

City of
Gainesville

Inter-Office Communication

TO: Fred Murry, Assistant City Manager
FROM: John Wachtel, Neighborhood Planning Coordinator
DATE: December 17, 2007
SUBJECT: APD's Preliminary Blight Findings Report for the Expansion of the CRA's Eastside District

SUMMARY

Asset Property Disposition's Blight Findings Report fails to document the existence of conditions that meet the State of Florida's statutory definition of Slum Area or Blighted Area. The report cites, but does not document, some incidents of blight in the area along the west side of Waldo Road, between 16th Avenue and 23rd Avenue.

INTRODUCTION

Asset Property Disposition, Inc. (APD) was commissioned by a developer to conduct a Blight Findings Report for an expansion of the Eastside Community Redevelopment Agency District. The study area, depicted in Attachment 1, is irregularly shaped and extends from the current district's northern boundary at Northwest 16th Avenue to the City's northern boundary along Waldo Road, near 54th Place. If expanded as proposed, the Eastside District would run from the City's southern boundary at Southeast 23rd Place to the City's northern boundary, a distance of approximately six miles. Such an expansion would nearly double the size of the Eastside District, which is currently the largest of the City's four districts (see Attachment 2).

APD's report was presented to the Community Redevelopment Agency (CRA) on July 16, 2007. After that presentation, the CRA approved a motion requesting that the City Commission ask staff to review the study and report back to the City Commission.

On November 19, 2007, the City Commission approved a motion referring APD's report to Staff for review and recommendations with the assurance that this item be brought back to the City Commission in January 2008.

This memorandum analyzes whether or not APD's report documents that the study area meets the statutory definition of Slum Area or Blight Area. A City Commission finding that the study area meets that definition is necessary to include the study area in the Eastside CRA district. This memorandum will not discuss the numerous issues related to whether or not expanding the Eastside CRA District is the best use of resources, nor does it provide a financial projection of revenue generated.

ANALYSIS

State law (Section 163.355, F.S.) says that to expand a CRA district, a city must adopt a resolution finding that the proposed expansion area meets the State of Florida's statutory definition of Slum Area or Blighted Area. The APD report indicates that the subject property meets the criteria for Blighted Area.

The State definition of Blighted Area contains two parts, both of which must be present for an area to meet the definition. The first part is the first paragraph of Section 163.340 (8), F.S., which states that:

“Blighted Area” means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

The second part of the State definition of Blighted Area is the statute's list of 14 factors (F.S. 163.340(8)(a-n)) that follow the first part. Whether or not the report documents that the study area meets the criteria for the first and second parts of the definition will be analyzed separately.

Analysis of the First Paragraph

The APD report does not document or map deteriorated or deteriorating structures. Although the courts have defined structures to include infrastructure (including, but not limited to, roads, public transportation, telecommunications, schools, power supplies, and water supplies), the section of the report addressing how the study area meets the first part of the definition of blight focuses on buildings.

Pages 15 and 16 of the report contain a brief discussion of Code Enforcement violation cases opened during the 1999 to 2007 time period. Figure 3.1 of the report (Attachment 3 of this memorandum) indicates that most of those cases are located along Waldo Road, south of 23rd Avenue. That area contains about 50 acres, or 3.5%, of the approximately 1,442 acre study area. The report cites 248 cases opened, but does not state how many of those complaints were determined to be valid or were resolved.

The 248 cases cited are divided into 23 categories. City Code Enforcement staff, however, considers only 6 of those categories indicative of deteriorated or deteriorating structures. Those 6 categories (Boarded Dangerous Building, Dangerous Building, Major Housing Violation, Vacant Land Related, Abandoned Vehicle, and Non-Operational Vehicle) account for 128, or 51.6%, of the 248 cases cited. When the vacant land and vehicle related categories are subtracted, the remaining categories account for 94, or 37.9%, of the cases cited. In other words, the APD report appears to have over-counted, by a factor of two or three, the code cases that are indicative of deteriorated or deteriorating structures. Additionally, there is no discussion of whether or not any of these numbers represents a “substantial number” as called for in the statutes.

In addition to documenting that a substantial number of deteriorated or deteriorating structures exist in the study area, statutes call for the report to document that those conditions are leading to economic distress, or endanger life or property. The report does not clearly make that connection. While the report contains some employment and income statistics, the source of that data is not given.

