



MEMORANDUM

Office of the City Attorney

Legistar No. 091002

Phone: 334-5011/Fax 334-2229
Box 46

TO: MAYOR AND CITY COMMISSION
FROM: CITY ATTORNEY
DATE: July 15, 2010
ADOPTION HEARING

SUBJECT: Ordinance No. 0-10-20; Petition No. PB-10-20 CPA
An ordinance of the City of Gainesville, Florida, amending the Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan by updating Table 14 "5-year Schedule of Capital Improvements" to reflect projects for the planning period of FY 2010/2011-2014/2015; updating Table 15 "School Board of Alachua County 5-year District Facilities Work Program" to reflect projects for the planning period of FY 09/10-13/14; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date

Recommendation: The City Commission (1) approve Petition No. PB-10- 20 CPA, and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Under State law, each local government must submit a financially feasible comprehensive plan annually. This is accomplished by updating the Capital Improvement Element (CIE) to show how level of service (LOS) deficiencies will be corrected and to identify the funding sources for financing the capital projects needed. The ordinance is the annual update of the CIE, specifically the 5-Year Schedule of Capital Improvements and the School Board of Alachua County 5-year District Facilities Work Program ("5-Year School Work Program") in conformance with the provisions of State law and the City's Comprehensive Plan.

The CIE contains information about projects and/or facilities that are needed to: correct existing deficiencies in levels of service (LOS), maintain existing LOS, or address projected LOS deficiencies that will occur during the 5-year planning period. The City's Public Schools Facilities Element requires that the City include the 5-Year School Work Program in the annual update of the CIE.

The capital improvements discussed in the CIE are only related to levels of service adopted in the Comprehensive Plan. Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least 2 years.

Several transit and transportation mobility projects that extend beyond the normal five-year timeframe are included within the 5-Year Schedule of Capital Improvements because of

their importance to the City's long term mobility plans for certain portions of the community (in particular, Zone M of the Transportation Concurrency Exception Area). Additionally, the high cost associated with these projects means that they may be phased in over several years as funding becomes available. Their inclusion is to establish the vision for transit and new roadway connectivity and to assist in guiding future development so that it is consistent with that vision.

After public notice was published in the Gainesville Sun on April 6, 2010, the City Plan Board held a public hearing on April 22, 2010. The City Plan Board heard the petition and, by a vote of 6-0, recommended approval with the School Board's amended 5 Year District Facilities Work Program.

Subsequent to the Plan Board hearing, the Public Works Department requested that an additional project be added to the 5-Year Schedule of Capital Improvements. This project is identified as #39 and is an intersection capacity modification at NE 39th Avenue and NE 2nd Street. It was added because the project will not be completed in the current fiscal year and it is fully funded by the TCEA. In addition, the 5-Year Schedule of Capital Improvements was amended to show that the Local Option Fuel Tax (5 cents) is an additional funding source for project #34, which is the extension of SW 40th Boulevard from Archer Road to SW 47th Avenue.

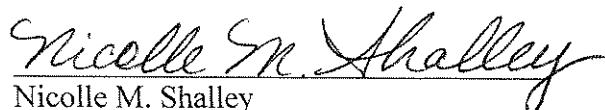
The physical locations of the projects in the 5-Year Schedule of Capital Improvements are depicted in Exhibits 1, 2 and 3 to this cover memo. These maps are provided merely for ease of reference and are not adopted as part of the ordinance.

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Florida Statutes set forth the procedure for adoption of an annual update and amendment to the Capital Improvements Element of the Comprehensive Plan. Section 163.3177(3)(b)(2), F.S., requires only a single adoption hearing for this amendment. In addition, pursuant to §163.3187(1)(f), F.S., this amendment may be made at a date other than the two times per year limitation on comprehensive plan amendments when necessary to coincide with the adoption of the City's budget and capital improvements program.

