

**TO:** City Plan Board

**Item Number:** 5

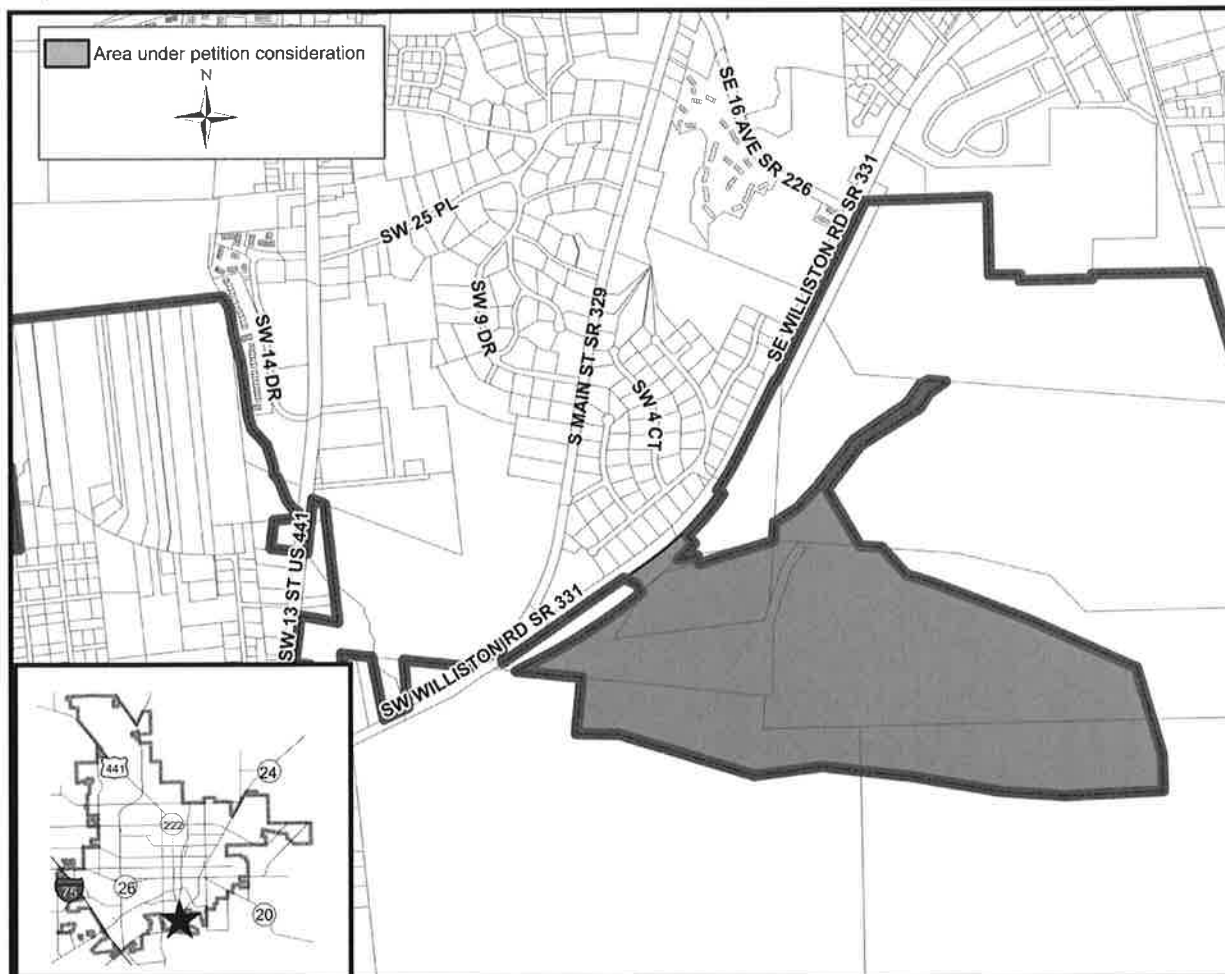
**FROM:** Planning & Development Services Department Staff

**DATE:** May 28, 2015

**SUBJECT:** Petition PB-15-14 ZON. City Plan Board. Rezone property from Alachua County Conservation (C-1) to City of Gainesville Public services and operations district (PS). Located in the 3400 block of SW Williston Road. Related to PB-15-13 LUC.

