



# MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229

Box 46

**TO:** Kurt Lannon,  
Clerk of the Commission

**DATE:** August 20, 2015

**FROM:** Nicolle Shalley, City Attorney *NS*

**SUBJECT:** Order Re: 150145 Preliminary Development Order – Alachua County  
Public Defender's Office

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*Per the City Commission Rules,*  
After the attached Order is executed by you and the Mayor, please send executed copies of the Order to the parties. The planning department can assist you with names and addresses of the parties.

Thank you.

NS/afm

*For S. Williams*

1 **BEFORE THE CITY COMMISSION**  
2 **CITY OF GAINESVILLE, FLORIDA**  
3  
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5 **IN THE MATTER OF a development plan filed by JBrown Professional Group, Inc., agent**  
6 **for Alachua County Board of Commissioners, for the construction of the Alachua County**  
7 **Public Defender’s office building on property located at 151 SW 2<sup>nd</sup> Avenue, Gainesville,**  
8 **Florida.**  
9

10 **PETITION No. PB-15-31 SPL.**  
11

12 **ORDER**  
13

14 **Statement of the Petition**  
15

16 The City Commission of the City of Gainesville on August 6, 2015, held a formal quasi-judicial  
17 hearing on Petition PB-15-31 SPL, filed by JBrown Professional Group, Inc., agent for Alachua  
18 County Board of Commissioners (“Petitioner”). The petition seeks review of a development  
19 plan and issuance of a preliminary development order for the construction of the Alachua County  
20 Public Defender’s office building on property located at 151 SW 2<sup>nd</sup> Avenue, Gainesville,  
21 Florida, as more specifically described in the development plan of record. The petition also  
22 includes a request for a waiver to the lighting requirement found in Subsection 30-344(e)(4)f. of  
23 the Land Development Code.  
24

25 **Authority and Decision Criteria**  
26

27 *Development Plan.* Section 30-160 of the Land Development Code grants the reviewing board  
28 authority to review development plans in accordance with the criteria specified in Section 30-  
29 158, which mandates that development plans shall be evaluated based upon the competent and  
30 substantial evidence presented to determine:

- 31 a) Whether the plan meets submittal requirements of the Land Development Code,  
32 including payment of fees, and complies with submittal schedules to provide  
33 adequate notice and review; and  
34 b) Whether the proposed development is consistent with the Comprehensive Plan  
35 and complies with the Comprehensive Plan, the Land Development Code and  
36 other applicable regulations.  
37

38 *Waiver.* Per Subsection 30-344(e)(4)f. of the Land Development Code, parking lot lighting shall  
39 be provided throughout the nighttime hours of operation and/or use by the public and  
40 extinguished no later than one hour after use by the public, but after-hours security lighting is  
41 allowed when such lighting does not exceed 50 percent of the number of luminaires or the  
42 illumination level that is present during regular nighttime operation hours. Section 30-344(g)  
43 authorizes the reviewing board to grant a waiver to the City’s lighting regulations based on the  
44 following criteria:

- 45 a) The requested waiver is consistent with and promotes the purpose and intent of  
46 the lighting regulations in the Land Development Code;

- 1 b) The applicant otherwise meets the requirements of the lighting regulations in the  
2 Land Development Code;  
3 c) A unique situation or hardship exists as a result of conditions peculiar to the  
4 property and not due to the actions of the applicant; and  
5 d) The requested waiver is necessary to ensure compatibility and consistency with  
6 the surrounding properties.  
7  
8

### Findings of Fact

9 Based upon the evidence presented at the quasi-judicial hearing and included within the entire  
10 record of this proceeding, the following findings of fact are made:

- 11 1) The subject property is located 151 SW 2<sup>nd</sup> Avenue, within the Alachua County Court  
12 Complex located on the west side of Main Street between SW 2<sup>nd</sup> Avenue, SW 3<sup>rd</sup>  
13 Avenue, and SW 2<sup>nd</sup> Street.
- 14 2) The development plan includes the demolition of the existing surface parking lot and the  
15 construction of a 21,000 square foot Alachua County Public Defender's office building,  
16 nine parking spaces, and associated landscaping.
- 17 3) The subject property has Planned Development (PD) zoning per PD Ordinance No.  
18 001607 that was adopted on September 24, 2001, and is subject to development  
19 conditions found therein.
- 20 4) The development plan must be reviewed by the City Commission per Condition 1 of PD  
21 Ordinance No. 001607.
- 22 5) The required stormwater facilities and other associated infrastructure improvements  
23 necessary to support the PD property were constructed in conjunction with the courthouse  
24 development in 2001 and subsequent parking lot improvements in 2002.
- 25 6) City staff presented evidence that Petition PB-15-31 SPL with staff conditions as outlined  
26 in Exhibit A-2 of the Staff Report dated June 25, 2015, and including the requested  
27 waiver, is compatible with surrounding land uses and meets all requirements of the City  
28 of Gainesville Comprehensive Plan and Land Development Code. Therefore, City staff  
29 recommended approval of Petition PB-15-31 SPL with staff conditions.
- 30 7) The City Plan Board, which acts as the local planning agency pursuant to Section  
31 163.3174, Florida Statutes, voted 6-0 on June 25, 2015, to recommend approval of  
32 Petition No. PB-15-31 SPL.  
33  
34

### Order

35 APPROVED, with staff conditions. Based upon the competent, substantial evidence received  
36 and included within the record, the City Commission concludes that Petition PB-15-31 SPL with  
37 staff conditions as outlined in Exhibit A-2 of the Staff Report dated June 25, 2015, is consistent  
38 with and complies with all applicable factors and criteria as prescribed by the City's  
39 Comprehensive Plan and Land Development Code. The City Commission also concludes that  
40 the requested waiver meets the applicable criteria outlined above and therefore grants the  
41 requested waiver to allow after-hours parking lot security lighting that exceeds 50 percent of the

1 number of luminaires or the illumination level that is present during regular nighttime operation  
2 hours.

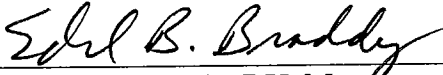
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4 Entered this 20th day of August, 2015.

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EDWARD B. BRADDY, Mayor

8


9 Attest:

10

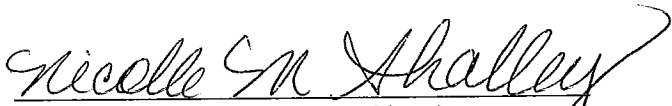
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KURT M. LANNON, Clerk of the Commission

Approved as to form and legality:

  
NICOLLE M. SHALLEY, City Attorney