Analysis of the Factors

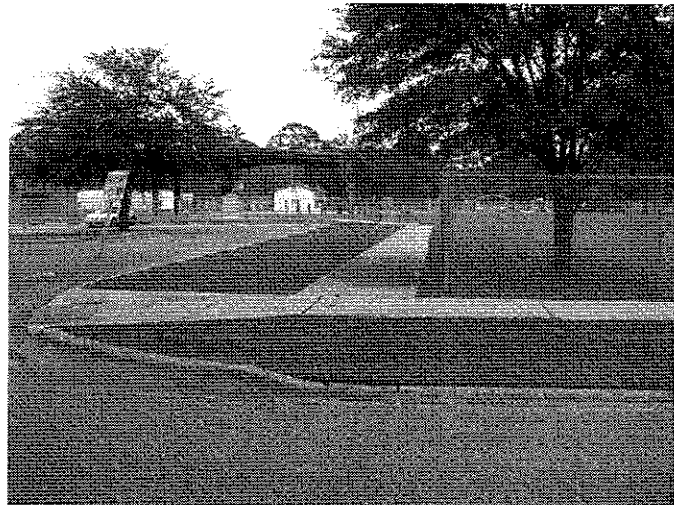
Florida Statutes require a finding, supported by data and analysis, that at least two of fourteen factors are present in the study area. The APD report indicates that the consultant found data supporting the presence of four factors which are discussed below.

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

APD does not clearly document the presence of these conditions. In fact, according to Public Works staff, all roads in the study area operate at the adopted Level of Service (LOS) standards and are in good condition. Public Works staff confirms that practically all properties in the study area have paved access. RIS Routes 15 and 24 provide public transportation to the area.

The APD report submits that there are not adequate pedestrian connections between Waldo Road and surrounding residential neighborhoods, public facilities, and commercial and employment generators in the area. The report, however, does not state to which residential neighborhoods, public facilities, and commercial and employment generators it is referring.

For example, the Carol Estates neighborhood, which is the closest residential neighborhood to Waldo Road, appears to have adequate pedestrian connections to Waldo Road, either via sidewalks or local roads with very few vehicle trips. Public Works staff acknowledges that not every local road needs sidewalks. Smokey Bear Park, Metcalfe Elementary School, Bishop Middle School, and the Martin Luther King, Jr. Center all can be accessed from sidewalks.



The most important public facilities and employment generators in the area are the Ironwood Golf Course, the Airport, the County Fairgrounds, and the Airport Industrial Park. The Golf Course, the Airport, and the Fairgrounds are all located on 39th Avenue and can be accessed via a sidewalk, if desired. The Airport Industrial Park, located approximately a mile and a quarter north of 39th Avenue along Waldo Road, is designed as a suburban industrial park and has rejected most sidewalks as an unnecessary expense.



On page 17, the report apparently attempts to prove the presence of this factor by asserting that the study area has poor stormwater management. The report states that the street network in the study area, “is plagued with inadequate drainage The lack of curbs and gutters necessary for drainage is prevalent and contribute to the deterioration and functionality of the public infrastructure and contribute to

problems associated with standing water and periodic flooding within the study area. The streets with insufficient drainage and deficiencies are illustrated on figure 3.2.”

The APD report not only fails to show the relationship between the factor (Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities) and stormwater management, but also fails to document poor stormwater management in the study area. The report does not document any instances of the stormwater management system not working within the study area. According to Public Works staff, the stormwater management system within the study area is properly designed and works as it was designed to.

A pair of photographs, one labeled “Inadequate drainage along 15th Street” and one labeled “Inadequate drainage along Waldo Road,” show roads with a ditch stormwater management system. In contrast to those labels, Public Works staff asserts that the ditch system shown in the pictures effectively removes water from the road, protects the road, and stores and treats stormwater. In fact, Public Works staff is satisfied that stormwater management infrastructure in the study area is appropriate for the demand and the system operates at the adopted LOS standard. Contrary to the implications of the report, Public Works staff believes that the lack of curbs and gutters does not indicate deficiency and that a ditch system can be an effective system.

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

The report does not clearly document the presence of these conditions. Nearly all lots in the study area conform to their zoning district’s minimum lot size. Paved public road access is available to essentially the entire study area.

APD asserts that an unspecified number of lots in the study area are underutilized. The report fails to clearly show a relationship between underutilization of lots and the factor (Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;). Further, the report does not map the location of underutilized lots. Most of the referenced lots appear to be located south of 39th Avenue, in the southernmost portion of the study area. According to the report, many of those lots are in the Carol Estates neighborhood, which is located mostly outside the study area.

(e) Deterioration of site or other improvements;

The APD report does not clearly document the presence of these conditions. Although the report mentions “several” homes in Carol Estates (which is mostly outside the study area), the exact number and location of the homes is not given. Pictures of four buildings are included, without an address or other locational information.

(f) Inadequate and outdated building density patterns;

The APD report does not clearly document the presence of these conditions. While the report states that the study area contains “adjacent low and medium density structures,” it fails to discuss how that is “inadequate and outdated.” The report also fails to document how often that condition occurs in the study area, and where it occurs.

