

City of Gainesville

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



Meeting Agenda

November 05, 2009

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (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

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

071118.

Land Surplus for Alachua County Historic Trust Matheson Museum, Inc. (B)

This item is a request for the surplus of additional property for the Alachua County Historic Trust Matheson Museum, Inc.

Explanation: At the April 28, 2008 City Commission meeting, the Commission declared the approximate 0.10-acre portion of City owned Sweetwater Park as surplus and agreed to sell it at the fair market value of \$19,950 to the Alachua County Historic Trust Matheson Museum. The Commission authorized the City Manager to execute the Purchase and Sale Agreement, to prepare a Special Warranty Deed, and authorized the Mayor to execute the deed to convey the 0.10-acre portion to be combined with a parcel the Museum owns. This 0.10-acre portion of City owned property was 28 feet deep by approximately 160 feet long.

It has now come to staff's attention that in order for the Matheson property to be compliant with zoning requirements, they will need an additional 2 feet for a total of 30 feet deep by approximately 160 feet long. The Alachua County Historic Trust Matheson Museum is willing to convey the original portion back in exchange for the requested 30 feet by approximately 160 feet portion of Sweetwater Park. The new configuration of property is an additional approximately 65 square feet and will meet zoning compliance. In addition, if the newly created property line encroaches within 3 feet of the pedestrian sidewalk located in the park, the Alachua County Historic Trust Matheson

Museum has agreed to pay to relocate the sidewalk and signs. They have also agreed to install a green picket fence on the new property line.

Fiscal Note: Should the City Commission elect to approve this request, there is no fiscal impact to the City of Gainesville.

RECOMMENDATION

Recommended Motion: The City Commission: 1) declare the additional 2 feet of Sweetwater Park as surplus; 2) accept the conveyance of the original portion from the Alachua County Historic Trust Matheson Museum, Inc; and 3) authorize the Mayor to execute, and the Clerk to attest the Special Warranty Deed, subject to approval by the City Attorney as to form and legality.

Alternative Recommendation A:

The City Commission: 1) deny this request, and 2) provide staff with further direction as appropriate.

Legislative History

4/28/08 City Commission Approved as Amended (6 - 0 - 1 Absent)

071118a_200804281300.pdf

071118b_200804281300.pdf

071118c_200804281300.PDF

071118a_PHOTO_20080728.pdf

071118b_APPRAISAL_20080728.pdf

071118_Map_20091105.PDF

090471.

**Assistance to Firefighters Grant FY09 Fire Prevention and Safety Grant
Emergency
Access System (NB)**

This item requests that the Commission authorize the City Manager to apply for, and execute a grant if awarded, for updating Gainesville Fire Rescue's emergency access system for secure properties.

Explanation: The Federal Emergency Management Agency (FEMA) provides support to local fire departments through the annual Assistance to Firefighters Grant (AFG) Program, which includes a Fire Prevention and Safety (FP&S) Program with a 20% match.

The City of Gainesville has annexed several large commercial properties over the past few years that have access systems set up under Alachua County's Knox Box® system. This system is different than the system used by Gainesville Fire Rescue (GFR). The annexed areas have County-keyed boxes that the City keys will not fit. This defeats the purpose of the Knox Box® program which provides a means of emergency access to commercial properties by hindering operational response. Of additional concern is the fact that Alachua County Fire Rescue Station 19 is located in the City, but does not have access to any City boxes and that GFR currently has only five units which have Knox Box® key units. The County units have key systems on all of their response vehicles.

The upgrade would result in GFR having all response vehicles equipped with compatible access devices and would eliminate future compatibility problems with properties that may be annexed by the City in the future. The total cost of the grant includes parts, labor, and installation of the key secure devices and the cylinder lock replacement and labor costs.

Fiscal Note: The total cost of the project is not to exceed \$15,000; the Federal Share is 80% or \$12,000 and the Applicant Share is not to exceed 20% or \$3,000. Matching funds have been identified in the FY10 GFR Support Services budget.

RECOMMENDATION

The City Commission authorize the City Manager, if awarded the grant, to: 1) execute the grant award contract and other necessary documents, pending approval by the City Attorney as to form and legality; and 2) approve the required payments process for expending the grant funds and matching funds.

Alternate Recommendation A: The City Commission not authorize the City Manager to execute the grant award contract or provide the required match funding.

090482.

Third Amendment to Interlocal Agreement with Alachua County for Solid Waste Disposal (B)

This item is a request to amend the agreement between the City of Gainesville (City) and Alachua County (County) for Solid Waste Disposal Services.

Explanation: The City-County Interlocal Agreement for Solid Waste Disposal of May 12, 1998, First Amendment dated September 28, 2004, Memorandum of Understanding dated November 23, 2004, and the Second Amendment dated October 23, 2007 obligates the City to require its residential solid waste contractor to deliver all acceptable waste, collected within the City, to the County's designated facilities. The agreement expires September 30, 2009.

In a joint City/County Commission meeting on March 18, 2008 the two commissions instructed City/County staff to continue to work together on solid waste issues, to develop and implement ordinances that direct the flow of solid waste to the County's publicly-owned transfer station, and to keep open the option of one or more exclusive franchises should that approach become necessary.

This Third Amendment to the Interlocal Agreement would extend the term of the agreement to December 31, 2018; resolve conflicts between the reporting requirements of the original agreement and the Memorandum of Understanding; affirm a commitment by the City to develop and implement contractual flow-control within its jurisdiction, to the extent allowed by law, to direct franchised haulers to deliver solid waste generated within the city limits to the County's Transfer Station; and establish an agreement between the City

and County to share expertise and costs associated with the maintenance of identified closed landfills within the City limits. The term of the Third Amendment coincides with the remaining term of the County's contract to haul its waste to New River Landfill.

Fiscal Note: Funds for the Third Amendment to this contract are provided for and available in the Solid Waste Enterprise Fund.

RECOMMENDATION *The City Commission: 1) approve the Third Amendment to the Interlocal Agreement with Alachua County for Solid Waste Disposal; and 2) authorize the Mayor to execute and the Clerk to attest the Third Amendment, subject to approval of the City Attorney as to form and legality.*

090482_Amendment_200911105l.pdf

090485.

Ratification of Agreement between the Amalgamated Transit Union Local 1597 Bargaining Unit and the City of Gainesville for October 1, 2009 through September 30, 2012 (B)

This item proposes the ratification of the Agreement between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville.

Explanation: This Agreement has been reached through negotiations between the Amalgamated Transit Union Bargaining Unit and the City of Gainesville, and was ratified by the Amalgamated Transit Union Bargaining Unit on September 24, 2009. This Agreement extends the current Collective Bargaining Agreement through September 30, 2012.

A copy of the Agreement is on file in the Office of the Clerk of the Commission. After November 5, 2009 the Agreement will be on file in the Human Resources Department.

Fiscal Note: The one year general increase is 1% and the overall financial impact over current salaries is \$59,346. The funds for FY2010 are included in the budget. The costs for FY2011 and FY 2012 will be addressed in the budget preparation process and the collective bargaining process.

