54,713; and Administrative \$11,896 for a total amount \$475,822. The funds awarded to Alachua County are to be used for disaster relief and long-term recovery for damages received from Tropical Storm Fay. In the absence of any significant damages, the funding may go towards mitigation projects. All projects must meet one of three national objectives: Benefit low-moderate income persons; address slum and blight; or be an urgent need.

The primary objective of the Roof Program is to reduce the vulnerability of

housing structure and infrastructure systems to severe weather and wind conditions. The State of Florida has always been vulnerable to damage caused by hurricanes, coastal storms and tornadoes. In an effort to minimize this type of property damage, these grant funds will be utilized to enhance the City's Roof Program for the application of wind mitigation techniques. The grant funding will be used in low-income neighborhoods located within the city limits of Gainesville to provide roof replacements for eligible homeowners whose current roof would not withstand the effects of tropical storm or hurricane winds and wind-driven rains; or to replace roofs damaged by such past events. The grant funds received from the County will be leveraged with City's federal and state funding programs such as CDBG and SHIP to help expedite assistance to homeowners who are currently on the Roof Program waiting list. Priority will be given to eligible homeowners who have experienced damage to their homes by Tropical Storm Fay.

Fiscal Note: This grant is for a two-year funding cycle that will begin in FY 2010-2011.

RECOMMENDATION

The City Commission authorize the City Manager to execute the grant award, subrecipient agreement and any other necessary documents, subject to approval by the City Attorney as to form and legality.

100149_Draft Agreement_20100805.pdf

100170.

Specified Source Purchase of Automatic Passenger Counting System (B)

This item is a request to authorize Regional Transit System to purchase an Automatic Passenger Counting System through Urban Transportation Associates, Inc.

Explanation: The City of Gainesville Regional Transit System (RTS) is requesting authorization to enter into an agreement with Urban Transportation Associates, Inc. (UTA) to purchase an Automatic Passenger Counting (APC) system to track passenger counts. On December 12, 2007, RTS entered into an agreement with the University of Florida (UF) to install an automatic vehicle location system (AVL) in fifty (50) RTS fixed route buses. The AVL that was selected was Transit Visualization Systems (TVS), provided by TransLoc, Inc. TransLoc is currently utilized in seventy percent (70%) of RTS buses required for peak service. RTS is requesting approval of the selection of UTA, Inc. as a specified source for the APC project as UTA is the only known APC provider that integrates with TVS. Integrating these two systems will result in a cost savings of approximately \$5,000 per unit due to the ability to share on-vehicle hardware and data transmission via wireless services.

RTS desires to utilize Federal Transit Administration (FTA) capital funding to purchase the APC system equipment for twenty (20) buses in our fixed route. As a result, a significant amount of the RTS fleet will be able to continually sample passenger activity at all bus stops throughout the RTS fixed route system.

Fiscal Note: RTS has been awarded \$129,000 in grants to fund the capital portion of this project. RTS has also included \$6,500 in its FY 2010 operating expense budget to cover recurring cost. A cost savings of approximately \$100,000 will be

realized by selecting UTA, Inc. to provide the APC system.

RECOMMENDATION

The City Commission: 1) approve the specified source selection of UTA, Inc. to provide the automatic passenger counting system (APC) for the fixed route bus service; and 2) authorize the City Manager to execute the contract and all related documents, subject to approval by the City Attorney as to form and legality.

100170_DraftPurchaseAgreement_20100805.PDF

100194.

Design and Construction of the One Stop Homeless Assistance Center (B)

This is a request for the City Commission to approve staff's recommended ranking of the Design Build firms for the Design and Construction of the One Stop Homeless Assistance Center.

Explanation: The One Stop Homeless Assistance Center (Center) is a major goal within the GRACE Market Place Ten Year Plan to End Homelessness. The City of Gainesville and the Alachua County Board of County Commissioners have committed to provide technical and financial resources to end homelessness in the City of Gainesville and Alachua County.

On April 1, 2010, the City began a major step in the fulfillment of this goal by releasing a Request for Proposal (RFP) to hire a qualified Design Build Firm to plan, design and construct the Center which will be built on the site located at the 800 Block of NW 53rd Avenue. A Pre Bid Proposal Conference was held April 15, 2010, and the City's Purchasing Division received four (4) responsive proposals from design/build partnerships for the design and construction of the Center on May 6, 2010. An evaluation team consisting of City and County staff evaluated the qualifications and proposals of the firms, and is recommending the following ranking of the firms:

- 1) Charles Perry Construction, Inc.*
- 2) M.M. Parrish Construction, Inc.*
- 2) Scherer Construction of North Florida, LLC*
- 4) Joyner Construction, Inc.*

If a contract cannot be negotiated with the first firm, the City will exercise a tie breaker pursuant to Financial Services Procedures #41-530, and then negotiation will continue down the list in the ranked order until a contract is negotiated and can be executed.

Fiscal Note: The City of Gainesville has identified funding for this project through a variety of sources including the City General Funds, Community Development Block Grant Funds, GRU Connect Free Program Funds, and Capital Improvement Revenue Bonds.

RECOMMENDATION

The City Commission: 1) approve staff's recommended

ranking of the Design Build Firms; and 2) authorize the City Manager to negotiate and execute a contract and any related documents, subject to approval from the City Attorney as to form and legality, for the Design and Construction of the One Stop Homeless Assistance Center.

100194_Bid Tab_20100805.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

100190.

RASHID MUHAFA I vs. CITY OF GAINESVILLE POLICE DEPARTMENT, UNKOWN OFFICERS AND STATE ATTORNEY'S OFFICE; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-10-3862 (B)

Explanation: On or about July 13, 2010, the Gainesville Police Department was served with a complaint by Rashid Muhafa I. Mr. Muhafa alleges he is a victim of false arrest, wrongful imprisonment, and malicious conduct which occurred in 2007. Mr. Muhafa is requesting the arrest be removed from official and unofficial records; a permanent note be placed in all involved personnel official files regarding their involvement in the case, and monetary damages.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City and unnamed police officers in the case styled Rashid Muhafa I vs. City of Gainesville Police Department, Unknown Officers and State Attorney's Office; Alachua County Circuit Court; Case No.: 01-10-CA-3862.

100190_Rashid Muhafa_20100805.pdf

100120.