### Recommendation

Staff recommends approval of Petition PB-14-74 ZON.



## Description

This proposed rezoning pertains to a 258.18-acre area (hereinafter referred to as the “property”) of City and State-owned land that was voluntarily annexed on April 16, 2015 by Ordinance No. 140618. The property is at the southern edge of the City, on the south side of SW Williston Road (east of its intersection with South Main Street), and is contiguous to Paynes Prairie Preserve State Park. See map on previous page, and see Exhibit B-1 for an aerial photograph of the property and surrounding area. The property has an Alachua County zoning designation of Conservation (C-1) (and future land use designation of Preservation) and is in need of rezoning (and related land use change) to an appropriate City of Gainesville zoning district. See Exhibits B-2 and B-3 for the existing and proposed zoning maps and Exhibit C-1 for the Application.

The proposed Public services and operations (PF) zoning district allows for utility (e.g., stormwater treatment) and recreation activities that serve a public purpose (e.g., public use areas for bird-watching and nature study), and is an appropriate zoning category for the Paynes Prairie Sheetflow Restoration Project (PPSRP). The PPSRP is a unique public utility project of the City of Gainesville and GRU that provides stormwater treatment, water quality enhancement and Floridan aquifer protection, wetland enhancement and creation, and passive recreation amenities (Sweetwater Wetlands Park, a new local nature park of the City). The water treatment capacity of the wetlands in the PPSRP will provide treatment of stormwater and of current and future discharges from the Main Street Water Reclamation Facility that flow into Sweetwater Branch upstream of the property. Treated effluent from the Main Street Water Reclamation Facility is the main contributor of nutrients to Sweetwater Branch.

City Commission Resolution No. 080771 (see Exhibit B-4) requesting an easement over State of Florida property within Paynes Prairie Preserve State Park was adopted on February 5, 2009. The Resolution was needed to facilitate the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project. Section 1 of the Resolution states that the easement is “for the purpose of installing, operating and maintaining sheetflow restoration facilities, public utility facilities, and related appurtenances, including but not limited to grade control structures, trash and sediment traps, a sheetflow distribution canal, paved and unpaved maintenance roads, an enhanced wetland, and public use facilities. Public use facilities to include boardwalks, restrooms, and educational facilities.”

See Exhibit B-5 (Paynes Prairie Sheetflow Project Description) and Exhibit B-6 (Executive Summary: A Conceptual Plan for Sweetwater Branch/Paynes Prairie Sheetflow Restoration) for additional information on the PPSRP. Also see Exhibit B-7 (Paynes Prairie Sheetflow Restoration Site Plan). (Note: the Paynes Prairie Sheetflow Restoration Project is substantially completed, and Sweetwater Wetlands Park has recently opened and provides public access to its trails, boardwalks and overlooks on Saturdays and Sundays.)

The approximately 258-acre property is adjacent to undeveloped land (wooded uplands, wetlands) to the north and east, and undeveloped land (wetlands) to the south. Paynes Prairie Preserve State Park is to the east, south and north (also to the north is the 125-acre, Sweetwater Preserve, an Alachua County nature park). Undeveloped land (wooded uplands) is to the west, as are 257.6 feet of frontage along SW Williston Road (S.R. 331, a 4-lane arterial roadway with

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sidewalks and bicycle lane on both sides). The adjacent lands to the north, south, east and west are in the Alachua County Conservation (C-1) zoning district, and are in the corresponding Alachua County Preservation future land use category. See Table 1 on Page 11 for a tabular summary of adjacent existing uses and adjacent land use and zoning categories.