Similarly, the report notes that the study area contains a “lack of inter-parcel connectivity, shared driveways and parking facilities” but does not document or map those conditions. By stating on page 18 that, “The industrial uses along Waldo Road contain an abundance of parking creating a

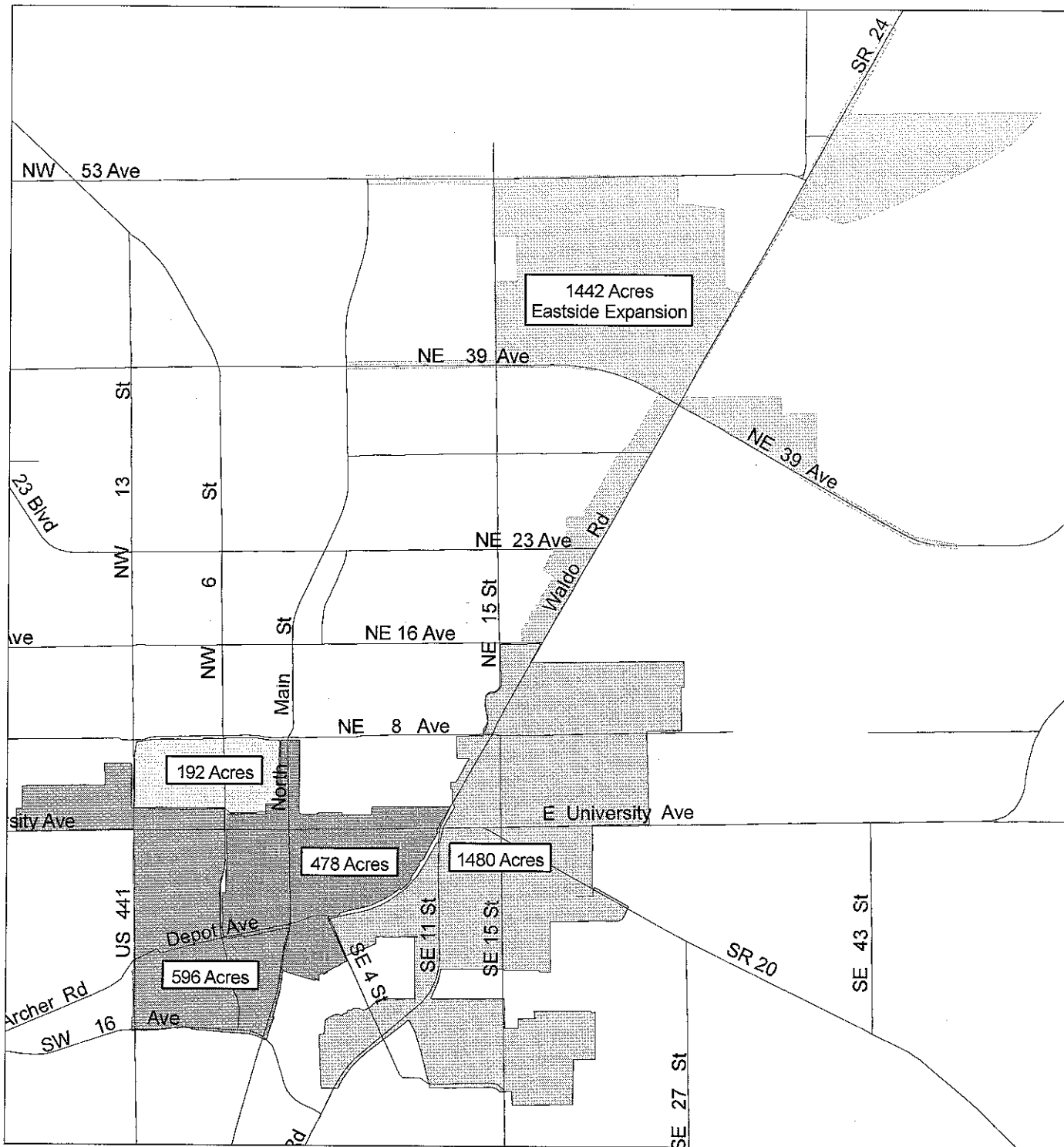
more than adequate parking environment,” the report itself contradicts the idea that the study area lacks parking facilities.

CONCLUSION






Although the APD report contains many assertions of incidences of blight, the report gives little documentation to support those assertions. The report fails to document the existence of conditions that meet the State of Florida’s statutory definition of Slum Area or Blighted Area. The report cites, but does not document, some incidents of blight in the area along the west side of Waldo Road, between 16th Avenue and 23rd Avenue.

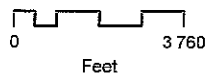
ATTACHMENTS

1. Study Area Boundary Map from the APD Report
2. Existing CRA Districts & Proposed Eastside Expansion
3. Building Code Violations Map from the APD Report
4. The APD Report



Existing CRA Districts & Proposed Eastside Expansion

-  College Park/University Heights
-  Fifth Avenue/Pleasant Street
-  Downtown
-  Eastside
-  Proposed Eastside Expansion Area



Prepared by the Dept. of Planning and Development Services/GIS
 File: Proposed Eastside CRA Acreages 8x11
 This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location.
 The City of Gainesville does not assume responsibility to update this information or for any error or omission
 on this map. For specific information, you are directed to contact the City of Gainesville's Planning and Development Services.