Final Administrative Order In the Matter of Design Plat, Filed by ADC Development and Investment Group, LLC, City of Gainesville, FL, White Construction Co., Inc., and PM LAND, Inc., Petition No. DB-10-10 SUB (B)

Explanation: The City Commission, at its meeting of July 19, 2010, announced its oral order regarding the petition for approval of the design plat filed by ADC Development and Investment Group, LLC, City of Gainesville, FL, White Construction Co., Inc., and PM LAND, Inc.; Petition No. DB-10-10 SUB (Legistar No. 100120). At the conclusion of the hearing, the City Commission voted to approve the design plat, Petition DB-10-10 SUB. City Commission Rules require the decision to be embodied in a written order. A copy of the proposed order was submitted to the Petitioner, the Staff, and the affected party.

RECOMMENDATION

The City Commission authorize the Mayor and Clerk of the Commission to execute the Final Administrative

Order.

Legislative History

7/15/10 City Commission Approved (Petition) with Staff Conditions (5 - 0 - 2
Absent)

100120_drb conditions_20100715.pdf
100120A_staff report_20100715.pdf
100120B_design plat_20100715.pdf
100120C_100513 drb minutes draft_20100715.pdf
100120D_staff ppt_20100715.PDF
100120_mod_QJ_Request.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

100209.

City Commission Minutes (B)

RECOMMENDATION *The City Commission approve the minutes of July 1, 2010, as circulated.*

100209_reg_july 1, 2010_20100805.pdf

100216.

Appointments to City Commission Advisory Boards and Committees (NB)

RECOMMENDATION *The City Commission appoint the following:*

Jeffry Wade to the Bicycle/Pedestrian Advisory Board for a term to expire 12/31/12; Daniel Perrine to the Bicycle/Pedestrian Advisory Board for at term to expire 8/5/13; William Baruch to the Bicycle/Pedestrian Advisory Board for at term to expire 12/31/12.

Carly Wilson to the Citizens Advisory Committee for Community Development for a term to expire 8/5/13; Armando Grundy to the Citizens Advisory Committee for Community Development for a term to expire 8/5/13; Stephanie Sims to the Citizens Advisory Committee for Community Development for a term to expire 8/5/13; and readvertise for additional applicants.

Alicia Antone to the City Beautification Board for a term to expire 8/5/13; and readvertise for additional applicants.

Gary Dounson to the Development Review Board for a term to expire 8/5/13.

John Murdoch to the Fire Safety Board of Adjustment for a term to expire 8/5/13; and readvertise for

additional applicant.

Winfred Phillips to the Gainesville/Alachua County Regional Airport Authority for a term to expire 7/31/13.

Stephanie Sims to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 8/5/13; Fred Sowder to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 8/5/13; and readvertise for additional applicants.

William Gager, Jr. to the Gainesville Code Enforcement Board for a term to expire 8/5/13.

Sandra Lamme to the Historic Preservation Board for a term to expire 8/5/13; and readvertise for additional applicants.

Michelle Ott to the Gainesville Human Rights Board for a term to expire 2/22/13; Uwe Dietz to the Gainesville Human Rights Board for a term to expire 2/22/13; Shanneel Myles to the Gainesville Human Rights Board for a term to expire 8/5/13; and readvertise for additional applicant.

Mark Zakshevsky to the Nature Centers Commission for a term to expire 8/5/13; and readvertise for additional applicants.

Todd Chase to the Public Recreation and Parks Board for a term to expire 6/1/13; Lew Welge to the Public Recreation and Parks Board for a term to expire 6/1/13; and readvertise for additional applicants.

Armando Grundy to the Regional Transit Systems Advisory Board for a term to expire 8/5/13; La Twania Brown to the Regional Transit Systems Advisory Board for a term to expire 6/1/12; and readvertise for additional applicant.

Mark Zakshevsky to the Student Community Relationship Advisory Board as a Non-Student Member for a term to expire 8/5/13; Nora Kilroy to the Student Community Relationship Advisory Board as a Voting Administrative Member for a term to expire 2/26/13; Shanneel Myles to the Student Community Relationship Advisory Board as a Non-Student Member for a term to expire 8/5/13; Carly Wilson to the Student Community Relationship Advisory Board as a Student for a term to expire 8/5/13.

Meg Niederhofer to the Tree Advisory Board for a term to expire 8/5/13.

Joe Durando to the Tree Board of Appeals for a term to expire 1/1/13.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

080465.

Community Development Committee (CDC) Referral - Initiative 2.4 (B)

This item seeks City Commission approval of the CDC Committee's recommendation on a pending referral.

Explanation: At its June 2, 2010 regular meeting the Community Development Committee recommended that the following item be referred to the City Commission:

080465 Initiative 2.4: Ensure Transparent, Efficient and Consistent Regulation of Land Development in Furtherance of the Comprehensive Plan

This City Commission Strategic Initiative has been assigned to the Community Development Committee for monitoring. One aspect of this Initiative is to address identified inconsistencies between the Comprehensive Plan and Land Development Code on a number of fronts.

Planning Works, the City's planning consultant, made a presentation to the Committee regarding proposed modifications to mixed use zoning designations, activity centers and large scale retail uses. In addition, the consultant provided a more comprehensive report on a proposed path forward to address several larger concerns regarding modifications to the Land Development Code.

This latter report was moved forward to the Commission for its acceptance along with a recommendation that the Commission prioritize any remaining end of fiscal year 2010 funding for Land Development Code updates.

Fiscal Note: Fiscal impact will be any identified funding assuming the Commission confirms the Committee's recommendation.

RECOMMENDATION

The City Commission: 1) accept the Phase I Draft Report prepared by Planning Works, LLC; and 2) prioritize any remaining end of fiscal year 2010 funding for Land Development Code Updates.

