



MEMORANDUM
Office of the City Attorney

Legistar No. . 070447

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: October 16, 2008

FROM: City Attorney

ADOPTION READING

SUBJECT: Ordinance No. 0-07-119, Petition 28LUC-07PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of "Rural/Agriculture" and the City of Gainesville land use category of "Agriculture" to the land use categories of "Single-Family (up to 8 units per acre)" and "Conservation", and by overlaying the "Planned Use District" category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 1754 acres; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue; providing for time limitations; creating and adopting Policy 4.3.4; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission continue the adoption hearing for the ordinance until such time as the City holds the adoption hearing for the DCA No. 08-2 comprehensive plan amendments.

PLANNING & DEVELOPMENT SERVICES
DEPARTMENT STAFF REPORT

On June 9, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as **Exhibit "A"**). In the ORC Report, DCA objected that the comprehensive plan amendment was not in compliance with various sections of Chapters 163 and 187, Florida Statutes, and with various sections of Rule 9J-5, Florida Administrative Code.

Objections by the DCA included: lack of an adopted Public School Facilities Element (by statute this prohibits the City from adopting comprehensive plan amendments, such as this one, that increase residential density); inefficient development pattern that exhibits various indicators of urban sprawl; inadequate provisions for compatibility with adjacent land uses; and insufficiently addressed transportation impacts to State Road 121. Due to the volume and nature of the objections, City staff is unable, at this point, to adequately address the DCA's objections; therefore, City staff has proposed in its response to the ORC Report (attached as **Exhibit "B"**) to

address the objections as part of the DCA No. 08-2 adoption packet and to revise the ordinance accordingly so that it may be heard at the DCA No. 08-2 adoption hearing. Staff notes that the DCA No. 08-2 comprehensive plan amendments are tentatively scheduled for adoption hearings by the City Commission in January or February of 2009. The applicant has agreed to the continuance of the adoption hearing of this ordinance as recommended by City Staff (See letter attached as **Exhibit "C"**).

BACKGROUND

The 1,754-acre subject property is in the northwest portion of Gainesville. All except approximately 460 acres in the southern part of the subject property were annexed into the city on February 12, 2007. The property is north of NW 53rd Avenue, is largely split by State Road 121 (which, south of NW 53rd Avenue, is NW 34th Street). It is bounded to the southwest by NW 13th Street (US 441).

Adjacent to the west of the subject property is the Deerhaven Power Plant operated by Gainesville Regional Utilities. Most of the property adjacent to the east and west of the subject property is undeveloped or pine plantation (silviculture). The subject property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character.

One of the most noteworthy features of the property is that at least a third of the subject property is wetland, and the fact that it contains both important environmental features and the headwaters for three creek systems/basins.

The applicant proposes to establish City land use designations for this recently-annexed property. Those designations would be SF (Single-Family, up to 8 dwelling units per acre), CON (Conservation, up to one dwelling unit per five acres), and PUD (Planned Use District). Currently, these properties carry an Alachua County land use designation of Rural/Agriculture (allowing up to one dwelling unit per five acres).

The proposed PUD designation, if approved, will establish the land use for what the applicant proposes to be a future, mixed-use development consisting of up to 100,000 square feet of non-residential uses, of which 80,000 square feet could be retail uses. The PUD designations would apply to approximately 5 percent of the 1,754 acres (approximately 90 acres), and consist of two semi-centrally located clusters flanking SR 121. Approximately 34 percent of the 1,754 acres is proposed for Conservation land use (approximately 600 acres), and approximately 61 percent of the 1,754 acres would be designated Single-Family Residential (approximately 1,070 acres).

The applicant has proposed to add a new policy into the Future Land Use Element of the Gainesville Comprehensive Plan that would, within this project area, prohibit the construction of residential units within parcels designated Conservation (the City normally allows up to one single-family residential unit per five acres in the Conservation zoning district). The policy would also require that future development of the parcels designated single-family residential land use could not occur until the parcel is given a Planned Development zoning designation (which requires, among other things, that an ordinance be adopted describing development parameters for the parcel). Finally, the policy would lower the maximum single-family

residential density allowed in the project area from 8 dwelling units per acre to 1.5 dwelling units per acre.

The applicant proposes to place conservation easements over important environmental features found within the project area to ensure their permanent protection. The location of these easements has not yet been determined. The applicant expects those determinations to be made at the development plan review stage.

A maximum of 540 residential dwelling units are proposed for the roughly 90 acres of proposed PUD land use on the subject property. The consultant for the applicant states that another 1,253 single-family residences are projected for the proposed single-family land use on the subject property, for a total of 1,793 residential units for the subject property at build-out. Should the applicant-proposed maximum density of 1.5 dwelling units per acre be adopted for the approximately 1,070 acres of proposed single-family land use on the subject property, the maximum number of single-family residences that can be built would be 1,605 residences (for a total of 2,145 residences), rather than the 1,253 projected by the consultant. Note, however, that the wetness of the subject property will, in all likelihood, result in a build-out of residences closer to the number projected by the consultant rather than the maximum allowable.