RECOMMENDATION *The City Commission ratify the Agreement between Amalgamated Transit Union Bargaining Unit and the City of Gainesville extending the Agreement through September 30, 2012.*

090485_Agreement_20091105.PDF

090490.

Federal LECFTF Funding for Grant Match for Bulletproof Vests (B)

Explanation: This is to request a grant match out of forfeiture funds for the amount of \$27,443.00. The Gainesville Police Department has submitted a grant for bulletproof vests and the match amount required is \$27,443.00. Matching funds

for federal grant programs is allowed as long as the grant funds are used for a permissible law enforcement purpose and bulletproof (body armor) is an appropriate purchase.

Fiscal Note: Funds in the amount of \$27,443.00 for this expenditure are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 U.S.C. 881, found in the U.S. Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies". The balance in the account is \$1,783,642.00.

RECOMMENDATION

The City Commission approve the appropriation of the amount of \$27,443 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the grant match for the bulletproof vest grant.

090490_FortFundGuide_20091105.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

090524.

Reimbursement for Oversizing of Wastewater Facilities at Arbor Greens Phase 3, Unit 1 (NB)

Reimburse Arbor Greens Community, LLC of Gainesville, developer of Arbor Greens Phase 3, Unit 1, for the oversizing of wastewater facilities in accordance with provisions of the City of Gainesville Code of Ordinances, Chapter 27-179 Oversized Facilities.

Explanation: Arbor Greens Phase 3, Unit 1 is a proposed infill/redevelopment project located in the 13000 Block of West Newberry Road. A wastewater system must be constructed to provide wastewater service for the project.

In order to properly serve adjacent undeveloped parcels, GRU is requiring Arbor Greens Community, LLC of Gainesville to construct oversized wastewater facilities. The developer's engineer accommodated this in the development design. The developer's incremental cost to oversize the wastewater system, for which reimbursement is being sought, is \$73,715.00.

The recommended amount of \$73,715.00 includes all design, construction, labor, and materials associated with the wastewater system oversizing to satisfactorily complete the work.

Fiscal Note: Monies for this project are available in the FY 10 Water and Wastewater Capital Improvements Budget.

RECOMMENDATION

The City Commission authorize the General Manager or his designee to negotiate and execute an agreement for reimbursement to Arbor Greens Community, LLC of Gainesville for the oversizing of wastewater facilities in an amount not to exceed \$73,715.00 subject to approval of the City Attorney as to form and legality.

CITY ATTORNEY, CONSENT AGENDA ITEMS**090522.****CARLA L. WALKER vs. CITY OF GAINESVILLE, FLORIDA, A
POLITICAL SUBDIVISION OF THE STATE OF FLORIDA; EIGHTH
JUDICIAL CIRCUIT, COURT CASE NO. 01-2009-CA-5267 (B)**

Explanation: On October 19, 2009, the City was served with a Summons and Complaint filed by Carla Walker in the Circuit Court. Ms. Walker alleges that on March 8, 2007, she was a passenger on a Regional Transit System bus when the driver of the bus negligently operated the bus in such a manner that the doors slammed into her. She claims to have suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, aggravation of a previously existing condition, and damage to her bicycle. Ms. Walker seeks money damages.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Carla L. Walker vs. City of Gainesville, Florida, a political subdivision of the State of Florida; Eighth Judicial Circuit, Court Case No. 01-2009-CA-5267.

090522_consent_20091105.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**090513.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of October 5 & 6, 2009 (Special Meetings); October 15, 2009 (Regular Meeting); and October 19, 2009 (Workshop); as circulated.

090513_10-5_minutes_20091105.pdf

090513a_10-6_minutes_20091105.pdf

090513b_10-15_minutes_20091105.pdf

090513c_10-19_minutes_20091105.pdf

090526.**Resignation of City Plan Board Member Jack Walls (B)****RECOMMENDATION**

The City Commission accept the resignation of Jack Walls from the City Plan Board effective October 29, 2009 and extends its appreciation for his services.

090526_resignation_20091105_WallsJack.pdf

090527.**Resignation of Gainesville/Alachua County Cultural Affairs Board
Member Debbie Duffie (B)****RECOMMENDATION**

The City Commission accept the resignation of Debbie Duffie from the Gainesville/Alachua County Cultural Affairs Board effective September 30, 2009 and extends its appreciation for her services.

090527_resignation_20091105_DuffieDebbie.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****Recreation, Cultural Affairs and Public Works Committee, Consent****090023.****Thomas Center 100th Anniversary (B)**

This item involves a recommendation from the Recreation, Cultural Affairs and Public Works Committee to the City Commission regarding plans being developed to celebrate the Thomas Center's 100th anniversary in 2010.

Explanation: At the May 7, 2009 City Commission meeting, Commissioner Hawkins brought forth the issue of recognizing the 100th anniversary of the Thomas Center. This matter was referred to the Recreation, Cultural Affairs and Public Works (RCAPW) Committee, requesting that the Parks, Recreation and Cultural Affairs Department provide detailed information about the plans.

During subsequent months, staff held meetings with the Thomas Center Associates to discuss possible events and promotional activities. The last meeting included representatives from the Maddox Foundry who are interested in assisting with the anniversary celebration. A draft schedule of events was developed and presented to the Board of the Thomas Center Associates at their meeting on September 8th.

On September 10th, staff presented information and a proposed schedule of events to the Recreation, Cultural Affairs and Public Works Committee.

Fiscal Note: The Department of Parks, Recreation and Cultural Affairs has experienced budget cuts the past few years that have affected the department's ability to provide new events and programs. Expenses for the Anniversary Celebration will be kept to a minimum, utilizing existing program budgets. Partnerships and sponsorships will also be solicited.

RECOMMENDATION

RCAPW Committee to the City Commission: approve the proposed schedule of events developed to celebrate

the Thomas Center's 100th anniversary in 2010 and remove this item from the RCAPW Committee referral list.

Legislative History

| | | | |
|---------|---|-----------------------------|---|
| 5/7/09 | City Commission | Referred (6 - 0 - 1 Absent) | Recreation, Cultural Affairs and Public Works Committee |
| 9/10/09 | Recreation, Cultural Affairs and Public Works Committee | Approved as Recommended | |

090023_Schedule_20090910.pdf
090223_Event Schedule_20091105.PDF

Regional Utilities Committee, Consent

070084.

Referral Item #070084 - City of Gainesville Energy Policy - Gainesville Energy Advisory Committee (GEAC) (NB)

This item is in reference to the Regional Utilities Committee referral item #070084.

Explanation: This is a long standing referral to the RUC. GEAC has made no progress relative to this issue. GEAC is by nature only an advisory committee and has participated ad hoc in relative issues before the City Commission.

Given the actions taken by the City Commission to promote energy efficiency and secure renewable power supplies and the discussion with GRU staff under RUC item #080078 (GRU Vision), the Regional Utilities Committee voted at the August 27, 2009 meeting to recommend removal of this item from the referral list.

RECOMMENDATION

The City Commission remove this item from the referral list.