Legislative History

10/2/08	City Commission	Referred	Community Development Committee
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1/22/09	Community Development Committee	Approved as Recommended
1/12/10	Community Development Committee	Approved as shown above (See Motion)
3/1/10	Community Development Committee	Discussed
6/2/10	Community Development Committee	Discussed

080465_CDC Backup_20090122.pdf
 080465a_Initv 2.4 Updated_20090930.pdf
 080465b_CC Minutes 9-17-09_20090930.pdf
 080465_PPt CDC Sp Mtg Planning Wks_20090930.pdf
 080465A_Memo-Staff_20100112.pdf
 080465b_Strategic Init 2 pt 4_20100112.pdf
 080465C_Memo from Consultant_20100112.pdf
 080465_CDC Handouts #A_20100112.pdf
 080465_CDC Handouts #B_20100112.pdf
 080465a_Staff Memo-CDC Mtg_20100301.pdf
 080465b_CDC Mtg Bk-Up_20100301.pdf
 080465c_Consultant Memo-CDC Mtg_20100301.pdf
 080465d_Product Rpt - CDC Mtg_20100301.pdf
 080465e_Map-CDC Mtg_20100301.pdf
 080465_C Hawkins Comments_20100301.pdf
 080465_Memo to CDC_20100602.pdf
 080465A_Mixed Use Standards Draft_20100602.pdf
 080465B_Phase I Draft Rpt_20100602.pdf
 080465c_Updated Map_20100602.pdf
 080465d_CDC-Consultant Memo_20100602.pdf
 080465_6-21-10 Planning Consultant Rpt_20100805.pdf
 080465e_Hand-Out from Com Hawkins_20100602.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

100226.

Appointments to City Commission Advisory Boards and Committees (B)

RECOMMENDATION

The City Commission consider making an appointment to the: 1) Gainesville/Alachua County Regional Airport

Authority; and 2) City Plan Board.

10026_appointments_20100805.pdf

CITY MANAGER

100172.

Presentation of 2010 Planning Excellence Award (NB)

Explanation: Planning staff will present the Planning Excellence Award plaque to the City Commission that was received on June 23, 2010. The City of Gainesville was one of five local governments to receive a Planning Excellence Award from the Florida Department of Community Affairs (DCA) this year. The award was for excellence in Land Use and Transportation Planning related to the City's Transportation Concurrency Exception Area Comprehensive Plan amendment package. The amendment package was adopted by the City Commission in December 2009.

DCA Secretary Tom Pelham presented the award to City Planning staff at an awards luncheon held in Orlando, Florida as part of the Department of Community Affairs 2010 Growth Management Implementation Workshop. In presenting the award, the Department of Community Affairs praised the City's policies that connect land use and transportation strategies to promote and fund mobility in Gainesville.

The award was the result of a team effort with staff input and assistance from the City Attorney's Office, the Public Works Department, and the Regional Transit System.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) hear a presentation about the 2010 Planning Excellence Award program; and 2) accept the Planning Excellence Award plaque.

100181.

City Commission Strategic Planning Workshop Results (B)

This item addresses the outcome of the City Commission's Strategic Planning workshop to update the City of Gainesville Strategic Plan for FY11 & FY12. The Workshop was held on June 7, 2010.

Explanation: The City Commission held a Strategic Planning Workshop on June 7, 2010. Ms. Marilyn Crotty, Director of the Florida Institute of Government at the University of Central Florida facilitated the session and prepared a summary report.

Results of Workshop:

At the Workshop, the City Commission discussed the previous goals and initiatives that were adopted for FY10. The Mayor and Commission agreed to continue seven of the goals and to delete the partnership goal. The initiatives

under that goal were moved to other goals. Staff was directed to reword the government effectiveness and fiscal responsibility goal statement to include measuring and improving the cost effectiveness of government services. The Commission indicated that work on existing initiatives should continue into FY11 & FY12. During the afternoon session of the Workshop, the Commission proposed four additional initiatives for FY11 & FY12.

Selection of Sponsoring Commissioners:

In accordance with the General Government Strategic Planning process, each Commission member is asked to select and rank six initiatives for which they would like to champion. Each Commission member is assigned their number one choice, unless a conflict is created, at which they are assigned their number two choice. The second initiative is assigned from one of their top five choices. During discussion, Commission members may elect to sponsor additional initiatives.

Committee Referrals:

The existing 25 City Commission strategic initiatives are aligned with City Commission Standing Committees and the Community Redevelopment Agency through on-going referrals. Staff recommends that the four new initiatives be referred to Committee.

Economic Development/University Community Committee:

2.9 Develop strategies to support local small businesses

Recreation, Cultural Affairs & Public Works Committee:

5.4 Bring existing roadway stock up to 70% rating level, as established by the Army Corp of Engineers

5.5 Implement improved transit as described in the RTS Premium Services Report

6.2 Assess neighborhoods to determine need for infrastructure improvements for bicycle and pedestrian use

Joint collaboration between Staff Champions, Sponsoring Commissioners and the aligned City Commission Standing Committee will be employed to develop the FY11 & FY12 action plan and critical success measures for each strategic initiative. The City of Gainesville Strategic Plan for Fiscal Years 2011 - 2012 will be brought back to the City Commission for adoption at the beginning of FY11.

Fiscal Note: Any fiscal impacts will be addressed during the budget hearings for FY11 & FY12.

RECOMMENDATION

The City Commission: 1) receive the summary report prepared by Ms. Crotty; 2) affirm the proposed goals and initiatives for FY11 & FY12; 3) accept the assignment of two or more initiatives to each member of the City Commission; and 4) refer the four new strategic initiatives to the appropriate Committee.

100181_Report_20100805.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

100224.

Commissioner Thomas Hawkins - Bicycle Stop Ordinance (B)

RECOMMENDATION

The City Commission refer this matter to the Public Safety Committee.

100224_cthawkins_20100805.pdf

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100182.

Acceptance of US Department of Transportation FAA - AIP Grant #3-12-0028-031-2010 in the amount of \$2,244,794 (B)

This item seeks City of Gainesville acceptance of a 2010 US Department of

Transportation FAA - AIP Grant to the Gainesville Regional Airport in the amount of \$ 2,244,794 for rehabilitation of the South Airfield Light Vault and miscellaneous electrical improvements, rehabilitation of Taxiway's A and C and preparation of an Airport Wildlife Hazard Plan at the Gainesville Regional Airport.

Explanation: The US Department of Transportation will make a grant offer to the Gainesville Regional Airport for rehabilitation of the South Airfield Light Vault and miscellaneous electrical improvements, rehabilitation of Taxiway's A and C and preparation of an Airport Wildlife Hazard Plan at the Gainesville Regional Airport.

This Grant Offer will consist of fiscal year 2010 discretionary funds from the Airport Improvement Program (AIP) administered by the Federal Aviation Administration (FAA) and is currently \$2,244,794.

Because the City of Gainesville retains title to the land upon which the Gainesville Regional Airport operates, the City of Gainesville, in addition to the Gainesville Alachua County Regional Airport Authority (GACRAA), must formally accept all federal grant offers. The Gainesville-Alachua County Regional Airport Authority adopted Resolution 10-030 on June 30, 2010, accepting the anticipated Grant Offer in the amount of \$2,244,794.