State Road 121 is the arterial serving the Plum Creek development. Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency. The current capacity of SR 121 is 7,286 average daily trips. The initial traffic study provided by the applicant is estimated (the low estimate) to generate 23,096 average daily trips at build-out. One of the most significant problems with the application for this petition, from the point of view of City staff, is that a full traffic study has not been provided for the land use amendment. The Florida Department of Transportation (FDOT) and Alachua County also had several problems with the information submitted by the applicant for the proposed development, and the impacts that would result.

The subject property, before annexation into the city, was designated a Strategic Ecosystem by Alachua County. There are two strategic ecosystems found on the subject property and identified by Alachua County: Buck Bay east of State Road 121 and Hague Flatwoods west of 121. These ecosystems are valuable not because they are pristine, but because they are a major headwaters area within the county.

To mitigate the impacts of the school-age population that will be generated by future development of the subject property, the Alachua County School Board has requested that the petitioner work with the school district to: dedicate an appropriate elementary school site (25 acres +/-) within the development; explore innovative techniques for financing/construction of an elementary school; and establish a proportionate share mitigation plan to enhance the middle and high school capacities within the planning sectors.

After public notice was published in the Gainesville Sun on August 1, 2007, the Plan Board held a public hearing August 16, 2007, and the Plan Board discussed the petition, heard public comments, expressed serious concerns about environmental issues, traffic, schools, fiscal and

sprawl impacts, and recommended that the requested land use changes be denied. On December 10, 2007, the City Commission approved the petition. On June 9, 2008, the City Commission approved this ordinance on first reading.

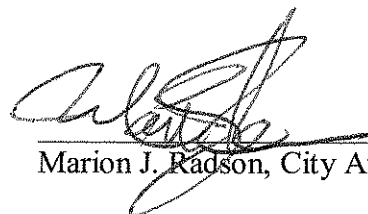
CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing is held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

The City Attorney's Office spoke with DCA Planning and Legal staff to obtain guidance on the issue of continuance of the adoption hearing. DCA staff stated that the DCA "highly disfavors" extended continuances and recommends that if the local government finds a continuance is necessary and justified that it impose a reasonable and time certain limitation on same. DCA staff cited its concerns that extended delays can result in data and analysis becoming outdated, the plan amendment can become inconsistent with plan amendments adopted in the interim, and that it becomes hard for the public to follow and be involved in the process. In this case, given the DCA objections, including most notably the statutory mandate that the City adopt a Public School Facilities Element before adopting any plan amendment that increases residential density, City staff and applicant recommend that the adoption hearing be continued and heard with the adoption of the DCA No. 08-02 amendments (likely January or February 2009). DCA staff indicated this limited and time certain continuance would likely be acceptable and would likely not result in a finding of "not in compliance." This ordinance will be re-advertised at that time.

Prepared and
submitted by:



Marion J. Radson, City Attorney



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

CHARLIE CRIST
Governor

"Dedicated to making Florida a better place to call home"

THOMAS G. PELHAM
Secretary

August 26, 2008

The Honorable Pegeen Hanrahan
Mayor, City of Gainesville
P.O. Box 490, Station 19
Gainesville, FL 32601-0490

RE: City of Gainesville Proposed Comprehensive Plan Amendment 08-1

Dear Mayor Hanrahan:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Gainesville (DCA 08-1), which was received on June 27, 2008. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the City address the 'objections' set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of two Future Land Use Map amendments each with specific policies guiding the development of the amendment site and amendments to Future Land Use Element Policy 4.1.1 adding a new Business Industrial future land use category and deleting the current allowance for an additional 2 stories of building height by Special Use Permit to the Urban Mixed-Use-1 future land use category. The Department commends the City on its commitment to the protection of natural resources as evidenced in the proposed policies guiding development of the Hatchet Creek and LandMar amendment sites. However, at the same time the Department has concerns that the policy related to the LandMar amendment needs additional guidelines to ensure the compatibility with adjacent uses and to address urban sprawl and long term transportation impacts. The Department has also identified issues with the proposed Hatchet Creek amendment based on a self amending proposed policy. With regards to the proposed Business Industrial future land use category the Department has identified the need for the City to include a measurable intensity standard for the category.

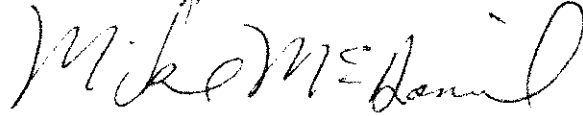
2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
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• COMMUNITY PLANNING 850-488-2856 (p) 850-488-3309 (f) •
• HOUSING AND COMMUNITY DEVELOPMENT 850-488-7996 (p) 850-922-5623 (f) •

The Honorable Pegeen Hanrahan
August 26, 2008
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I believe the concerns outlined in our report can be resolved with additional attention to the amendment. If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Ana Richmond, Principal Planner, via email at anastasia.richmond@dca.state.fl.us or by phone at (850) 922-1794.