Legislative History

| | | | |
|---------|------------------------------|---------------------------------|------------------------------|
| 5/14/07 | City Commission | Approved as Recommended (7 - 0) | |
| 7/9/07 | City Commission | Referred (6 - 0 - 1 Absent) | Regional Utilities Committee |
| 8/27/09 | Regional Utilities Committee | Approved as Recommended | |

051194

Referral Item #051194- GRU Wholesale Sales of Electricity (NB)

This item is in reference to Regional Utilities Committee referral item #051194 GRU Wholesale Sales of Electricity.

Explanation: The issue of managing the risk associated with wholesale sales was addressed by the City Commission prior to entering into a two year extension of the City of Alachua's wholesale contract in late 2008. The Regional Utilities Committee voted at the August 27, 2009 meeting to recommend removal of this item from the referral list.

RECOMMENDATION

The City Commission remove this item from the referral list.

Legislative History

| | | | |
|----------|------------------------------|-------------------------|------------------------------|
| 4/12/06 | City Commission | Referred (7 - 0) | Regional Utilities Committee |
| 6/8/06 | Regional Utilities Committee | Discussed | |
| 8/14/07 | Regional Utilities Committee | Deferred | |
| 11/28/07 | Regional Utilities Committee | Discussed | |
| 8/27/09 | Regional Utilities Committee | Approved as Recommended | |

Backup for Item #051194 GRU Wholesale Sales.pdf

080078.**Referral Item #080078 - New Vision for GRU (NB)**

This item is in reference to Regional Utilities Committee referral item #080078 titled New Vision for GRU.

Explanation: This issue was discussed at length by the City Commission and the GRU Executive Team on January 29, 2009. From that meeting the information was developed for GRU staff to formulate plans to accommodate the future vision discussion. One example of its implementation is the inclusion of industrial symbiosis to promote green industry at Deerhaven in the recent (and unanimously approved) zoning designation for the plant site. The Regional Utilities Committee voted at the August 27, 2009 meeting to recommend that this item be removed from the referral list.

RECOMMENDATION

The City Commission remove this item from the referral list.

Legislative History

| | | | |
|---------|------------------------------|-------------------------|------------------------------|
| 6/9/08 | City Commission | Referred (7 - 0) | Regional Utilities Committee |
| 8/27/09 | Regional Utilities Committee | Approved as Recommended | |

090168.**Referral Item #090168 - Efficacy and Safety of Fluoridating our Public Water Supply (NB)**

This item is in reference to Regional Utilities Committee referral #090168 concerning the efficacy and safety of fluoridating our public water supply.

Explanation: This issue was discussed at length by the Regional Utilities Committee (RUC), GRU staff and interested citizens at the RUC meetings held on September 10 and October 8, 2009. At the October 8, 2009 meeting the RUC voted to recommend that the current policy regarding fluoridation of the water supply be continued and that this item be removed from the referral list.

RECOMMENDATION

The City Commission accept the Regional Utilities Committee's recommendation to continue the current policy regarding fluoridation of the City's water supply and remove this item from the referral list.

Legislative History

| | | | |
|---------|------------------------------|-----------------------------|------------------------------|
| 6/18/09 | City Commission | Referred (6 - 0 - 1 Absent) | Regional Utilities Committee |
| 9/10/09 | Regional Utilities Committee | Continued | |
| 10/8/09 | Regional Utilities Committee | Approved, as shown above | |

Backup for 090168 FDOH Policy Statement 9 10 09.pdf

Backup for 090168 NSF Fact Sheet 9 10 09.pdf

Backup Memo for 090168 Fluoridation Oct 8 2009.pdf

Response from Dr. Scott Tomar 10 8 09.pdf

Citizen Comment Sept 10 2009 Doc A.pdf

Citizen Comment Sept 10 2009 Doc B.pdf

Citizen Comment Sept 10 2009 Doc C.pdf

Citizen Comment Sept 10 2009 Doc D.pdf

Citizen Comment Sept 10 2009 Doc E.pdf

Citizen Comment Sept 10 2009 Doc F.pdf

Citizen Comment Sept 10 2009 Doc G.pdf

Citizen Comment Sept 10 2009 Doc H.pdf

090405.

Regional Utilities Committee Referral Item #090405 - Utility Permits in Relation to Senate Bill 360 (B)

This item is in regard to a referral to the Regional Utilities Committee concerning Senate Bill 360.

Explanation: In recognition of the current real estate market conditions and the enactment of Chapter 2009-96 Laws of Florida (SB 360) signed by the Governor on June 1, 2009, the issue of extending Utility Construction Permits was discussed by the Regional Utilities Committee (RUC) on October 8, 2009. At the meeting the RUC voted to send Utility staff's Utility Construction Permit Extension Policy recommendation to the City Commission with the intent of receiving any additional feedback from the community during the City Commission meeting to consider adoption of the proposed policy.

RECOMMENDATION

The City Commission accept the Regional Utilities Committee's recommendation to adopt the proposed policy for Utility Construction Permit Extensions and

remove this item from the referral list.

Legislative History

| | | | |
|---------|---------------------------------|--------------------------------------|---------------------------------|
| 9/3/09 | City Commission | Referred (7 - 0) | Regional Utilities Committee |
| 10/8/09 | Regional Utilities Committee | Approved as shown above (See Motion) | |

090405_senatebill360_20091105.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

090519.

Butler Plaza: Potential dates associated with consideration of Proposed Land Use Plan Amendment (LUPA) and PD Zoning Petitions (NB)

This is a request by staff to identify dates for the public hearings associated with the Butler Plaza Land Use Plan Amendment (LUPA) and PD Zoning Petitions.

Explanation: On October 7, 2009, the Plan Board completed its review of the proposed Butler Plaza Land Use Plan Amendment (LUPA) and PD Zoning Petitions. The hearing on these matters was conducted over three evenings (September 21st, September 29th and October 7th) and involved approximately twelve hours of deliberation.

In an attempt to bring this matter to the City Commission in an orderly manner, Plan staff has been advised by the City Clerk's Office to prepare these Petitions initially for the November 19th regular City Commission meeting but then to seek the Commission's input on potentially two additional dates following the Thanksgiving holiday for continuance of the matter.

The Petitioner is interested in bringing this matter to the City Commission in an expedited fashion preferably prior to the end of the calendar year.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) direct staff on appropriate dates regarding review of the Butler Plaza Land Use Plan Amendment (LUPA) and PD Zoning Petitions.

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR****EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****Community Development Committee****090459****Community Development Committee - Places of Religious Assembly Referral (B)**

This item to the City Commission is a referral from the Community Development Committee and represents the Committee's recommendations regarding various standards for accessory uses to Places of Religious Assembly in Residential Single Family Zoning Districts.

Explanation: On March 24, 2008, the City Commission adopted an ordinance amending Chapter 30 of the City's Land Development Code designed to bring Code provisions in line with the Religious Land Use and Institutionalized Persons Act (RLUIPA).