Fiscal Note: This US Department of Transportation FAA - AIP Grant is in the amount of \$2,244,794 with proceeds for listed improvements to be received by the Gainesville Regional Airport. There is a GACRAA and FDOT funding component representing cumulatively approximately 5% of the grant proceeds with no fiscal impact upon the City.

RECOMMENDATION

The City Commission: 1) hear a brief presentation from staff regarding this request; and 2) adopt the proposed 2010 FAA - AIP Grant Resolution and authorize the Mayor and City Attorney to execute said Grant Agreement and the City Clerk is hereby authorized and directed to impress the official seal of the City of Gainesville and to attest to said execution

100182A_Letter from AJ Penksa_20100805.pdf
 100182b_FA Application_20100805.pdf
 100182c_Assurances_20100805.pdf
 100182d_Airport Resolution 10-030_20100805.pdf
 100182e_City Resolution 100182_20100805.pdf
 100182F_Radson-Stringer Letter_20100805.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

100042.

SOLID WASTE NON-AD VALOREM TAX ASSESSMENT (B)

Ordinance No. 100042

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit

created by Alachua County for certain solid waste management services for the 2010-2011 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PUBLIC WORKS STAFF REPORT

On July 13, 2010, the Alachua County Board of County Commissioners adopted Resolution 10-56, that provides notice of intent to utilize the uniform method of collecting non-ad valorem solid waste assessments for the 2010-2011 fiscal year to fund certain solid waste management services in the entire county. Passage of an ordinance is necessary to provide consent for all land within the City of Gainesville to be included in the portion of the non-ad valorem assessment that covers the cost of the Waste Alternatives, Environmental Protection programs and a portion of the Rural Collection Center program. On July 1, 2010, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance consenting to the inclusion of the City in the County's solid waste non-ad valorem assessment. The ordinance approves the non-ad valorem assessment for one year and additional ordinances will be submitted each year for the next two years for consideration and adoption by the City Commission.

CITY ATTORNEY MEMO

If approved on first reading, the second and final reading will be August 19, 2010. The effective date of this ordinance is October 1, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/1/10 City Commission Approved as Recommended (5 - 0 - 2 Absent)

100042_Alternatives_20100701.pdf

100042_Assessment_20100701.pdf

100042_Rates_20100701.pdf

100042_MOD_Memo_20100701.pdf

100042_DraftOrdinance_Non-Ad Valorem_SW_20100805.pdf

100042a_ExhibitA_20100805.pdf

100140.

LANDLORD PERMIT RENEWAL FEES (B)

Ordinance No. 100140

An ordinance of the City of Gainesville, Florida, amending Appendix A, City of Gainesville Code of Ordinances, relating to late fees for landlord permit renewals; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its June 17, 2010 meeting adopted Ordinance No. 080579, implementing the recommendation of the Community Development Committee to add a new tier of late fees for new landlord permit applications that are received 1-15 days late. The Community Development Committee also

recommended the addition of a new tier of late fees for landlord permit renewals that are received 1-15 days late. This ordinance adopts the same tier of late fees for renewals as does Ordinance No. 080579 for new applications.

This ordinance requires two readings. Should the Commission pass this ordinance on first reading, second and final reading will be held on August 19, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

100140 Draft Ordinance - Landlord Permit Renewals.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090883.

PARKING STANDARDS FOR INTERMEDIATE CARE FACILITIES (B)

Ordinance No. 0-10-11; Petition PB-09-176-TCH.

An ordinance of the City of Gainesville, Florida, amending Section 30-332(c) of the Land Development Code, related to the parking requirements for hospitals, convalescent and nursing homes and personal care facilities; by creating a separate parking standard for Intermediate Care Facilities (IN-8052); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The petition and ordinance amend Section 30-332(c) of the City's Land Development Code, to add a parking space standard for Intermediate Care Facilities. These are health care facilities that provide care to individuals who are disabled, elderly or ill, providing less intensive care than that given at a hospital or skilled nursing facility. Because the patients have more independence and are seen by various medical specialists and visitors, there is more need for parking than traditional nursing homes. The proposed ordinance lists Intermediate Care Facilities as a separate use, with a vehicle parking standard of 1 space per 1.5 beds and a bicycle space standard equaling 5 percent of required number of vehicle parking spaces.

This amendment doubles the current standard of one parking space per 3 beds. By way of example, under the current standard, a 120 bed Intermediate Care Facility would be required to have 40 vehicle spaces. Under the proposed text amendment, a 120 bed Intermediate Care Facility would be required to have 80 parking spaces. A 120 bed facility that houses both a skilled nursing home with 60 beds and an intermediate care facility with 60 beds would be required to have 60 parking spaces (20 for the skilled nursing home use and 40 for the intermediate care facility use.)

Notwithstanding the foregoing, Section 30-332(a)(2) of the Code will continue to allow the minimum number of spaces to be increased by 10 additional spaces or 10% of the required spaces, whichever is greater; and Section 30-332(g) of

facility and related uses) and Conservation land use.

The 2.35-acre property is accessible from Archer Road by SW 50th Street, an unpaved private road. There presently is no access to this property by a public road. The property is vacant, with the exception of an abandoned and dilapidated single-family dwelling.

The most significant environmental features on this property are in its western half with its live oak hammock on the slope and the wetland edge of Lake Kanapaha. Lake Kanapaha is lying almost directly on the Floridan aquifer and it is important to protect the quality of water entering it. Recognizing this, Alachua County placed Lake Kanapaha and the adjacent slope in the Hogtown Prairie Strategic Ecosystem. Planning and environmental staff concluded that the western 1.14 acres of the property is not suitable for future development and that it should be given the zoning district of Conservation. Such classification would further the protection of the water quality of Lake Kanapaha and of the Floridan aquifer, further the protection of wetlands on and adjacent to the property, conserve and protect the live oak hammock that covers the slope to the wetland area below, and would facilitate protection of the Special Flood Hazard Area (100-year flood zone) that is in the western third of the property.

This petition and ordinance propose to rezone certain property from the Alachua County zoning district of Single family, Low Density (R-1a), 1-4 dwelling units per acre, to the City of Gainesville zoning districts of "Single-family residential" (RSF-4), 8 units per acre on the eastern 1.21 acres of the property, and "Conservation" (CON) on the western 1.14 acres of the property. The stated districts are supported by City staff and the applicant, recommended by the Plan Board, and are consistent with the City's Comprehensive Plan goals, objectives, and policies.