This petition is related to Petition PB-15-14 LUC, which proposes amendment of the City of Gainesville Future Land Use Map from Alachua County Preservation to City of Gainesville Public and Institutional Facilities (PF).

As stated in Sec. 30-75 (Public services and operations district) (see Exhibit B-8), the PS district is established for the purpose of identifying and providing suitable locations for the necessary public and private utility and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. The proposed PS zoning allows for public utilities and recreation and is an appropriate zoning designation for the PPSRP, which includes public utility and local nature park (Sweetwater Wetlands Park) components.

The proposed PS district zoning includes a list of permitted uses for the property, plus a list of standards for future development of the property. The existing development plan is in effect for the substantially completed PPSRP, and an illustrative site plan is attached (see Exhibit B-7: Paynes Prairie Sheetflow Restoration Site Plan).

#### Permitted Uses

The following uses are allowed in the Public services and operations district zoning ordinance applicable to this property:

1. Water conservation areas, water reservoirs and control structures.
2. Stormwater treatment facilities.
3. Public lands designated for open space or conservation.
4. Wildlife management.
5. Local nature park as defined in the Recreation Element of the City of Gainesville Comprehensive Plan. Uses include passive recreation amenities that include, but are not limited to, nature trails and boardwalks, restrooms and pavilions.
6. Visitor/education center.
7. Security residence.
8. Any accessory use customarily incidental to any permitted principal use.

### Development Standards

1. All future development activity shall require development plan review by the City of Gainesville in accordance with Article VII (Development Review Process) of the Land Development Code.
2. All future development activity shall be in substantial compliance (as determined by the City Manager or designee) with the Final Development Plan that was approved (Project No. 2009121601\_F) in 2012 by the Alachua County Development Review Committee and that is on file with the City of Gainesville Public Works Department and with Gainesville Regional Utilities. Any transportation impacts of future development activity will be assessed in accordance with applicable Transportation Mobility Program Area (TMPA) policies of the Transportation Mobility Element. The property will be included in the nearest TMPA Zone when the land use amendment becomes effective.

### **Key Issues**

- City zoning is required to be placed on land that has been annexed from unincorporated Alachua County.
- The proposed PS zoning is appropriate for the Paynes Prairie Sheetflow Restoration Project (PPSRP).
- The PPSRP received development plan approval from Alachua County in 2012 when the property was outside of the city limits of Gainesville.
- The net environmental benefits of Paynes Prairie Sheetflow Restoration Project to Paynes Prairie Preserve State Park are expected to be significant, as are the expected long-term improvements to surface and ground water quality for the region.

### **Basis for Recommendation**

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

#### **1. Consistency with the Comprehensive Plan**

The proposed zoning change from the Alachua County Conservation C-1 district to the City of Gainesville Public services and Institutional Facilities (PS) district for this unique public property is consistent with various Elements of the Comprehensive Plan. It is consistent with Future Land Use Objective 3.3, Policy 3.3.1, and Policy 4.1.1, below, which pertain to public utilities and other public facilities. It is also consistent with various policies (i.e., goals, objectives and policies) of other Comprehensive Plan Elements listed below or in Exhibit A-1. Designation of a City of Gainesville land use category is required due to annexation.

### **Future Land Use Element**

**Objective 3.3** Provide adequate land for utility facilities.

**Policy 3.3.1** The City shall coordinate with public and private utilities to ensure that adequate land is available for utility facilities.

**Objective 4.1** The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

**Policy 4.1.1** Land Use Categories on the Future Land Use Map shall be defined as follows:

**Public and Institutional Facilities**

This category identifies lands used for: administrative, operational, and utility governmental functions; private utilities; cemeteries; and public-private partnerships or other legal arrangements where the land title is vested in a government and the use(s) serves a public purpose. Maximum lot coverage in this category shall not exceed 80 percent, except in urban core areas where lot coverage is not limited.