As a component of the ordinance adopting motion, the Commission directed that the Community Development Committee review the matter of accessory uses to places of religious assembly including food distribution centers for the needy and residences for destitute people and make recommendations back to the Commission at an appropriate time.

On March 31, 2009, the Committee reported out a recommendation regarding accessory uses located within residential single family zoning districts. The Committee initially looked at eight aspects of this matter and reduced it to six recommendations covering various accessory use service and permit standards.

The Committee at the time (Commissioner Donovan - Chair, Commissioner Henry and Commissioner Hawkins) was split on several of these recommendations. Back up materials represent the various services, the options discussed and the prevailing options (and in some cases the Committee's split). The Committee's minutes reveal the motion to approve and votes as well and indicate that the report should be referred back to the City Commission as a discussion item.

Tangentially, the Committee indicated that staff should review service and

permits standards for other non-residential zoning districts throughout the City. Staff is recommending that this matter be reviewed by the Planning and Development Services Department consultant in the context of the overall Comprehensive and Land Development Code Update. In addition, the Committee indicated that City Manager permit criteria should be reviewed. Staff did originally propose criteria associated with a management program to be filed with the City Manager in seeking a City Manager permit for accessory use activities.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff and the Committee; and, 2) direct staff as appropriate.

090459a_CDC 3-31-09 Minutes_20091105pdf.pdf

090459b_CDC Mtg Matrix_20091105.pdf

090459c_Code_20091105.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

090535. Options for Addressing Holiday Meal Service at the St. Francis House (NB)

Explanation: The City Commission could consider the following option:

Section 30-111 of the Gainesville Land Development Code regulates food distribution centers for the needy except as provided as an accessory use to places of religious assembly. Within this Section of the Code, an upper limit of 130 meals served within any 24 hour period is imposed.

Recently, it has come to the attention of staff that this 130 upper meal limit would impose a hardship on these types of uses, particularly as regards meal service at the Thanksgiving and Christmas holidays when it is likely that the meal limit would be exceeded.

This petition would be designed to amend the existing current code language in order to allow those food distribution centers covered by Section 30-111 provisions of the Code to establish three (3) national holidays when the 130 meal limit could be exceeded.

Planning staff feels that it is likely that this item could be heard by the Plan Board at their regularly scheduled December 7, 2009 meeting.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission discuss and consider the option

prepared by staff which would: 1) authorize staff to initiate a Petition to the Plan Board amending Section 30-111 of the Gainesville Land Development Code related to an allowance to exceed the established 130 meal limitation on three (3) national holidays as designated by covered food distribution centers; 2) authorize staff to include in the Petition any proposed amendments to other relevant section of the Gainesville Land Development Code.

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

Bob Gasche, Gator Detachment of the Marine Corps

PROCLAMATIONS/SPECIAL RECOGNITIONS

090520.

Veterans Day - November 11, 2009 (B)

RECOMMENDATION

Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.

090520_VeteransDayProc_20091105.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

090479.

Ending the Ban of Gays and Lesbians in the US Military - Broward County Action (B)

Explanation: On October 1, 2009 the City Commission referred to the Equal Opportunity Director, the issue of "the Broward County Petition to President Obama calling for an ending of the ban on gays and lesbians in the US Military." Equal Opportunity staff members were asked to work with the City's Legislative staff to find out what action Broward County took regarding this issue and report

back to the full City Commission by April 1, 2010.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on what steps Broward County took and what legislation the President and his advisors are working on; 2) consider options: (a) adopt the resolution as presented; (b) amend and adopt the Resolution presented, that the City of Gainesville can pursue on this issue, and 3) authorize further action deemed appropriate.

Alternative Recommendation

The City Commission: 1) direct staff to draft a Proclamation encouraging the citizens of Gainesville to get involved by writing letters to Congress supporting the Military Readiness Enhancement Act 2009, or 2) take no action at this time.

Legislative History

10/1/09 City Commission Referred (7 - 0) Equal Opportunity Director
 090479_EO Dir Presentation_20091105.pdf
 090479_draft resolution_20091105.pdf

ADOPTION READING-ROLL CALL REQUIRED

090086.

HUNTER/LANE SMALL-SCALE LAND USE ELEMENT (B)

Ordinance No. 0-09-64, Petition PZ-09-20LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Medium High Density Residential (8-14 DU/acre)" to the City of Gainesville land use category of "Residential Medium-Density (8-30 units per acre)" and "Conservation"; generally located East of I-75, West of Marchwood Subdivision, and Southwest of Forest Park, a county park; the property is also known as tax parcel no. 06687-004-000, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is a small-scale land use amendment to change the Future Land Use category from an Alachua County to a City of Gainesville designation. The City of Gainesville annexed this 3.03-acre area on November 26, 2007. The subject property consists of one parcel which is currently landlocked and undeveloped. The parcel is located southwest of the intersection of SW 20th Avenue and 43rd Street. This area is currently designated as Alachua County Medium High Density Residential (8 to 14 dwelling units/acre) future land use with Multiple family, medium-high density (R-2A) zoning, which allows 8 to 14

dwelling units per acre.

Analysis of the site finds environmentally sensitive lands that are constrained for development. Staff proposes to designate the areas of the site impacted by creeks, wetlands, and the flood channel areas as Conservation future land use. The proposed delineation between land uses is located 100 feet north of and parallel to the power line easement that crosses the southeastern corner of the property. This line is an extension of the line proposed to separate land uses on the neighboring property (as described in the staff report for Petition PZ-08-129LUC).

North of the line, 2.23 acres of Conservation land use is proposed in the area that contains Hogtown Creek and the flood channel district (as defined by sec. 30-280 of the Land Development Code). South of the line, 0.81 acres of Residential Medium-Density (8-30 units per acre) land use is proposed, which approximates the current Alachua County land use designation.

The petitioner has the option to propose a Planned Use District (PUD) land use amendment with Planned Development (PD) zoning, which would potentially achieve higher overall density while allowing greater flexibility in the site layout and a creative approach to the conservation areas.

The Plan Board reviewed the petition and recommended approval of the petition as presented by staff, vote 6-0. Related to Petition PZ-09-21ZON.

Public notice was published in the Gainesville Sun on April 7, 2009. The Plan Board held a public hearing on April 23, 2009.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

| | | |
|---------|-----------------|---|
| 6/18/09 | City Commission | Continued (Petition) (5 - 0 - 2 Absent) |
| 7/2/09 | City Commission | Approved (Petition) (5 - 0 - 2 Absent) |

090086_staff report_20090702.pdf
090086A_cpb minutes_20090702.pdf
090086B_staff ppt_20090702.PDF
090086_draft ordinance_20091105.pdf

090341.