After public notice in the Gainesville Sun, the Plan Board held a public hearing on February 1, 2010, and by a vote of 4-0, recommended that the City Commission approve the petition.

A related petition, PB-09-177 LUC, and ordinance propose to change the land use designation on the property from the Alachua County land use category of "Low Density Residential" to the City of Gainesville land use categories of "Residential Low-Density" and "Conservation".

CITY ATTORNEY MEMORANDUM

It is anticipated that the related petition (Petition No. PB-09-177 LUC) and ordinance (Ordinance No. 0-10-12) for the land use change amendment will be scheduled for the same day as the first reading of this petition and ordinance. This ordinance requires two hearings. Should this ordinance pass on first reading, the second and final reading will be held on August 5, 2010. However, this ordinance will not become effective until the land use change amendment to the Comprehensive Plan becomes effective.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/1/10 City Commission Continued (6 - 0 - 1 Absent)
 7/15/10 City Commission Approved (Petition) and Adopted on First Reading
 (Ordinance) (5 - 0 - 2 Absent)

090953_draft ordinance_20100701.pdf
 090953_staff report_20100715.pdf
 090953A_maps_aerial_existing_proposed zoning_20100715.pdf
 090953B_aerial_map_hogtown prarie strategic_20100715.pdf
 090953C_school capacity review_20100715.pdf
 090953D_environmental review_20100715.pdf
 090953E_application & workshop info_20100715.pdf
 090953F_pt1_justification report_20100715.pdf
 090953G_pt2_justification report_20100715.pdf
 090953H_legal description_20100715.pdf
 090953I_100201_cpb minutes_20100715.pdf
 090953J_staff ppt_20100715.pdf
 090953_draft ordinance_20100715.pdf

100071.

VOLUNTARY ANNEXATION NORTH 53RD AVENUE (B)

Ordinance No. 0-10-21

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of a portion of City-owned Tax Parcel 07871-000-000, generally located south of tax parcel 07876-002-000 and tax parcel 07876-000-000, west of the city limits, tax parcel 07875-000-000 and NE 15th Street, north of the city limits and the northern boundary of Section 21, Township 09, Range 20, and east of the city limits and tax parcel 07877-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date. (B)

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On February 18, 2010, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 15, 2010 and May 6, 2010, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be August 5, 2010. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/15/10 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

100071_North 53rd Annexation_20100715.pdf

100072.

VOLUNTARY ANNEXATION - NORTH 53RD AVENUE (B)

Ordinance No. 0-10-22

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of City-owned Tax Parcel 07874-001-001, generally located south of tax parcel 07874-001-000 and tax parcel 07872-008-000, west of tax parcel 07872-008-000 and the vicinity of NE Waldo Road, north of the city limits and NE 53rd Avenue, and east of the city limits and tax parcel 07875-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date. (B)

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On February 18, 2010, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 15, 2010 and May 6, 2010, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be August 5, 2010. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/15/10 City Commission Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)

100072_North 53rd Annexation_20100715.pdf

090657.

**PROHIBITING SMOKING AT RTS BUS STOPS AND BUS SHELTERS
(B)**

Ordinance No. 0-10-05

An ordinance of the City of Gainesville, Florida, relating to outdoor smoking at a City Facility; providing legislative findings, amending Article IV in Chapter 11.5 of the Code of Ordinances; creating new section § 11.5-41.1; prohibiting the smoking of tobacco, or any other weed or plant at all RTS bus stops and bus shelters, and within a certain distance from said stops and shelters, creating new section § 11.5-42.1 providing for the posting of signs; amending §2-339 of the Code of Ordinances to permit enforcement by civil citation; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its June 17, 2010 meeting, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance prohibiting the smoking of tobacco, or any other weed or plant at all RTS bus stops and bus shelters, and within 20 feet from said stops and shelters. The ordinance does not prohibit passengers in vehicles, or people walking by bus stops or bus shelters from smoking, so long as they are actively passing from one destination to another. The ordinance also does not prohibit one who is lawfully occupying private real property within 20 feet of a bus stop or bus shelter from smoking. The ordinance authorizes the City Manager to install "no smoking" signage at RTS bus stops and bus shelters. The ordinance provides that the penalty for a violation of the ordinance is a civil citation and a fine of \$75.00. Nothing in the proposed ordinance will conflict with the prohibition of smoking within 1000 ft. of school zones.

If adopted, the proposed ordinance will take effect immediately. In order to allow the City Manager adequate time to erect signs and undertake an informational campaign, we recommend the City authorize a 30 day amnesty period.

RECOMMENDATION

The City Commission: 1) authorize a 30 day amnesty period; 2) adopt the proposed ordinance.

Legislative History

12/17/09	City Commission	Referred (6 - 0 - 1 Absent)	Regional Transit System Advisory Board
6/17/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
7/15/10	City Commission	Adopted on First Reading (Ordinance) (5 - 0 - 2 Absent)	

090657_bus stop smoking ban_20100617.pdf
090657_draft ordinance_20100715.pdf

ADOPTION READING**090537.****LAND USE AMENDMENT - BUTLER PLAZA AREA (B)****Ordinance No. 0-09-75, Petition PB-09-74 LUC**

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by changing the land use categories from the Alachua County Land Use Categories of Medium High Density Residential (8-14 DU/acre), High Density Residential (14-24 DU/acre), Office/Residential, Commercial, Institutional, and Industrial to the City of Gainesville underlying land use categories of Commercial (C), Office (O), Mixed-Use Medium (MU-M) and Residential Medium Density (RM) with the overlay category of Planned Use District (PUD), all as more specifically described in this ordinance on lands commonly referred to as "Butler Plaza" generally located between Southwest Archer Road and Southwest 24th Avenue, and between Southwest 40th Boulevard and Southwest 34th Street; by creating and adopting Policy 4.3.6 in the Future Land Use Element of the Comprehensive Plan to govern the Butler Plaza PUD; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The proposed area of these "Butler Plaza" comprehensive plan amendments totals approximately 264 acres, and is located generally on the north side of Archer Road and to the west of SW 34th Street. The current developed portion (approximately 108 acres) of Butler Plaza has developed over the last 30 years and contains over 1 million square feet of commercial retail uses which are contained in several adjacent shopping plazas and multiple outparcels located along Archer Road. This existing development is accessed by a series of streets and private access drives that connect from Archer Road northward to Windmeadows Boulevard.