Sincerely,



Mike McDaniel
Chief, Office of Comprehensive Planning

MM/ar

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Scott Koons, AICP, Executive Director, North Central Florida RPC
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning City of Gainesville
Mr. Allan Penska, Gainesville Regional Airport
Ms. Linda Shelly, Esq., Flower, White, Banker and Boggs

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Scott Koons, AICP, Executive Director of the North Central Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment.

**DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR THE CITY OF GAINSEVILLE
COMPREHENSIVE PLAN AMENDMENT 08-1**

August 26, 2008
Division of Community Planning
Office of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Gainesville's proposed amendment to their comprehensive plan (DCA number 08-1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

FOR THE CITY OF GAINESVILLE

PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-1

I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C.

A. Future Land Use Map

The City has proposed Ordinance 070447 (LandMar) proposing to convert 1,754 acres from Alachua County Rural/Agriculture and City Agriculture to Single Family, Planned Use District and Conservation.

1. Objection: The City has not adopted its Public School Facilities Element and Interlocal Agreement by the scheduled date of July 1, 2008 as required by Section 163.3177(12)(i), F.S. Therefore, pursuant to Section 163.3177(12) (j),F.S., the City is prohibited from adopting amendments to the comprehensive plan which increase residential density. Therefore, the City cannot adopt proposed LandMar FLUM amendment, which has the potential to increase residential density, until the City adopts and transmits its Public School Facilities Element along with associated comprehensive plan amendments implementing school concurrency along with an executed Public School Interlocal Agreement.

[Section 163.3177(12)(j), F. S.]

Recommendation: The City must first adopt and transmit the Public Educational Facilities Element and executed Interlocal Agreement to the Department. Then based on the level of service standards and concurrency service areas the City should provide adequate data and analysis supporting the LandMar amendment. Should the capacity not be available to serve the amendment site the City should either revise the amendment to reduce school impacts or include mitigation through the appropriate district facilities work plan for the amendment consistent with the mitigation options included in the Public Educational Facilities Element.

2. Objection: As proposed, the majority of the site, approximately 1,000 acres, would be devoted to low density single family housing, creating a pattered that is inefficient, promotes dependence on the automobile, and discourages a diversity of housing types.. The amendment therefore exhibits the following indicators of urban sprawl:

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development.
- Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.
- As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, and other significant natural systems.
- Fails to maximize use of existing public facilities and services.

- Fails to maximize use of future public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Fails to encourage an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space

Authority: Sections 163.3177(2), (5), (6)(a), and (8), F.S., and Rules 9J-5.005(2), (5), 9J-5.006(1)(g), (2)(c), (3)(b)1. & 8., (3)(c)3., and (5), 9J-5.011(2)(b)3., F.A.C.

Recommendation: The Department recommends the City reduce the amendment size and revise the single family density to ensure the amendment will promote a sustainable development pattern that creates a choice in housing opportunities. The amendment should be sized so that housing, jobs, daily needs and other activities are at a scale that will promote interconnectivity and are within easy walking distance of each other. Revise the amendments to include provisions that further address urban form and housing and include an analysis that demonstrates the amendments discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C.

3. Objection: Rule 9J-5.006(3)(c)2., F.A.C., requires provisions for compatibility of adjacent land uses. The proposed Single Family land use is incompatible with the Industrial land use located at the southwest corner of the LandMar amendment site, and the amendment lacks provisions which will ensure the uses will be compatible.

[Sections 163.3177(6)(a) and (8), F.S.; and Rules 9J-5.005(2), 9J-5.006(3)(c)2., F.A.C.]

Recommendation: The City should revise Policy 4.3.4.D to include a substantial buffer from the adjacent Industrial land use on the southwest boundary of the site. The Department recommends a minimum of 300 feet. The buffer should ensure the proposed residential development will not impact the operations or expansion of the existing industrial uses adjacent to the site.

4. Objection: The LandMar amendment represents a significant increase in development potential and impacts to SR 121. Although, the amendment proposes to limit development within the first five years to a level that will not degrade the level of service on SR 121 the City has not identified potential improvements to maintain the level of service on SR 121 within the planning horizon or build out of the amendment site.

[Sections 163.3177(2), (3)(a), (6)(a)&(j), (8), F.S. and Rules 9J-5.005(2); 9J-5.006(3)(b)1, and (3)(c)3.; 9J-5.016(1)(a), (2)(b and c), (3)(b)1. 3, & 5, and (4)(a)1 & 2; 9J-5.019(3)(f, g and h), (4)(b)2 & 3, (5), F.A.C.]