**Conservation, Open Space and Groundwater Recharge Element**

**Objective 2.3** The City shall conserve and protect the quality and quantity of current and projected water sources through the planning period.

**Goal 4** Provide ongoing monitoring of environmental resources and mitigate current pollution problems and potential point sources of pollution.

**Objective 4.1** The City shall identify pollution problems and parties responsible, and establish strategies to mitigate, remediate, or assist in the mitigation or remediation of these problems in all watersheds within Gainesville's city limits.

**Policy 4.1.2** The City shall explore projects for improving water quality in its watersheds.

**Stormwater Management Element**

**Objective 1.4** The City shall continue the implementation of a maintenance program for all surface drainage systems, that are the responsibility of the City, for the continued effective operation of the stormwater management system.

**Policy 1.4.3** Projects to correct existing deficiencies shall be reviewed in accordance with the following priorities in the development of the Stormwater Management Utility Capital Improvement Program:

- a. Projects designed to reduce or eliminate structure flooding in known problem areas;
- b. Projects designed to improve the quality of water flowing into receiving creeks, lakes and sinkholes;
- c. Projects designed to reduce street flooding during storm events ranging up to the 25-year storm;
- d. Projects designed to reduce or eliminate flooding potential of structures in the 100-year floodplain;
- e. Projects designed to reduce the channelization of creeks, and to restore habitat and wetlands;
- f. Projects designed to reduce maintenance costs.

**Objective 1.7** The City shall continue to encourage the preservation and protection of existing drainage features.

**Policy 1.7.1** The City shall continue to comply with adopted Land Development Regulations that protect the intrinsic functions of wetlands and accommodate a variety of wetland conditions, such as size of wetland areas, maintenance or restoration of natural hydroperiods, and diversity of vegetation.

**Policy 1.7.2** The City shall acquire rights to wetland areas in order to further the open space objectives of the Conservation, Open Space and Groundwater Recharge Element of this Plan, and to retain the intrinsic stormwater management functions of these areas. The hydrological and ecological functions of related wetland areas should be preserved, restored, or enhanced as appropriate to the extent feasible.

**Objective 1.9** The City shall continue to implement stormwater management facility design guidelines that promote dual use and aesthetically pleasing facilities.

## **2. Conformance with the Land Development Code**

At the development plan stage, any proposed development will be required to meet the requirements that will be specified in the adopting PS ordinance and will be required to meet applicable requirements of the Land Development Code.

## **3. Changed Conditions**

The major changed condition of this City and State-owned property is its annexation on April 16, 2016 by Ordinance No. 140618. The other changed condition is the opening on May 2, 2015 of the Sweetwater Wetlands Park

#### **4. Compatibility**

The proposed Public services and operations district (PS) zoning for this unique public property and project at the southern edge of the City is compatible with the surrounding area and land uses. See Table 1 on Page 11 of this staff report for a tabular summary of adjacent existing uses and adjacent land use and zoning categories.

#### **5. Impacts on Affordable Housing**

The proposed Public services and operations district zoning does not allow residential development other than one security residence, so it will have no impact on the supply of affordable housing in Gainesville.

#### **Transportation**

There are no major transportation issues associated with this proposed rezoning from Alachua County Conservation (C-1) to City of Gainesville Public services and operations district (PS). The property is accessed from SW Williston Road (State Road 331), a 4-lane arterial roadway with bicycle lanes and sidewalks on both sides, and that is operating at its adopted level of service (LOS E). The development plan for the Paynes Prairie Sheetflow Restoration Project (PPSRP) was approved by Alachua County in 2012, when the property was outside of the city limits of Gainesville. Alachua County estimated 183 trips per day (for 2 acres of City Park, ITE Code #411 in its Development Review Committee Staff Report of July 27, 2012), and postponed transportation impact mitigation until issuance of the building permit for the visitor center (which remains unfunded and unbuilt). City of Gainesville Parks, Recreation and Cultural Affairs Department staff in an April 21, 2015 e-mail estimated 36 trips per day for full-time operation of the Sweetwater Wetlands Park, and 18 trips per day for weekend only operation.