The property was voluntary annexed into the City of Gainesville by City Ordinance 070722 adopted April 28, 2008. After the annexation in 2008, the

applicant commenced the State Development of Regional Impact (DRI) process through the North Central Florida Regional Planning Council. During the review of the DRI, the State adopted Senate Bill 360, which eliminated the DRI process within communities designated as a Dense Urban Land Area (DULA). Gainesville was designated a DULA and, as the applicant had a pending DRI application, the applicant had the opportunity to continue with the DRI process or withdraw from the process. The applicant chose to withdraw from the DRI process. Until the City amends its Future Land Use Map to include this property, the existing Alachua County land use designations and zoning districts remain applicable to the property. The petitioner has initiated this land use change to bring the land area into the City's Comprehensive Plan and Future Land Use Map by assigning the property underlying City land use designations of Commercial (C), Office (O), Mixed-Use Medium (MU-M) and Residential Medium Density (RM) and applying a Planned Use District (PUD) overlay over the entire property.

The Butler Plaza PUD is further defined into three (3) subareas of development. These areas are depicted on the map attached as Exhibit "B" to the ordinance and are generally described as follows:

Subarea 1: Existing developed Butler Plaza consisting of approximately 108 acres; generally refers to the developed portions of Butler Plaza that are, south of Windmeadows Boulevard, north of SW Archer Road, east and west sides of Butler Boulevard.

Subarea 2: Undeveloped area consisting of approximately 49 acres;; generally refers to the undeveloped areas of the project north of Windmeadows Boulevard and SW 33rd Place, generally south of the proposed SW 62nd Boulevard alignment.

Subarea 3: Undeveloped area designated as Towne Centre at Butler Plaza, generally refers to the undeveloped areas of the project including approximately 110 acres, north of Windmeadows Boulevard, south of SW 24th Avenue, generally north and northeast of the proposed SW 62nd Boulevard alignment.

The proposed land use change will remove the previous Alachua County Industrial, Commercial, Office, Residential and Institutional designations and will allow commercial, office and hotel/motel uses on the property, as well as up to 1000 residential units.

It is staff's opinion that the Butler Plaza development will serve as a regional center serving North Central Florida. Adding residential use to the development will allow for a more integrated development over time. While the applicant has indicated a limited need for residential use within the project due to the proposed redevelopment of the urban village around SW 20th Avenue, it is envisioned that the urban village area will include a mix of uses that will serve the everyday needs of the urban village residents.

Compatibility Analysis and Consistency with the Comprehensive Plan

The Butler Plaza PUD policies address density and intensity, permitted uses, access by car, foot, bicycle, and transit, trip generation and capture, environmental features, and buffering of adjacent uses. Compatibility will be

achieved through coordinated application of standards, which regulate location, open space, ground coverage, height, lighting, signage, landscape and other physical design elements. The Butler Plaza PUD policies require more detailed standards as part of the implementing Planned Development (PD) zoning district. As proposed, the more intensive development activities are located away from existing residential development. The more traditional commercial components have been located adjacent to existing commercial and industrial developed properties. It is staff's opinion that the proposed ordinance is consistent with the Comprehensive Plan based on the policies included in the ordinance.

Butler Plaza development will have significant and adverse impacts on the transportation system that will have to be mitigated. The petitioner has estimated that development in the undeveloped area will generate 25,367 average daily trips and 2,424 p.m. peak hour trips. In analyzing the trip generation difference between the existing land uses in the undeveloped area and the proposed land uses, the petitioner notes that the proposed development will generate approximately 4,019 additional average daily trips with a net reduction in p.m. peak hour trips due to the change from the current land use. It is recognized that new development in Subareas 2 and 3 will have a regional component to the trips generated. The City has had ongoing meetings and communications with Alachua County and the Florida Department of Transportation (FDOT) concerning these regional transportation impacts. The Butler Plaza PUD policies address mitigation of regional transportation impacts.

The development is located in Transportation Concurrency Exception Area (TCEA) Zone M, which is a multimodal zone. The policies and standards for mitigation in Zone M recognize that congestion in the area cannot be resolved with traditional roadway level of service. Zone M establishes requirements for a mix of solutions that include: alternative roadway construction as reliever roads for congested facilities; transit; added pedestrian facilities, park and ride facilities and smart bus bay facilities. At the time of PD zoning, the developer will be required to execute an initial TCEA Zone M Agreement for provision of required Zone M standards. The developer's requirements will be based on the proportionate share impact of the development on roadway facilities. It is further anticipated that the developer, as future phases of the development occur, will sign additional agreements with the City for provision of Zone M standards related to the relevant development phase.

In addition to the transportation impacts related to level of service and congestion, there are operational and safety impacts of the development. As stated in the Concurrency Management Element and reiterated in this Comprehensive Plan amendment, operational and safety site related impacts must be funded by the developer, and these do not count toward meeting required TCEA Zone M standards. In analyzing crash data from January 2004 through December 2006, there are already significant crash rates above the national average on the segment of I-75 from Archer Road to Newberry Road, including crashes at the interchange ramps. There are also significant crash rates on Archer Road, Newberry Road, SW 34th Street, SW 20th Avenue, SW 40th Boulevard, SW 42nd Street, and SW 43rd Street. Additional trips generated by the development can be expected to increase crashes and other

operational and safety issues on these roadways. The development will be required to make site-related operational and safety modifications to lessen the impacts on facilities.

Part of the developer's TCEA mitigation will be construction of a portion of the proposed SW 62nd Boulevard extension as approved by the Metropolitan Transportation Planning Organization (MTPO) on March 2, 2009. The road design consists of four general purpose lanes plus two additional lanes in the median for bus rapid transit. Bicycle parking and storage facilities will be provided at bus rapid transit stations and park-and-ride facilities. An analysis performed indicated that an average congestion reduction in the range of 2% to 11% is anticipated as a result of this project.

Butler Plaza is currently served by four (4) transit routes with a centralized transit hub located at the intersection of Butler Boulevard and SW Archer Road. There is also a proposed Bus Rapid Transit (BRT) system that would extend along the proposed SW 62nd Boulevard realignment and construction. Butler Plaza will integrate transit facilities into the development to efficiently accommodate non-automobile trips to and from the development. Based on 2008 ridership numbers provided by RTS, the current transit routes serving Butler Plaza accounted for over 693,300 riders or 10% of the total regular ridership of RTS. The subarea policies for the PUD require the construction of improved transit stops with amenities, a transit transfer station and a park and ride lot.