LAND USE CHANGE - VICINITY OF 1500 NW 45TH AVENUE (B)

Ordinance No. 0-09-60, Petition PZ-09-61LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the City of Gainesville land use category of "Residential Low-Density (up to 12 units per acre)" to "Recreation"; located in the vicinity of 1500 Northwest 45th Avenue; this property is also known as tax parcel no. 07883-010-005, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

The purpose of this petition is to amend the land use on a portion of this property. Tax parcel 07883-010-005 is approximately 61.6 acres in size and is part of two related petitions (PZ-09-59 LUC and PZ-09-60 ZON) to change land use and zoning to Conservation. The subject property of this petition is an approximately 8.8-acre portion of the 61.6-acre master parcel. The request of this petition is to change the Future Land Use designation from Residential Low-Density (up to 12 units per acre) to Recreation. The subsequent zoning would change from RMF-5 (12 units/acre single-family/multiple-family residential district) to PS (Public services and operations district). The subject property is located on the north side of N.W. 45th Avenue, and includes an existing single-family structure, which was part of the Hartman Homestead. This property is a portion of the overall property that the City of Gainesville purchased in 2008 with the help of the Florida Communities Trust, a division of the Department of Community Affairs (DCA). In accordance with the grant award agreement between the City and the DCA, the City has agreed to develop the overall property as the Hogtown Creek Headwaters Nature Park, a public nature park that will also include active recreational and educational amenities on the subject property.

Located on the north, east and west sides of the subject property are the larger parent parcel that is to become Conservation land for the passive recreational activities of the nature park. Just to the west of the subject property on N.W. 45th Avenue is the Paradise Pond Stormwater Park, owned by the City of Gainesville. On the south side of N.W. 45th Avenue are single-family residential properties with Single Family (up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning.

The Recreation land use designation identifies appropriate areas for public and private leisure activities. The Conservation land use designation for the parent parcel is intended to identify areas appropriate for passive recreation and

nature parks and their acquisition. The overall property is part of the headwaters for the Hogtown Creek. The acquisition and protection of this property by the City of Gainesville will help to maintain this important community asset. The proposal does promote the protection and restoration of an environmentally significant property within the community, and will provide passive and some active recreational opportunities for the surrounding neighborhoods, as well as the community at large.

Planning Division staff recommended approval of Petition PZ-09-61 LUC.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 5-0.

Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing on June 25, 2009.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition PZ-09-61LUC; and 2) adopt the proposed ordinance.*

090341_draft ordinance_20091105.pdf

090341_staff report_20091105.pdf

090341A_maps_aerial photo_existing & proposed land use_20091105.pdf

090341B_petitioner appl & workshop info_20091105.pdf

090341C_cpb minutes-20091105.pdf

090341D_staff ppt_20091105.PDF

090342.

REZONING - VICINITY OF 1500 NW 45TH AVENUE (B)

Ordinance No. 0-09-61, Petition No. PZ-09-62ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "RMF-5: 12 units/acre single-family/multiple-family residential district" to "PS: Public services and operations district": to allow, as uses permitted by right, a public park

and other related uses, as more specifically described in this ordinance, without the requirement of a preliminary development plan; located in the vicinity of 1500 Northwest 45th Avenue; this property is also known as tax parcel no. 07883-010-005, as more specifically described in this ordinance; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This is a quasi-judicial item. The purpose of this petition is to change the zoning on a portion of this property and to establish the permitted uses for the active portion of the Hogtown Creek Headwaters Nature Park. Tax parcel 07883-010-005 is approximately 61.6 acres in size and is part of two related petitions (PZ-09-59 LUC and PZ-09-60 ZON) to change land use and zoning to Conservation. The subject property of this petition is an approximately 8.8-acre portion of the 61.6-acre master parcel. The request of this petition is to rezone the property from RMF-5 (12 units/acre single-family/multiple-family residential district) to PS (Public services and operations district). The land use would change from Residential Low-Density (up to 12 units per acre) to Recreation. The subject property is located on the north side of N.W. 45th Avenue, and includes an existing single-family structure, which was part of the Hartman Homestead. This property is a portion of the overall property that the City of Gainesville purchased in 2008 with the help of the Florida Communities Trust, a division of the Department of Community Affairs (DCA). In accordance with the grant award agreement between the City and the DCA, the City has agreed to develop the overall property as the Hogtown Creek Headwaters Nature Park, a public nature park that will also include some active recreational and educational amenities on the subject portion of the overall property.

Located on the north, east and west sides of the subject property are the larger parent parcel that is to become Conservation land for the passive recreational activities of the nature park. Just to the west of the subject property on Northwest 45th Avenue is the Paradise Pond Stormwater Park, owned by the City of Gainesville. On the south side of Northwest 45th Avenue are single-family residential properties with Single Family (up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning.

The applicant's proposed list of permitted uses for Hogtown Creek Headwaters Nature Park includes:

- * Nature trails and boardwalks;*
- * Picnic tables and picnic pavilion;*
- * Playground;*
- * Tennis courts, volleyball court or other active recreation facility;*
- * A public nature/interpretive center; and*
- * Accessory uses customarily and clearly incidental to any permitted principal use.*

The request also states that the setbacks will comply with the dimensional requirements of the PS zoning district. Planning staff agrees with the list of

proposed uses and believes that describing a use as a public park and recreation area with active and passive recreation amenities would include nature trails and boardwalks, picnic tables and pavilions, playgrounds, tennis courts and volleyball courts. Planning staff is recommending a slightly simpler list of proposed permitted uses by right for the property:

- * Public park and recreation area, including active and passive recreation amenities;*
- * A public nature/interpretive center; and*
- * Accessory uses customarily and clearly incidental to any permitted principal use.*

The setbacks will comply with the dimensional requirements of the PS zoning district.

The proposed Recreation land use and PS zoning are compatible with the surrounding land uses. The proposed land use and subsequent zoning change will facilitate development of this property as the active area of the nature park, with active recreation and educational amenities. The overall property is part of the headwaters for Hogtown Creek. The acquisition and protection of this property by the City of Gainesville will help to maintain this important community asset.

Planning Division staff recommended approval of Petition PZ-09-62 ZON.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 5-0.

Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing on June 25, 2009.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION *The City Commission: 1) approve Petition No. PZ-09-62ZON; and 2) adopt the proposed ordinance.*

090342_draft ordinance_20091105.pdf

090342_staff report_20091105.pdf

090342A_maps_aerial photo_existing & proposed zoning_20091105.pdf

090342B_petition appl_workshop info_20091105.pdf

090342C_cpb minutes_20091105.pdf

090342D_staff ppt_20091105.PDF

090344.

LAND USE CHANGE - VICINITY OF 2510 NW 6TH STREET (B)

Ordinance No. 0-09-63, Petition PZ-09-46LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category on a portion of certain property, as more specifically described in this ordinance, from the City of Gainesville land use category of "Conservation" to "Office"; located in the vicinity of 2510 Northwest 6th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The purpose of this petition is to amend the land use on property located at 2510 Northwest 6th Street, tax parcel no. 08314-000-000. The subject property is approximately 3.22 acres. Currently there is an office building on the property for the International Brotherhood of Electrical Workers (IBEW) of approximately 8,300 square feet. The property has two land use and two zoning designations. The current land use designations are Office along N.W. 6th Street where the existing office is located and Conservation for the area behind the office and the related parking. The Office portion of the property is approximately 1.29 acres and extends from N.W. 6th Street west approximately 200 feet. The Conservation portion of the property is approximately 1.93 acres and extends approximately 301 feet further west of the Office portion of the property. The property is currently zoned OF (General office district) in the front portion along N.W. 6th Street and CON (Conservation) on the back portion of the property. The request of this petition is to change the Future Land Use designation from Conservation to Office and subsequent zoning from CON (Conservation district) to OR (20 units/acre office residential district), on an approximately 0.65 acre portion of the back of the property. This change is requested in order to allow for the establishment of the Gainesville Joint Apprenticeship Training Committee (JATC) which offers electrical apprenticeship programs. The IBEW along with the National Electrical Contractors Association sponsors the Gainesville JATC. The Gainesville JATC apprenticeship is a 5-year program in which the apprentices attend classes two nights per week for three hours per night for an eight month period.