The City rescinded transportation concurrency with the adoption of its updated Comprehensive Plan, and established the citywide Gainesville Transportation Mobility Program Area (TMPA). This recently annexed, approximately 258-acre property be placed in the most physically proximate TMPA Zone (Zone A), in accordance with Policy 10.1.1 of the Transportation Mobility Element (see Exhibit A-1 – Comprehensive Plan Goals, Objectives and Policies). Future development will then be required to comply with applicable policies of the Transportation Mobility Element that pertain to TMPA Zone A.

This property is not currently served by the Gainesville Regional Transit System (RTS). The closest RTS service is at SW 13<sup>th</sup> Street, where Route 13 provides weekday service between UF's Beaty Towers and the Career Source (located south of SW Williston Road).

## Environmental Impacts and Constraints

The vast majority of the property is located in FEMA Flood Zone A (Zone A corresponds to a 1 percent chance every year that flood waters will inundate the area, or 100 percent chance over a 100-year period). Zone A floodplains are determined by approximate methods. No base flood elevations or depths are shown within this zone.). The narrow, northernmost extent of the property is on both sides of Sweetwater Branch and is in FEMA Flood Zone AE (Zone AE corresponds to a 1% chance every year that flood waters will inundate the area, or 100% chance over a 100-year period. Zone AE floodplains have base flood elevations that are determined by detailed methods.). A band of FEMA Flood Zone X (corresponds to areas outside the 100-year floodplains, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 100-year flood by levees.) is adjacent to Williston Road. Several very small areas in the northern part of the property are also in FEMA Flood Zone X.

See Exhibit B-9 for map of FEMA flood zones.

The City's Environmental Coordinator provided the following comments that follow in a memorandum dated April 21, 2015.

“The subject petitions for a proposed change in land use and zoning have been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code 30-300 *Surface Waters and Wetlands*, or 30-310 *Natural and Archaeological Resources*. The petitions propose a land use change from Alachua County Preservation to City of Gainesville Public and Institutional Facilities, and rezoning from Alachua County Conservation (C-1) to City of Gainesville Public services and operations district (PS). The 258-acre property was annexed by the City of Gainesville on April 16, 2015, and is the site of the newly constructed Sweetwater Branch/Paynes Prairie Sheetflow Restoration project.

Under a Memorandum of Understanding (MOU) dated July 7, 2009, the City of Gainesville, State of Florida Department of Environmental Protection, Division of Recreation and Parks, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, and the St. Johns River Water Management District agreed to cooperatively implement a plan to restore approximately 1,300 acres of degraded wetlands and improve the water quality in Alachua Sink, all located within Paynes Prairie Preserve State Park, by treating and re-establishing dispersed flow (sheetflow) of surface waters from the Sweetwater Branch watershed entering the Park from the urban area of Gainesville. The restoration plan committed to the construction of a treatment facility in the delta of Sweetwater Branch, on the northern margin of the Park, to improve the water quality, hydrologic conditions, and wetland ecological functions of Paynes Prairie. The agreement required the granting of an easement from the State to the City over the facility area, effective for as long as the easement is used and maintained for this purpose. The treatment facility has been under construction since 2013 and is currently nearing completion.

The facility consists of 125 acres of treatment ponds/enhancement wetlands within a levee system, including a sediment basin, a forebay for distribution to three primary treatment ponds,



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and stormwater conveyance channels, all within the overall 258-acre project area. The project is designed to include water level management and sediment removal capability, which would provide for water quality treatment within the created enhancement wetlands, with a broad front, unchannelized release to the south. As required under the MOU concept and the implementing regulatory permits issued by local, state, and federal permits, the historic manmade channel which has carried base flows of Sweetwater Branch across Paynes Prairie to Alachua Sink for several decades has been filled and restored with native vegetation as part of this project, forcing the treated discharge from the facility to spread out and restore a more natural hydrologic condition across the prairie bottom. Wetland mitigation for impacts to surface waters and wetlands which were unavoidable in constructing this new facility was provided in meeting the conditions of these permits.