Public notice was made as required by law and public hearings were held by the City Plan Board on September 21, 2009 and September 29, 2009. On September 29, 2009, the Plan Board by a vote of 6-0, recommended that the City Commission approve Petition PB-09-74 LUC, with amendments to the policies. The City Commission heard the petition on November 19, 2009, November 30, 2009 and December 1, 2009. At its meeting of December 1, 2009, the City Commission, by a vote of 7-0, approved Petition PB-09-74 LUC with modifications.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

On April 15, 2010, the City Commission adopted the ordinance, as modified on first reading, by a vote of 7-0. The proposed amendment to the Comprehensive Plan was then transmitted to the State Department of Community Affairs (DCA) for written comment. By letter dated July 2, 2010, the DCA informed the City that it had no comments, recommendations or objections to the proposed plan amendment.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning

and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/19/09	City Commission	Continued (Petition) (7 - 0)
11/30/09	City Commission	Approved (Petition) as Modified (7 - 0)
4/15/10	City Commission	Adopted on First Reading, as revised (Ordinance) (7 - 0)

Petitioner_BP_market study.pdf
 Petitioner_BP_comprehensive plan subarea policies 11-19-09 .pdf
 Petitioner_BP- PD Conditions 11-19-09 .pdf
 Petitioner_BP_PP_additional information.PDF
 Letter_Deborah Butler_November 19, 2009.pdf
 Info_FDOT & County_Letters.pdf
 Attachment (map) County Letter..pdf
 Attachment (map) County Letter.pdf
 C-Hawkins-EMAIL and Comments.pdf
 090537A_revised plan board adopted conditions_20091130.pdf
 090537B_091007 cpb action agenda_20091130.pdf
 090537C_090929 cpb minutes_20091130.pdf
 090537D_090921 cpb minutes_20091130.pdf
 090537E_staff report_20091130.pdf
 090537F_cpa map_20091130.pdf
 090537G_2.0 urban activity centers policy_20091130.pdf
 090537H_4.3.5 butler plaza policy_20091130.pdf
 090537I_s.w. 20th ave study area_20091130.pdf
 090537J_butler plaza traffic report_20091130.pdf
 090537K_neighborhood workshop info_20091130.pdf
 090537L_091007 cpb minutes draft_20091130.pdf
 090537M_staff ppt_20091130.pdf
 090537_draftordinance_2010415.pdf
 090537_MOD_2010415.pdf
 090537_draftordinance_20100805.pdf
 090537_draftordinance Ex. A & B_20100805.pdf
 090537_letterfromDCA_20100805.pdf

PLAN BOARD PETITIONS

090538.

Butler Plaza Planned Development (PD) Rezoning (B)

Petition PB-09-84 PDV. Kimley-Horn and Associates, Inc., agent for S. Clark Butler Properties, Ltd. (Butler Plaza PD) Rezone property from Alachua County Automotive Oriented Business (BA), Retail Sales, and Services (BR), Highway Oriented Businesses (BH), Manufactured/Mobile Home Park (RM), Manufacturing and Services Industrial (MS), Residential Multi-Family (R-2), Residential Multi-Family (R-3), Residential Single Family (R-1C), Residential and Professional (RP) to City of Gainesville PD (Planned Development District) to allow commercial, office and residential

uses. Located between Southwest Archer Road and Southwest 24th Ave., and between Southwest 40th Blvd. and Southwest 34th St. Related to Petition PB-09-74 LUC.

Explanation: This is a request by the petitioner to change the County zoning districts to a City zoning district of PD (Planned Development District). The Planned Development will be regulated by the adopted conditions, a PD Report, PD Layout Map, and other associated maps and graphics. This PD rezoning is associated with a Comprehensive Plan amendment (Petition PB-09-74) that proposes to change the land use designations to 'PUD' and will adopt specific policies that apply to development in this area. This Planned Development must be consistent with all aspects of that proposed amendment.

The proposed Butler Plaza Planned Development totals approximately 264 acres, and is located generally on the north side of Archer Road and to the west of SW 34th Street. The subject property extends all the way north to the newly constructed SW 24th Avenue and in one location reaches all the way to Interstate 75 to the west. The current developed portion (approximately 108 acres) contains over 1 million square feet of commercial retail uses which are contained in several adjacent shopping plazas and multiple outparcels located along Archer Road. This existing development is accessed by a series of public and private streets that connect from Archer Road northward to Windmeadows Boulevard.

The Planned Development zoning district was established specifically to allow for unique proposals which are not provided for by the standard zoning districts. The minimum requirements within Section 30-213 define the reasons that are needed to justify a rezoning to the planned development district. According to Section 30-216 of the City's Land Development Code, a proposal to rezone to the PD district shall also consider general conformance with the Comprehensive Plan, concurrency requirements, internal and external compatibility, intensity of development, usable open space, environmental constraints, transportation access and the provision for a range of transportation choices.

The City Plan Board reviewed both the proposed PUD land use change and the PD rezoning during three special meetings on September 21, September 29 and October 7, 2009. The Plan Board ultimately recommended approval of the PD with modified conditions. The City Commission held public hearings on November 30 and December 1, 2009, where discussion was focused on the amendment to the Comprehensive Plan, and deliberation on the planned development was continued to a later time. At that time, the City Commission directed staff to update the proposed PD conditions to reflect the decisions made by the Commission during the hearings on the Butler Plaza land use change. The conditions for the Planned Development have since been updated to reflect the policies in the associated PUD land use change. City staff has also worked with the applicant to update the PD exhibits and standards. At the request of the Commission, the redevelopment standards for the existing commercial area have also been included as part of this petition. At this time, the applicant and staff are generally in agreement on the revised PD conditions, exhibits and standards, with the exception of Condition 18 regarding stormwater facilities within the active park area, and Conditions 30, 31, 33, and 34 regarding the signage within the development.

Public notice was published in the Gainesville Sun on July 20, 2010. Letters were mailed to surrounding property owners on July 20, 2010.

Fiscal Note: None.

RECOMMENDATION

The City Commission: 1) continue the petition to August 19, 2010 as requested by Petitioner.