To the north of the Office portion of the subject property is an office building with Office land use and OF zoning. North of the Conservation portion of the property are two single-family residences, a vacant single-family residence, and the Bel Air apartment complex, with Residential Low-Density (up to 12 units per acre) land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. West of the subject property is a single-family residence with Residential Low-Density land use and RMF-5 zoning. South of the Office portion of the subject property is a lighting goods store, with a land use designation of MUL (Mixed-Use Low-Intensity, 8-30 units per acre) and a zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). Single-family residences lie to the west of the lighting store and south of the Conservation portion of the subject property. They have Single-Family (up to 8 units per acre) land use and RSF-3 (5.8 units/acre single-family residential district) zoning. East of the subject property across N.W. 6th Street are apartments on properties with Residential Low-Density land use and RMF-5 zoning and a jewelry store with MUL land use and MU-1 zoning.

The IBEW office building is on the south side of the portion of the property that fronts N.W. 6th Street. Although there is room for another building on the north side of this property, associated parking and stormwater treatment would likely have to locate on the Conservation zoned portion of the property. Parking areas and stormwater basins for uses not allowed in the Conservation district would not be allowed on the Conservation portion of the subject property. In response to this situation, the petitioners have worked with staff to suggest this petition, which proposes that a portion of the Conservation land be changed to Office land use, with OR zoning for the subsequent zoning change.

The general character of the properties in the vicinity of the Conservation portion of the subject property is residential. The existing Conservation designated land is not environmentally sensitive. The property is not in a flood plain, is not an identified wetland area, and does not have any significant environmental features. The Conservation land acts as a park or open space area within the neighborhood and a buffer between the single-family neighborhood and N.W. 6th Street. However, the Office land use and OR zoning district can also act as a buffer. Some of the provisions of the office districts are intended to:

Encourage, through the OR district, the mixture of compatible residential and office activities at suitable locations;

Permit development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings;

Promote, through development plan approval, the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;

Require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district.

Staff believes that the basic relationship between the subject property and the single-family residential use on N.W. 25th Avenue is maintained by this proposal to keep the Conservation land adjacent to the single-family lots. The proposed approximately 132 foot depth of the Conservation area is sufficient to buffer the homes from the noise and lighting impacts of a development on the portion of the site proposed for change. As a result, it is the opinion of staff that this proposal is compatible with the surrounding land use and the proposed Office land use designation for the subject portion of the property is consistent with the City's comprehensive plan.

Planning Division staff recommended approval of Petition PZ-09-46 LUC.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-0.

Public notice was published in the Gainesville Sun on July 7, 2009. The Plan

Board held a public hearing on July 23, 2009.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION *The City Commission: 1) approve Petition PZ-09-46LUC; and 2) adopt the proposed ordinance.*

Legislative History

10/15/09 City Commission Continued (Ordinance Adoption Reading) (6 - 0 - 1
Absent)

090344_staff report_20091015.pdf
090344A_maps_aerial,existing& proposed land use_20091015.pdf
090344B_cpa&zoning report_20091015.pdf
090344C_maps_cpa&zoning_20091015.pdf
090344D_petitioner appl_workshop_20091015.pdf
090344E_staff ppt_20091015.PDF
090344_draft ordinance_20091015.pdf
090344_Petitioner Letter_20091105.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

090345.

REZONING - VICINITY OF 2510 NW 6TH STREET (B)

Ordinance No. 0-09-62, Petition No. PZ-09-47ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning a portion of certain property within the City, as more specifically described in this Ordinance, from the City of Gainesville zoning category of "CON: Conservation district" to "OR: 20 units/acre office residential district"; located in the vicinity of 2510 Northwest 6th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is a quasi-judicial item. The purpose of this petition is to rezone property

located at 2510 Northwest 6th Street, tax parcel no. 08314-000-000. The subject property is approximately 3.22 acres. Currently there is an office building on the property for the International Brotherhood of Electrical Workers (IBEW) of approximately 8,300 square feet. The property has two land use and two zoning designations. The current land use designations are Office along N.W. 6th Street where the existing office is located and Conservation for the area behind the office and the related parking. The Office portion of the property is approximately 1.29 acres and extends from N.W. 6th Street west approximately 200 feet. The Conservation portion of the property is approximately 1.93 acres and extends approximately 301 feet further west of the Office portion of the property. The property is currently zoned OF (General office district) in the front portion along N.W. 6th Street and CON (Conservation) on the back portion of the property. The request of this petition is to change the zoning from CON (Conservation district) to OR (20 units/acre office residential district), on an approximately 0.65 acre portion of the back of the property. This change is requested in order to allow for the establishment of the Gainesville Joint Apprenticeship Training Committee (JATC) which offers electrical apprenticeship programs. The IBEW along with the National Electrical Contractors Association sponsors the Gainesville JATC. The Gainesville JATC apprenticeship is a 5-year program in which the apprentices attend classes two nights per week for three hours per night for an eight month period.

To the north of the Office portion of the subject property is an office building with Office land use and OF zoning. North of the Conservation portion of the property are two single-family residences, a vacant single-family residence, and the Bel Air apartment complex, with Residential Low-Density (up to 12 units per acre) land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. West of the subject property is a single-family residence with Residential Low-Density land use and RMF-5 zoning. South of the Office portion of the subject property is a lighting goods store, with a land use designation of MUL (Mixed-Use Low-Intensity, 8-30 units per acre) and a zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). Single-family residences lie to the west of the lighting store and south of the Conservation portion of the subject property. They have Single-Family (up to 8 units per acre) land use and RSF-3 (5.8 units/acre single-family residential district) zoning. East of the subject property across N.W. 6th Street are apartments on properties with Residential Low-Density land use and RMF-5 zoning and a jewelry store with MUL land use and MU-1 zoning.

The IBEW office building is on the south side of the portion of the property that fronts N.W. 6th Street. Although there is room for another building on the north side of this property, associated parking and stormwater treatment would likely have to locate on the Conservation zoned portion of the property. Parking areas and stormwater basins for uses not allowed in the Conservation district would not be allowed on the Conservation portion of the subject property. In response to this situation, the petitioners have worked with staff to suggest this petition, which proposes that a portion of the Conservation land be changed to Office land use, with OR zoning for the subsequent zoning change.