Recommendation: The Department recommends the City include amendments to Capital Improvements Element and Traffic Circulation Map to address long range planning efforts to maintain the level of service standard for SR 121.

B. Future Land Use Element

1. Objection: The City has proposed to amend Policy 4.1.1 to create a new Business Industrial future land use category. The City has not included an intensity standard for the proposed future land use category.

[Sections 163.3177(6)(a), F.S. and Rules 9J-5.005(6), 9J-5.006(3)(c)7., F.A.C.]

Recommendation: The City should revise the policy to establish a standard for intensity of land use for the proposed Business Industrial future land use category. Possible standards for non-residential standards include the use of floor area ratios (FARs) or impervious surface ratios (ISRs), based on square feet per acre, in combination with building height limitations and types of uses allowed.

2. Objection: The City has proposed policy 4.3.5 to guide development on the Hatchet Creek amendment site (Ordinance 070210). As proposed, Policy 4.3.5.d is self amending. The proposed policy would allow a different version of the Airport Noise Zone Map at the PD zoning stage from that adopted into the Comprehensive Plan through proposed Policy 4.3.5. Land development regulations and development orders are to be consistent with the adopted comprehensive plan. Allowing the PD to control land use and allowing a different version of the Airport Noise Zone map at the PD zoning ordinance stage from that included with the Comprehensive Plan is self-amending and creates potential inconsistency between the PD zoning and the Comprehensive Plan.

[Sections 163.3177(1), (6)(a), F.S. and Rule 9J-5.005(2)(g), F.A.C.]

Recommendation: The City should revise the policy to delete the reference to allowing the PD to control land use and allowing a different map at the PD zoning stage. The Airport Noise Zone map referenced in the Policy needs to be adopted into the plan. Alternatively the City may adopt it by reference however, the City must include the date, author and source of the map should it be adopted by reference. Any updated Airport Noise Zone map should be incorporated into the plan through the plan amendment process.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Future Land Use Map

1. Objection related to the need to adopt school concurrency provisions prior to the adoption of the LandMar amendment: The proposed plan amendments are not consistent with and do not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

(25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

2. Objection related to the proposed LandMar amendment related to the proliferation of urban sprawl: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

3. Objection related to the proposed LandMar amendment related to compatibility: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

4. Objection related to the proposed LandMar amendment related to long range transportation impacts: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)1;
- (17) Public Facilities, Goal (a) and Policies (b)1 and 7;
- (19) Transportation, Goal (a) and Policies (b)3, 7, 9, 12, and 13; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

B. Future Land Use Element

1. Objection related to the proposed Business Institutional future land use category (Ordinance 071154): The proposed plan amendment is not consistent with and does not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

- (25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

2. Objection related to proposed Hatchet Creek Policy 4.3.5.d: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

September 30, 2008

City Staff Responses to:

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT (issued 8/26/08)

FOR THE CITY OF GAINESVILLE

PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-1

I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C.

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[Section 163.3177(12)(j), F. S.]

Recommendation: The City must first adopt and transmit the Public Educational Facilities Element and executed Interlocal Agreement to the Department. Then based on the level of service standards and concurrency service areas the City should provide adequate data and analysis supporting the LandMar amendment. Should the capacity not be available to serve the amendment site the City should either revise the amendment to reduce school impacts or include mitigation through the appropriate district facilities work plan for the amendment consistent with the mitigation options included in the Public Educational Facilities Element.

City Response: Agreed. Please note that we are moving the Landmar comprehensive plan amendment (Ordinance 070447), which proposes an increase in residential density, from the DCA 08-1 group of amendments to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational Facilities Element. We will develop responses to each of the Objections regarding Landmar and include them in the DCA 08-2 adoption packet.

2. Objection: As proposed, the majority of the site, approximately 1,000 acres, would be devoted to low density single family housing, creating a pattern that is inefficient, promotes

dependence on the automobile, and discourages a diversity of housing types. The amendment therefore exhibits the following indicators of urban sprawl:

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development.
- Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.
- As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, and other significant natural systems.
- Fails to maximize use of existing public facilities and services.
- Fails to maximize use of future public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Fails to encourage an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
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Authority: Sections 163.3177(2), (5), (6)(a), and (8), F.S., and Rules 9J-5.005(2), (5), 9J-5.006(1)(g), (2)(c), (3)(b)1. & 8., (3)(c)3., and (5), 9J-5.011(2)(b)3., F.A.C.

Recommendation: The Department recommends the City reduce the amendment size and revise the single family density to ensure the amendment will promote a sustainable development pattern that creates a choice in housing opportunities. The amendment should be sized so that housing, jobs, daily needs and other activities are at a scale that will promote interconnectivity and are within easy walking distance of each other. Revise the amendments to include provisions that further address urban form and housing and include an analysis that demonstrates the amendments discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C.

