

LEGISLATIVE #

150145A

1 **BEFORE THE CITY COMMISSION**
2 **CITY OF GAINESVILLE, FLORIDA**

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5 **IN THE MATTER OF a development plan filed by JBrown Professional Group, Inc., agent**
6 **for Alachua County Board of Commissioners, for the construction of the Alachua County**
7 **Public Defender’s office building on property located at 151 SW 2nd Avenue, Gainesville,**
8 **Florida.**

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

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12 **ORDER**

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14 **Statement of the Petition**

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

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25 **Authority and Decision Criteria**

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

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

37
38 *Waiver.* Per Subsection 30-344(e)(4)f. of the Land Development Code, parking lot lighting shall
39 be provided throughout the nighttime hours of operation and/or use by the public and
40 extinguished no later than one hour after use by the public, but after-hours security lighting is
41 allowed when such lighting does not exceed 50 percent of the number of luminaires or the
42 illumination level that is present during regular nighttime operation hours. Section 30-344(g)
43 authorizes the reviewing board to grant a waiver to the City’s lighting regulations based on the
44 following criteria:

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

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

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

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

34 **Order**

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

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

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4 Entered this _____ day of August, 2015.

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EDWARD B. BRADDY, Mayor

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9 Attest:

Approved as to form and legality:

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12 _____
KURT M. LANNON, Clerk of the Commission

NICOLLE M. SHALLEY, City Attorney

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