The general character of the properties in the vicinity of the Conservation portion of the subject property is residential. The existing Conservation designated land is not environmentally sensitive. The property is not in a flood plain, is not an identified wetland area, and does not have any significant environmental features. The Conservation land acts as a park or open space area within the neighborhood and a buffer between the single-family neighborhood and N.W. 6th Street. However, the Office land use and OR zoning district can also act as a buffer. Some of the provisions of the office districts are intended to:

Encourage, through the OR district, the mixture of compatible residential and office activities at suitable locations;

Permit development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings;

Promote, through development plan approval, the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;

Require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district.

Staff believes that the basic relationship between the subject property and the single-family residential use on N.W. 25th Avenue is maintained by this proposal to keep the Conservation land adjacent to the single-family lots. The proposed approximately 132 foot depth of the Conservation area is sufficient to buffer the homes from the noise and lighting impacts of a development on the portion of the site proposed for change. As a result, it is the opinion of staff that this proposal is compatible with the surrounding land use and the proposed Office land use designation for the subject portion of the property is consistent with the City's comprehensive plan.

Planning Division staff recommended approval of Petition PZ-09-47 ZON.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-0.

Public notice was published in the Gainesville Sun on July 7, 2009. The Plan Board held a public hearing on July 23, 2009.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/15/09 City Commission Continued (1st Reading) (6 - 0 - 1 Absent)

090345_staff report_20091015.pdf
 090345A_maps_aerial,existing&proposed zoning_20091015.pdf
 090345B_cpa&zoning report_20091015.pdf
 090345C_maps_cpa&zoning_20091015.pdf
 090345D_petitioner appl_workshop_20091015.pdf
 090345E_staff ppt_20091015.PDF
 090345_petition_20091015.pdf
 090345_Petitioner Letter_20091105.pdf

090410.

REFUSE RATES INCREASE (B)

Ordinance No. 0-09-67

An ordinance of the City of Gainesville, Florida, amending Appendix A, Schedule of Fees, Rates and Charges by increasing fees and charges for residential solid waste and recyclables; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date in accordance with the schedule provided herein.

Explanation: SOLID WASTE DIVISION STAFF REPORT

The current rates for residential solid waste and recyclables have remained unchanged since 2004 when the current residential collection contract was renewed for the final time. Since that contract was due to expire on September 30, 2009, City and County staff issued a joint RFP for a new contract last spring, and after evaluating proposals they have negotiated a new seven-year contract with Emerald Waste Services.

The Solid Waste Division is an enterprise fund operating on a full cost accounting basis with funding derived primarily from solid waste collection rates and franchise fees. The Solid Waste Division requested a 10% increase in certain rates to bring the revenue back into line with the cost of the program for FY2010. Beginning in FY2012, the rates will increase by 5% every two years in accordance with the normal schedule for Appendix A increases in order to fully account for the increase in the cost of collection and disposal over the initial seven-year term of the contract with Emerald Waste Services.

CITY ATTORNEY MEMORANDUM

On October 1, 2009, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing certain rates for solid waste and recyclables by 10 percent effective December 1, 2009.

If approved on first reading, second and final reading will be held on Thursday, November 19, 2009.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

10/1/09 City Commission Approved as Recommended (6 - 0 - 1 Absent)

090410_AppendixA_ord_20091001.pdf

090410_Draft Ordinance_20091105.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

080762.

DEPARTMENT AND DIRECTOR NAME CHANGE (B)

Ordinance No. 0-09-02

An ordinance of the City of Gainesville, Florida, amending Article IV of Chapter 2 of the Code of Ordinances relating to city administration by changing the titles of two department directors; eliminating one department director title; changing the name of one department; providing for the organization and structure of the newly named department; providing the duties and responsibilities of the department; severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The former Community Development Department was reorganized into the Planning and Development Services Department in August 2007. The administrative changes included eliminating the title Economic Development Director, changing the titles of other city officials, such as the Community Development Director to the Planning and development services director and the Housing manager to the Housing and community development manager. Additionally, it provides for the newly named department to oversee economic development services.

This ordinance codifies the name change and further amends Chapter 2, Article IV, Divisions 1 and 2 to reflect the new functions of the department, as specified by the City Manager.

The City Commission on February 5, 2009, authorized the City Attorney to draft this ordinance.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

2/5/09 City Commission Approved as Recommended (6 - 0 - 1 Absent)

10/15/09 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

080762_Draft Mark Up_20090205.pdf

080762_draft ordinance_101509.pdf

PLAN BOARD PETITIONS

090483.

Southeast Gainesville Renaissance Initiative (SEGRI) Special Area Plan Text Change (B)

Petition PZ-09-02TCH. City of Gainesville. Text change to the Land

Development Code to add Southeast Gainesville Renaissance Initiative (SEGRI) Special Area Plan. Related to Petition PZ-09-03ZON.

Explanation: This petition proposes a text change to the Land Development Code to add the Southeast Gainesville Renaissance Initiative (SEGRI) special area plan (SAP). This SAP will create additional urban design regulations within commercial, mixed-use, and multi-family residential zoning districts in a defined area of southeast Gainesville.

SEGRI is a 930-acre district generally located southeast of the intersection of East University Avenue and Waldo Road. Key features of the SEGRI area include the intersection of Waldo Road and East University Avenue; the Five Points area; Gainesville Technology Enterprise Center, a business incubator supported by the City's Economic Development Department; Lincoln Middle School and Williams Elementary School; and the former Kennedy Homes site.

SEGRI also includes several neighborhood associations, including North Lincoln Heights, Lincoln Estates, Sugarhill, Southeast Evergreen Trails, and portions of the Springhill and Duval neighborhoods.

The SEGRI SAP expands the implementation of Plan East Gainesville, a study adopted by the Gainesville City Commission in 2003. The goal of this planning tool is to ensure high-quality residential development, limit sprawl and traffic congestion, and improve neighborhood, commercial and retail opportunities in east Gainesville. The southeast Gainesville community was heavily involved in meetings and workshops to develop the SEGRI plan.

The SEGRI SAP integrates all regulations of the adopted Five Points SAP, and will replace the existing code as Chapter 30, Appendix A, section 8 of the Land Development Code.

Public notice was published in the Gainesville Sun on September 8, 2009. The Plan Board held a public hearing on September 24, 2009.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PZ-09-02TCH. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PZ-09-02TCH.

Staff to City Plan Board - Approve Petition PZ-09-02TCH.

090483_staff report_20091105.pdf
 090483A_SEGRI aerial photo_20091105.pdf
 090483B_SEGRI land use map_20091105.pdf
 090483C_SEGRI zoning map_20091105.pdf
 090483D_SEGRI SAP proposed code_20091105.pdf
 090483E_text amendment application_20091105.pdf
 090483F_staff ppt_20091105.PDF
 090483G_cpb minutes_20091105.pdf

090484.

Southeast Gainesville Renaissance Initiative (SEGRI) Special Area Plan Rezoning (B)

Petition PZ-09-03ZON. City of Gainesville. Text change to the Land Development Code to add Southeast Gainesville Renaissance Initiative (SEGRI) Special Area Plan. Related to Petition PZ-09-02TCH.