City Response: *As explained in our Response to Objection no. 1, we are moving the Landmar plan amendment (Ordinance 070447) to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational Facilities Element. We will develop responses to each Objection regarding Landmar and include them in the DCA 08-2 adoption packet.*

3. Objection: Rule 9J-5.006(3)(c)2., F.A.C., requires provisions for compatibility of adjacent land uses. The proposed Single Family land use is incompatible with the Industrial land use located at the southwest corner of the LandMar amendment site, and the amendment lacks provisions which will ensure the uses will be compatible.

[Sections 163.3177(6)(a) and (8), F.S.; and Rules 9J-5.005(2), 9J-5.006(3)(c)2., F.A.C.]

Recommendation: The City should revise Policy 4.3.4.D to include a substantial buffer from the adjacent Industrial land use on the southwest boundary of the site. The Department recommends a minimum of 300 feet. The buffer should ensure the proposed residential development will not impact the operations or expansion of the existing industrial uses adjacent to the site.

City Response: As explained in our Responses above, we are moving the Landmar plan amendment (Ordinance 070447) to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational Facilities Element. We will develop our responses to each Objection pertaining to Landmar and include them in the DCA 08-2 adoption packet.

4. Objection: The LandMar amendment represents a significant increase in development potential and impacts to SR 121. Although, the amendment proposes to limit development within the first five years to a level that will not degrade the level of service on SR 121 the City has not identified potential improvements to maintain the level of service on SR 121 within the planning horizon or build out of the amendment site.

[Sections 163.3177(2), (3)(a), (6)(a)&(j), (8), F.S. and Rules 9J-5.005(2); 9J-5.006(3)(b)1, and (3)(c)3.; 9J-5.016(1)(a), (2)(b and c), (3)(b)1, 3, & 5, and (4)(a)1 & 2; 9J-5.019(3)(f, g and h), (4)(b)2 & 3, (5), F.A.C.]

Recommendation: The Department recommends the City include amendments to Capital Improvements Element and Traffic Circulation Map to address long range planning efforts to maintain the level of service standard for SR 121.

City Response: As explained in our Responses above, we are moving the Landmar plan amendment (Ordinance 070447) to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational Facilities Element. We will develop our responses to each Objection pertaining to Landmar and include them in the DCA 08-2 adoption packet.

B. Future Land Use Element

1. Objection: The City has proposed to amend Policy 4.1.1 to create a new Business Industrial future land use category. The City has not included an intensity standard for the proposed future land use category.

[Sections 163.3177(6)(a), F.S. and Rules 9J-5.005(6), 9J-5.006(3)(c)7., F.A.C.]

Recommendation: The City should revise the policy to establish a standard for intensity of land use for the proposed Business Industrial future land use category. Possible standards for non-residential standards include the use of floor area ratios (FARs) or impervious surface ratios (ISRs), based on square feet per acre, in combination with building height limitations and types of uses allowed.

City Response: We have addressed this Objection regarding intensity standards by establishing a maximum floor area ratio of 4.0 (added text is double-underlined) in the proposed Business Industrial land use category, as follows:

- **Business Industrial.** This land use category is primarily intended to identify those areas near the Gainesville Regional Airport appropriate for office, business, commercial and industrial uses. This district is distinguished from other industrial and commercial districts in that it is designed specifically to allow only uses that are compatible with the airport. Intensity will be controlled by adopting land development regulations that establish height limits consistent with the Airport Hazard Zoning Regulations. When not located within an airport zone of influence, this category may be used to designate areas for office, business, commercial and industrial uses, with a maximum height of 5 stories and a maximum floor area ratio of 4.0. Land development regulation(s) shall specify the type and distribution of uses, design criteria, landscaping, pedestrian and vehicular access.

2. Objection: The City has proposed policy 4.3.5 to guide development on the Hatchet Creek amendment site (Ordinance 070210). As proposed, Policy 4.3.5.d is self amending. The proposed policy would allow a different version of the Airport Noise Zone Map at the PD zoning stage from that adopted into the Comprehensive Plan through proposed Policy 4.3.5. Land development regulations and development orders are to be consistent with the adopted comprehensive plan. Allowing the PD to control land use and allowing a different version of the Airport Noise Zone map at the PD zoning ordinance stage from that included with the Comprehensive Plan is self-amending and creates potential inconsistency between the PD zoning and the Comprehensive Plan.

[Sections 163.3177(1), (6)(a), F.S. and Rule 9J-5.005(2)(g), F.A.C.]

Recommendation: The City should revise the policy to delete the reference to allowing the PD to control land use and allowing a different map at the PD zoning stage. The Airport Noise Zone map referenced in the Policy needs to be adopted into the plan. Alternatively the City may adopt it by reference however, the City must include the date, author and source of the map should it be adopted by reference. Any updated Airport Noise Zone map should be incorporated into the plan through the plan amendment process.