Legislative History

11/19/09 City Commission Continued (Petition) (7 - 0)

11/30/09 City Commission Continued (Petition) (7 - 0)

Petitioner_BP_market study.pdf
 Petitioner_BP_comprehensive plan subarea policies 11-19-09 .pdf
 Petitioner_BP- PD Conditions 11-19-09 .pdf
 Petitioner_BP_PP_additional information.PDF
 Letter_Deborah Butler_November 19, 2009.pdf
 090538_butler plaza PD table of contents_20091130.pdf
 090538A_cpb revised PD conditions_20091130.pdf
 090538B_additional staff changes to PD conditions_20091130.pdf
 090538C_090921 cpb minutes_20091130.pdf
 090538D_090929 cpb minutes_20091130.pdf
 090538E_091007 cpb action agenda_20091130.pdf
 090538F_staff report_20091130.pdf
 090538G_trc comments to cpb_20091130.pdf
 090538H_Letters_citizen,city arborist,rts dir,ac plan dept,fdot_20091130.pdf
 090538I_neighborhood workshop info_20091130.pdf
 090538J_petitioner response to PD detail comments_20091130.pdf
 090538K_091007 cpb minutes draft_20091130.pdf
 090538L_staff ppt_20091130.pdf
 090538_table of contents_20100805.PDF
 090538A_cpb pd conditions_20100805.pdf
 090538B_applicant version pd conditions_20100805.pdf
 090538C_pt 1_A-E_pd report_20100805.pdf.pdf
 090538C_pt 2_F-J_pd report_20100805.pdf
 090538D_site signage plan_20100805.pdf
 090538E_staff ppt_20100805.PDF
 090538F_Time Extension Ltr_20100805.pdf
 090538G_Airport Marker Ltr_20100819.pdf

100189.

Amend Future Land Use Element Policy No. 4.3.4 of the Comprehensive Plan Future Land Use Element (B)

Petition PB-10-25 CPA. Todd Powell, agent for Plum Creek Land Agency. Amend Policy No. 4.3.4 of the Comprehensive Plan Future Land Use Element, to rename the development, clarify environmental and transportation policies, and extend the period of time for adoption of PD (Planned development) district zoning.

Explanation: The 1,778-acre "LandMar" property is located on both sides of State Road 121, north of US 441 and N.W. 53rd Avenue, and east of the Deerhaven Power Plant. The City Commission approved a large-scale comprehensive plan amendment

for this property on January 26, 2009 for up to 1,890 residential units and 100,000 square feet of non-residential uses. The approval established the following land uses: Planned Use District (PUD) on 167 acres; Residential Low Density on 365 acres, Single Family on 545 acres, and Conservation on 701 acres. The property is subject to the various requirements of Policy 4.3.4 of the Future Land Use Element. The property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character. At least one-third of the 1,778-property is wetland, and the headwaters of three creek systems/basins are within it.

The property owner is proposing text amendments to FLUE Policy 4.3.4 "to clarify existing requirements and be consistent with the TCEA ordinances" (quote from Applicant's Proposed Revisions to Policy 4.3.4 of Future Land Use Element, Revised June 9, 2010). The proposed amendments comprise a large-scale amendment to the City's comprehensive plan, and are summarized by staff as follows: change PUD name throughout Policy 4.3.4 from "LandMar" to "Plum Creek" or "Plum Creek Land Company" and rename related map in the Future Land Use Map Series of the Comprehensive Plan; state that impacted wetlands are not subject to buffer width requirements; specify that wetland buffer area is included as upland area; refer to floodplain district definition of the land development code; require legally enforceable documents regarding maintenance of the LID (low impact development) functional landscape; add requirement to fund transit service per TCEA Zone E standards; update transportation impact mitigation and other requirements and make other revisions in accord with the updated Concurrency Management Element; and delete a policy regarding DRI (Development of Regional Impact) review because no development in a Dense Urban Land Area is subject to DRI review.

Subsequent to the Plan Board hearing, staff revised the petition to include the landowner's request to extend the period of time in which a PD (planned development) zoning ordinance consistent with the PUD must be adopted. Staff originally was going to process the time extension through a different process, but later determined that it was more appropriate to include the proposed extension in the comprehensive plan amendment process. The land owner's request is to extend the original time period of 18 months from the January 26, 2009 adoption of the land use amendment to July 26, 2012, pursuant to policy 4.3.4.f.3.a of ordinance 070447. The proposed extension, if approved, will provide an additional 24 months for adoption of a PD zoning ordinance. The applicant has cited the major changes in market conditions since having starting the original land use change process as the major reason for the requested extension. The Florida Legislature in response to the economic downturn has extended the timeframe for other types of development projects. Staff supports the landowner's proposed 24-month extension of the period for adoption of a PD ordinance, and recommends that the City Commission approve it.

Public notice was published in the Gainesville Sun on June 8, 2010. The Plan Board held a public hearing on June 24, 2010.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve
Petition PB-10-25 CPA with the following changes:
First, to Policy 4.3.4.a.6. - Areas within the Floodplain

district, as defined in the City's Land Development Code, shall be protected so that at least ninety (90%) percent of the existing floodplain district shall not be altered by development, except that recreation and stormwater management may occur within not more than twenty (20%) of the floodplain district, and the existing floodplain storage volume will be maintained. Second, accept the applicant's proposal in Policy 4.3.4.a.9 to indicate "inclusive of the wetland buffers". The Plan Board voted 5-1.

Staff to City Commission - The City Commission approve Petition PB-10-25 CPA as recommended by the City Plan Board, and subsequently modified by staff in response to the landowner's request to amend Policy 4.3.4.f.3.a. to extend the period of time in which a PD (planned development) zoning ordinance must be adopted by 24 months, to July 26, 2012.

*Staff to City Plan Board - Approve Petition PB-10-25 CPA with the following revisions:
In 4.3.4.a.6, delete proposed addition of "as defined in the City's Land Development Code" regarding floodplain areas. In 4.3.4.a.9, change proposed addition of "inclusive of the wetland buffers..." to "exclusive of the wetland buffers..."*

100189_staff letter_20100805.pdf
100189A_FLU element policy 4.1.1_20100805.pdf
100189B_applicant's proposed rev to policy 4.3.4 FLU_20100805.pdf
100189C_explanation porposed text admend_20100805.pdf
100189D_plum creek SR 121 site map_20100805.pdf
100189E_application for text admend_20100805.pdf
100189F_extension request_20100805.pdf
100189G_staff ppt_20100805.PDF

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)