Explanation: This petition proposes to apply a zoning overlay on properties within the Southeast Gainesville Renaissance Initiative (SEGRI) area. The regulations for this special area plan (SAP), proposed in the related Petition PZ-09-02TCH, will create unique urban design requirements within commercial, mixed-use, and multi-family residential zoning districts in a defined area of southeast Gainesville.

SEGRI is a 930-acre district generally located southeast of the intersection of East University Avenue and Waldo Road. Key features of the SEGRI area include the intersection of Waldo Road and East University Avenue; the Five Points area; Gainesville Technology Enterprise Center, a business incubator supported by the City's Economic Development Department; Lincoln Middle School and Williams Elementary School; and the former Kennedy Homes site.

SEGRI also includes several neighborhood associations, including North Lincoln Heights, Lincoln Estates, Sugarhill, Southeast Evergreen Trails, and portions of the Springhill and Duval neighborhoods.

The SEGRI SAP expands the implementation of Plan East Gainesville, a study adopted by the Gainesville City Commission in 2003. The goal of this planning tool is to ensure high-quality residential development, limit sprawl and traffic congestion, and improve neighborhood, commercial and retail opportunities in east Gainesville. The southeast Gainesville community was heavily involved in meetings and workshops to develop the SEGRI plan.

The SEGRI SAP integrates all regulations of the adopted Five Points SAP, and will replace the existing code as Chapter 30, Appendix A, section 8 of the Land Development Code.

Public notice was published in the Gainesville Sun on September 8, 2009. The Plan Board held a public hearing on September 24, 2009.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City

Commission approve Petition PZ-09-03ZON. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PZ-09-03ZON.

Staff to City Plan Board - Approve Petition PZ-09-03ZON.

090484_staff report_20091105.pdf
090484A_zoning application_20091105.pdf
090484B_staff ppt_20091105.PDF
090484C_cpb minutes_20091105.pdf

090487.

Rezone property on N.W. 13th Street from BUS to BA (B)

Petition PB-09-120 ZON, Brown & Cullen Inc., agent for William & Jo Beaty. Rezone property from BUS (General business district) to BA (Automotive-oriented business district).

Explanation: This is a quasi-judicial item.

This is a request to rezone property located at 4306 and 4322 Northwest 13th street. Tax parcel 07925-000-000 located at 4306 N.W. 13th Street is currently zoned BUS (General business district) with Commercial land use. North of this property is tax parcel 07910-000-000 located at 4322 N.W. 13th Street, which is zoned BUS and RSF-1 (3.5 units/acre single-family residential district) and has Commercial and Single Family (up to 8 units per acre) land use. The commercial portion of this property extends approximately 400 feet west from N.W. 13th Street before the single-family designated area of the property is reached. The request of this petition is to rezone the properties from BUS to BA (Automotive-oriented business district). The land use would remain Commercial because BA is one of the implementing zoning districts of the Commercial land use.

The character of the area in the general vicinity of the subject properties is commercial. South of the subject properties is a used automobile business with an automobile salvage yard and a former new car dealership. East of the rezoning site across N.W. 13th Street is a Badcock furniture store with MU-1 (8-30 units/acre mixed use low intensity) zoning and Mixed-Use Low-Intensity (8-30 units per acre) land use. Mobile home sales lie to the north of that with BA zoning and Commercial land use. South of the furniture store are two single-family homes and a gasoline station/convenience store, with MU-1 zoning and MU-L land use. North of the subject properties is Family Pool, Spa and Billiard with associated storage and an office building to the north of that, both with BA and OF (General office district) zoning and Commercial and Office land use. West of the subject site is low-density single-family residential use, with Single-Family land use and RSF-1 zoning. Properties with BA zoning and Commercial land use lie adjacent to the subject properties on the north and the south. The BA designation on the west side of N.W. 13th Street extends north from the site of the former new car dealership in the 4200 block up to the

4800 block, which is the point where N.W. 6th Street intersects with N.W. 13th Street. The exceptions are the subject properties which are zoned BUS. The proposed automotive-oriented zoning would be compatible with the surrounding land uses. The zoning change to BA will make the subject properties consistent with the zoning for other properties on the west side of N.W. 13th Street in this corridor. Future uses on the subject properties will likely be more compatible with uses typically found in the BA zoning district.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-1.

Public notice was published in the Gainesville Sun on September 8, 2009. The Plan Board held a public hearing on September 24, 2009.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve petition PZ-09-120 ZON. Plan Board vote 6-1.

Staff to City Commission - The City Commission approve petition PZ-09-120 ZON.

Staff to the Plan Board - Approve petition PZ-09-120 ZON.

Alternative Recommendation - Deny petition PZ-09-120 ZON.

090487_staff report_20091105.pdf

090487A_maps_aerial, existing land use_existing & proposed zoning_20091105.pdf

090487B_rezoning report_20091105.pdf

090487C_land use & zoning appl_workshop info_20091105.pdf

090487D_staff ppt_20091105.PDF

090487E_cpb minutes_20091105.pdf

090487_petition_20091105.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

090500.

Villages of Kanapaha Follow Up - Request for Waiver of 12 Month Petition Consideration Limitation (B)

This is a request by the Petitioner regarding a waiver on the 12 month petition consideration limitation on the subject property (4123 SW 50th Street) consistent with Commission direction regarding prior consideration of this matter.

Explanation: On September 17, 2009, the City Commission accepted and approved a request

by the Petitioner's agent for a withdrawal of consideration of the proposed land use (PZ-09-35 LUC) and zoning (PZ-09-36 ZON) petitions on the subject property (4123 SW 50th Street). The intent of the Petitioner expressed at the time was to proceed with a different application for the subject property inclusive of a different use and supporting land use/zoning category.

The Gainesville Land Development Code (30-347.6) indicates that when an application is withdrawn it is treated as if it were denied as prescribed in Section 30-347.7. This latter portion of the Code indicates that when an application (petition) is denied, any subsequent petition on the subject property will not be considered by the Plan Board for a period of 12 months from the date of the action.

However, the Code also provides that the Commission may waive this time limitation (30-347.7(c)) by the affirmative votes of five Commissioners, provided 30 days have elapsed since the action of this Commission to deny the original request and if the City Commission deems such action necessary to prevent an injustice or facilitating proper development of the City.

In this case, the Petitioner's agent has been working on a revised proposal (use) in keeping with the Commission's direction as expressed in a prior public hearing (Assisted Living Facility and support services) and the supporting land use and zoning application. Staff has been working with the Petitioner's agent on said proposal.

As a consequence, staff recommends approval of the waiver of the 12 month petition consideration limitation. It is likely that the new proposal will come before the City Plan Board in December and City Commission shortly after the new calendar year.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission: 1) waive the 12 month petition consideration limitation on submission of a revised Petition for the subject property consistent with provision 30-347.7(c) of the Gainesville Land Development Code.

090500_Letter_20091105.pdf

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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