City Response: *We have addressed this Objection by deleting the sentence regarding future amendment of the Airport Noise Zone, and by including the date, author and source of the Airport Noise Zone map. Proposed, revised Policy 4.3.5 d., with additions double-underlined and deletions strikethrough, follows.*

Policy 4.3.5 Due to the unique infrastructure and environmental constraints of the Hatchet Creek Planned Use District (the "PUD"), as depicted on the map labeled Hatchet Creek PUD Area in the Future Land Use Map Series A, the PUD shall be governed by the following conditions:

...

d. The allowable uses within the PUD shall be as restricted as described below and as more specifically described in the PD zoning ordinance. For purposes of this PUD, the Airport Noise Zone is the area depicted on Attachment 3 to the Appendix F – Airport Hazard Zoning Regulations, Chapter 30, Gainesville Code of Ordinances adopted on May

10, 1999 as Ordinance 981149, a copy of Attachment 3 is attached hereto as Exhibit "B-" which consists of the map entitled "Airport Noise Zone Gainesville Regional Airport", dated March 1999 and prepared by the City of Gainesville's Department of Community Development. The source of the map is CH2M Hill, Drawing 4, Gainesville Regional Airport Master Plan, Prepared under the Airport and Airway Improvement Act of 1982, as stated on the map. If the City amends the Airport Noise Zone after the effective date of this PUD and such amendment results in areas of land that were in the Airport Noise Zone, but no longer are within the newly adopted airport noise zone, the City Commission, at the PD zoning stage, may allow residential development in that area upon a City Commission finding that (1) residential development in that area is compatible with the Airport operations, including without limitation, flight operations, and (2) that the site for which the units are proposed is suitable for residential development.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Future Land Use Map

1. Objection related to the need to adopt school concurrency provisions prior to the adoption of the LandMar amendment: The proposed plan amendments are not consistent with and do not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

(25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: The referenced sub-sections of F.S. 187.201 (25) Plan Implementation are:

(a) Goal. Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

(b) Policies.

7. Insure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

*As explained in our Response to Objection 1 under I. **CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C. - A. Future Land Use Map**, we are moving the Landmar comprehensive plan amendment (Ordinance 070447), which proposes an increase in residential density, from the DCA 08-1 group of amendments to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational Facilities Element. We will develop responses to each of the Objections regarding Landmar and include them in the DCA 08-2 adoption packet.*

2. Objection related to the proposed LandMar amendment related to the proliferation of urban sprawl: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: *The referenced sub-sections of F.S. 187.201, in addition to the above-referenced sub-sections on Plan Implementation, are:*

15) Land Use.

(a) Goal. In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) Policies.

2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

As explained in our Response to Objection 2 under I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C. - A. Future Land Use Map, we are moving the Landmar comprehensive plan amendment (Ordinance 070447) from the DCA 08-1 group of amendments to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational Facilities Element. We will develop responses to each of the Objections regarding Landmar and include them in the DCA 08-2 adoption packet.'

3. Objection related to the proposed LandMar amendment related to compatibility: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: *The referenced sub-sections of F.S. 187.201 are shown in the two preceding Responses. As explained in our Response to Objection 3 under I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C. - A. Future Land Use Map, we are moving the Landmar comprehensive plan amendment (Ordinance 070447) from the DCA 08-1 group of amendments to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public*

Educational Facilities Element. We will develop responses to each of the Objections regarding Landmar and include them in the DCA 08-2 adoption packet.

4. Objection related to the proposed LandMar amendment related to long range transportation impacts: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)1;
- (17) Public Facilities, Goal (a) and Policies (b)1 and 7;
- (19) Transportation, Goal (a) and Policies (b)3, 7, 9, 12, and 13; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

City Response: *The referenced sub-sections of F.S. 187.201, in addition to the previously shown sub-sections on Land Use and Plan Implementation, include:*

17) Public Facilities.

(a) Goal.--Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies.--

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.

19) Transportation.

(a) Goal.--Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

(b) Policies.--

3. Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans.

7. Develop a revenue base for transportation which is consistent with the goals and policies of this plan.

9. Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

12. Avoid transportation improvements which encourage or subsidize increased development in coastal high-hazard areas or in identified environmentally sensitive areas such as wetlands, floodways, or productive marine areas.

13. Coordinate transportation improvements with state, local, and regional plans.

*As explained in our Response to Objection 4 under I. **CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C. - A. Future Land Use Map**, we are moving the Landmar comprehensive plan amendment (Ordinance 070447) from the DCA 08-1 group of amendments to the DCA 08-2 group that is to be adopted subsequent to adoption of the Public Educational*

Facilities Element. We will develop responses to each of the Objections regarding Landmar and include them in the DCA 08-2 adoption packet.