During the regulatory approval process for the project, the Alachua County Environmental Protection Department (ACEPD) provided a technical review of the application information submitted to Alachua County, along with other state agencies having jurisdiction over the activity. ACEPD concluded in its staff report dated July 27, 2012 that the project was consistent with the Alachua County Comprehensive Plan and met the environmental regulatory provisions of the Alachua County Unified Land Development Code. The Florida Department of State confirmed by letter on April 16, 2012 that the proposed project activities impacting this site would have no effect on historic properties listed, or eligible for listing in the *National Register of Historic Places*, or otherwise of historical or archaeological value. The ACEPD technical review report (within the attached Alachua County Development Review Committee Staff Report) and the Florida Department of State cultural resources letter are attached for reference (see Exhibits B-10 and B-11) and provide detail on the environmental resources and characteristics of the project area which existed prior to the start of construction in 2013.

The scope of local government policy and regulatory provisions for protection of the environmental resources provided by the Alachua County Environmental Protection Department assessment are very comparable with the scope and provisions of current City code (30-300 Surface Waters and Wetlands and 30-310 Natural and Archaeological Resources). In conjunction with similar regulatory reviews and approvals issued by the St. Johns River Water Management District and the U.S. Army Corps of Engineers, and the cultural resource determination from the State Historic Preservation Officer, staff concludes that the proposed uses and completion of the project under these prior approvals meet all provisions of current City environmental code.

The proposed Public and Institutional Facilities land use category and Public services and operations district (PS) zoning for the subject property allows for the clearly specific use of the lands for the purpose as stated, as well as for the construction and operation of the essentially completed Paynes Prairie Sheetflow Restoration Project facility as built to implement this use. The net environmental benefits to Paynes Prairie Preserve State Park are expected to be significant, as will be the expected long-term improvements to surface and ground water quality for the region.”

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Respectfully submitted,

  
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## Table 1

### Adjacent Existing Uses

#### Existing Uses

<b>North</b>	Undeveloped (wooded uplands, wetlands) - Paynes Prairie Preserve State Park, Sweetwater Preserve (Alachua County park)
<b>South</b>	Undeveloped (wetlands) - Paynes Prairie Preserve State Park
<b>East</b>	Undeveloped (wooded uplands, wetlands) - Paynes Prairie Preserve State Park
<b>West</b>	S.R. 331 (Williston Road); undeveloped (wooded uplands)

### Adjacent Zoning and Land Use and Zoning

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	Alachua County Preservation	Alachua County Conservation (C-1)
<b>South</b>	Alachua County Preservation	Alachua County Conservation (C-1)
<b>East</b>	Alachua County Preservation	Alachua County Conservation (C-1)
<b>West</b>	Alachua County Preservation	Alachua County Conservation (C-1)

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## List of Appendices

### Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

### Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph  
Exhibit B-2 Map: Existing Zoning  
Exhibit B-3 Map: Proposed Zoning  
Exhibit B-4 Resolution No. 080771  
Exhibit B-5 Paynes Prairie Sheetflow Project Description  
Exhibit B-6 Executive Summary: A Conceptual Plan for Sweetwater Branch/Paynes  
Prairie Sheetflow Restoration  
Exhibit B-7 Paynes Prairie Sheetflow Restoration Site Plan  
Exhibit B-8 Sec. 30-75. Public services and operations district (PS)  
Exhibit B-9 Map: FEMA Special Flood Hazard Area (SFHA)  
Exhibit B-10 Alachua County Development Review Committee Report, July 27, 2012  
Exhibit B-11 Florida Department of State Letter, April 16, 2012

### Appendix C Application

Exhibit C-1 Application