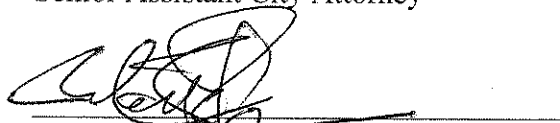
The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



Nicolle M. Shalley
Senior Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson
City Attorney

MJR:NMS/rs

Exhibit 1 to Cover Memo

Map 6

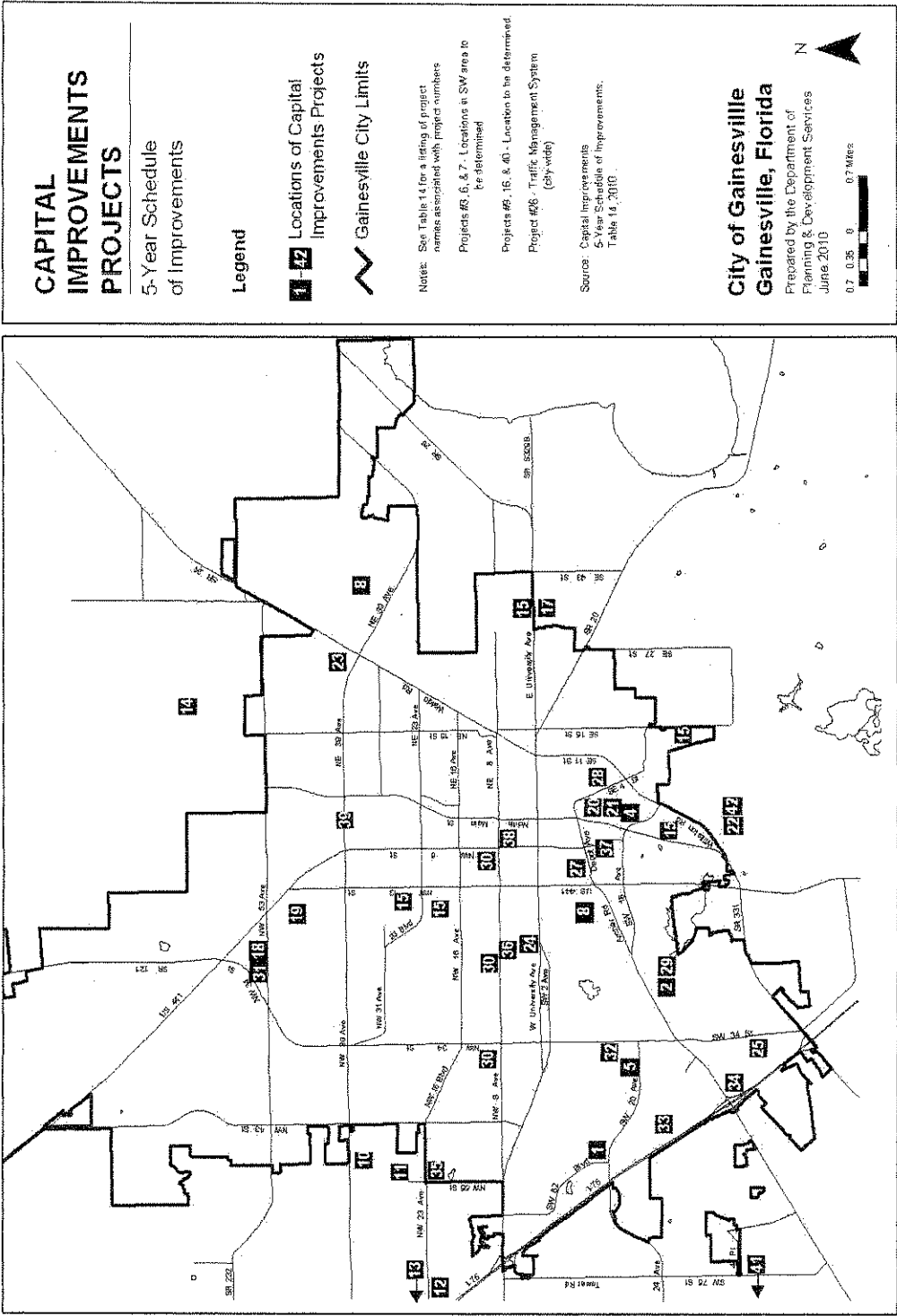


Exhibit 2 to Cover Memo

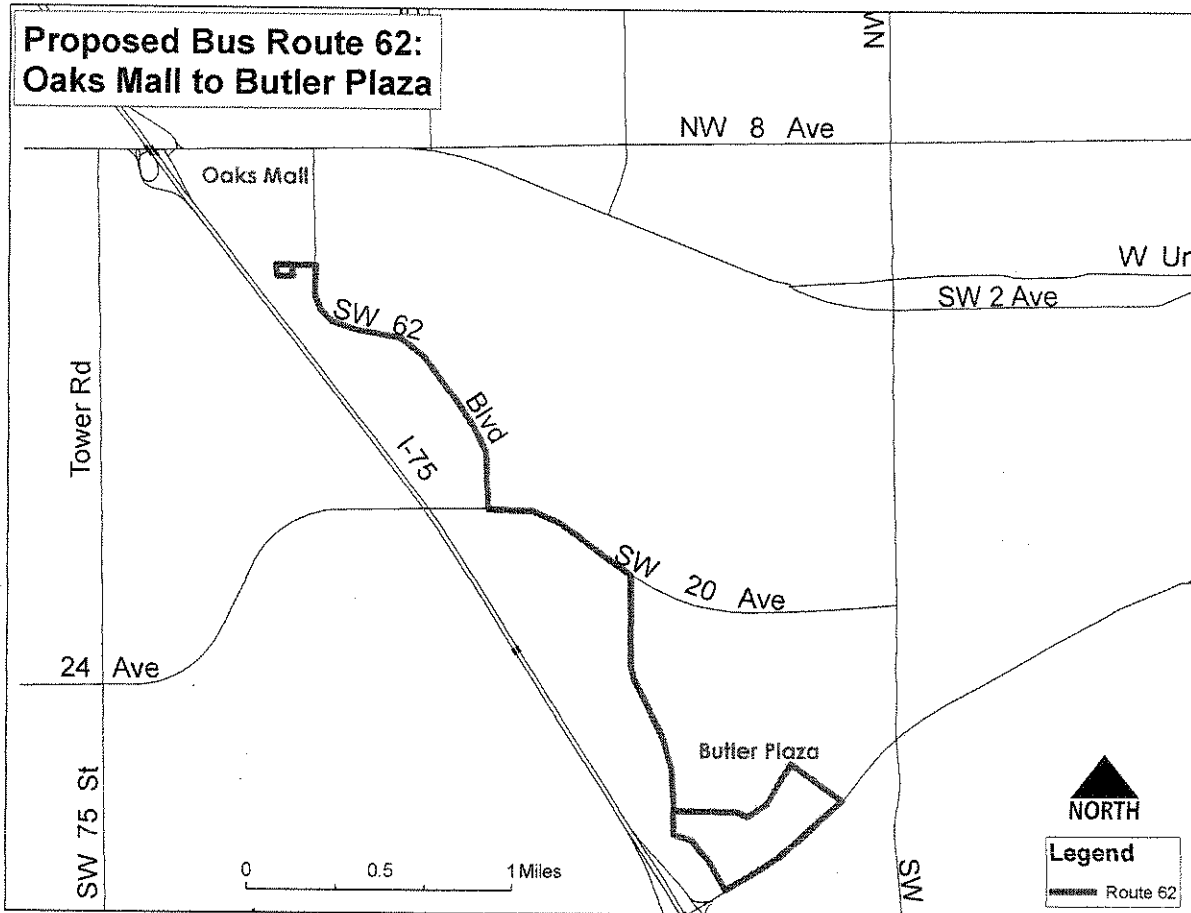


Exhibit 3 to Cover Memo