B. Future Land Use Element

1. Objection related to the proposed Business Institutional future land use category (Ordinance 071154): The proposed plan amendment is not consistent with and does not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

(25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: *The referenced sub-sections of F.S. 187.201 are shown in the Response to Objection 1 regarding the Future Land Use Map. As explained in our Response to Objection 1 under I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C. -B. Future Land Use Element, City Response, we have addressed this Objection regarding intensity standards by establishing a maximum floor area ratio of 4.0 (added text is double-underlined) in the proposed Business Industrial land use category, as follows:*

- **Business Industrial.** This land use category is primarily intended to identify those areas near the Gainesville Regional Airport appropriate for office, business, commercial and industrial uses. This district is distinguished from other industrial and commercial districts in that it is designed specifically to allow only uses that are compatible with the airport. Intensity will be controlled by adopting land development regulations that establish height limits consistent with the Airport Hazard Zoning Regulations. When not located within an airport zone of influence, this category may be used to designate areas for office, business, commercial and industrial uses, with a maximum height of 5 stories, and a maximum floor area ratio of 4.0. Land development regulation(s) shall specify the type and distribution of uses, design criteria, landscaping, pedestrian and vehicular access.

2. Objection related to proposed Hatchet Creek Policy 4.3.5.d: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

(15) Land use, Goal (a) and Policies (b)2; and
(25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: *The referenced sub-sections of F.S. 187.201 are shown in previous Responses. We have addressed this Objection by deleting the sentence regarding future amendment of the*

Airport Noise Zone, and by including the date, author and source of the Airport Noise Zone map. Proposed, revised Policy 4.3.5 d. follows, with additions double-underlined and deletions stricken.

Policy 4.3.5 Due to the unique infrastructure and environmental constraints of the Hatchet Creek Planned Use District (the "PUD"), as depicted on the map labeled Hatchet Creek PUD Area in the Future Land Use Map Series A, the PUD shall be governed by the following conditions:

...

d. The allowable uses within the PUD shall be as restricted as described below and as more specifically described in the PD zoning ordinance. For purposes of this PUD, the Airport Noise Zone is the area depicted on Attachment 3 to the Appendix F – Airport Hazard Zoning Regulations, Chapter 30, Gainesville Code of Ordinances adopted on May 10, 1999 as Ordinance 981149, a copy of Attachment 3 is attached hereto as Exhibit "B:" which consists of the map entitled "Airport Noise Zone – Gainesville Regional Airport", dated March 1999 and prepared by the City of Gainesville's Department of Community Development. The source of the map is CH2M Hill, Drawing 4, Gainesville Regional Airport Master Plan, Prepared under the Airport and Airway Improvement Act of 1982, as stated on the map. If the City amends the Airport Noise Zone after the effective date of this PUD and such amendment results in areas of land that were in the Airport Noise Zone, but no longer are within the newly adopted airport noise zone, the City Commission, at the PD zoning stage, may allow residential development in that area upon a City Commission finding that (1) residential development in that area is compatible with the Airport operations, including without limitation, flight operations, and (2) that the site for which the units are proposed is suitable for residential development.

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October 6, 2008

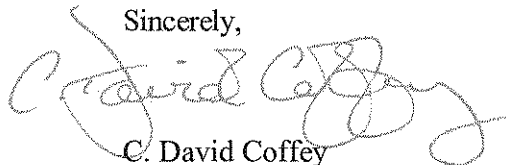
Ralph Hilliard, Planning Manager
City of Gainesville
P.O. Box 490, Station 12
Gainesville, Florida 32602-0490

Re: LandMar CPA – Ordinance 070447
DCA – 08-1

Dear Ralph:

As you know, this firm represents the applicant for the large scale comprehensive plan amendment known as the LandMar CPA (Ordinance 070447) which is the subject of objections, recommendations and comments from the Florida Department of Community Affairs in its ORC report dated August 25, 2008. In order to allow sufficient time to adequately address the ORC report, it has been recommended that the amendment be moved from the 08-1 to the 08-2 amendment cycle. It is our understanding that this may mean that final action on the amendment will occur in the first couple of months in 2009 (as 09-1) rather than in December of 2008 as previously anticipated, though there is a possibility that final adoption might still occur before the end of the year. This letter is to provide you with written confirmation that this delay in taking final action on the amendment is acceptable to the applicant.

Sincerely,



C. David Coffey
Attorney at Law

Copy: Todd Powell, Director of Development - Florida
Plum Creek Land Company

ORDINANCE NO. _____
0-07-119

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An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of “Rural/Agriculture” and the City of Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8 units per acre)” and “Conservation”, and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 1754 acres; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue; providing for time limitations; creating and adopting Policy 4.3.4; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by changing the land use categories of certain property from the Alachua County land use category of “Rural/Agriculture” and the City of Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8 units per acre)” and “Conservation”, and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance; and

WHEREAS, notice by the Plan Board was given and publication made as required by law and a public hearing was held by the City Plan Board on August 16, 2007; and

WHEREAS, notice was given and publication made of Public Hearings which were then held by the City Commission on November 26, 2007 and December 10, 2007; and

CODE: Words underlined are additions.

D R A F T

10/1/2008

1 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
2 inches long was placed in a newspaper of general circulation notifying the public of this proposed
3 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,
4 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
5 published; and

6 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of
7 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

8 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
9 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at
10 the adoption stage at least five (5) days after the day the second advertisement was published; and

11 **WHEREAS**, public hearings were held pursuant to the published and mailed notices
12 described above at which hearings the parties in interest and all others had an opportunity to be and
13 were, in fact, heard.

14 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the
15 comments, recommendations and objections, if any, of the State Land Planning Agency.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
17 **CITY OF GAINESVILLE, FLORIDA:**

18 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
19 Plan is amended by: 1) changing the land use category of certain property from the Alachua County
20 land use category of "Rural/Agriculture" to the underlying City of Gainesville land use category of

CODE: Words underlined are additions.

D R A F T

10/1/2008

1 “Agriculture”; 2) changing the land use categories of certain property from the underlying City of
2 Gainesville land use category of “Agriculture” to the land use categories of “Single-Family (up to 8
3 units per acre)” and “Conservation”, and 3) by overlaying the “Planned Use District” category over
4 certain portions of the property with the underlying land use category of “Agriculture”, all as more
5 specifically described and shown as follows:

6 See map, labeled as “Landmar SR-121” dated March 21, 2007, last
7 revised May 2, 2008, attached hereto as Exhibit "A", and made a part
8 hereof as if set forth in full.
9

10 The map attached as Exhibit “A” is adopted and added to the Future Land Use Map
11 Series A of the City of Gainesville Comprehensive Plan.

12 **Section 2.** A PD (planned development) zoning ordinance consistent with the planned
13 use district must be adopted by the City Commission within 18 months of the effective date of
14 the land use change. The obligation to timely apply for and obtain PD zoning shall be on the
15 owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period,
16 then the overlay planned use district shall automatically be null and void and of no further force
17 and effect and the overlay land use category of “Planned Use District” shall ministerially be
18 removed from the Future Land Use Map, and the underlying land use shall be the City of
19 Gainesville land use category of “Agriculture”. The timely filing of an extension application by
20 the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until
21 final City Commission action on the extension application.

22 **Section 3.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville

CODE: Words underlined are additions.

1 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.4 which shall govern
2 and control the use and development of the property described in Exhibit "A", as follows:

3 GOAL 4. THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF
4 THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER
5 THAT USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND
6 SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS;
7 DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE
8 CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES
9 QUALITY OPEN SPACE AND PRESERVES THE TREE CANOPY OF THE
10 CITY. THE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS
11 FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF
12 INFRASTRUCTURE.

13 **Objective 4.3**

14
15 The City shall establish protection and enhancement policies, as needed, for selected
16 neighborhood (activity) and regional centers.
17

18 4.3.4 Due to the unique infrastructure and environmental constraints of "LandMar" as depicted
19 on the map labeled "LandMar SR 121 Overall Site" in the Future Land Use Map Series A,
20 LandMar shall be governed by the following policies:

21
22 A. Within all land use areas of LandMar:

- 23
24 1. Development shall be clustered to inhibit encroachment upon the environmentally
25 significant features of LandMar; and
26
27 2. Wetlands shall not be impacted other than where necessary to achieve
28 interconnectivity between upland properties; and
29
30 3. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty
31 (50) feet and an average of seventy-five (75) feet; and
32
33 4. Stormwater treatment facilities shall not be permitted within required wetland
34 buffers; and
35

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- 1 5. Floodplain areas shall be protected so that at least ninety (90%) percent of existing
2 floodplain areas shall not be altered by development, except that recreation and
3 stormwater management may occur within not more than twenty (20%) of
4 floodplain areas, and the existing floodplain storage volume will be maintained;
5 and
6
7 6. Stormwater best management practices and/or low impact development (LID)
8 practices shall be used to the maximum extent practicable to maintain or replicate
9 the pre-development hydrologic regime, as determined by the City, and consistent
10 with state requirements; and
11
12 7. Existing functioning ecological systems within LandMar shall be retained to the
13 maximum extent practicable while accommodating the uses and intensity of uses
14 authorized by the land use policies governing LandMar, as determined by the City.
15
16 8. Maintain and enhance plant and animal species habitat and distribution by
17 protecting significant plant and animal habitats, provide for habitat corridors,
18 prevent habitat fragmentation by requiring a detailed survey of listed species,
19 identify habitat needs for maintaining species diversity and sustainability; preserve
20 wetlands and at least 40% and up to 50% of the upland area. Listed species are
21 those species of plants and animals listed as endangered, threatened, rare, or
22 species of special concern by the state and federal plant and wildlife agencies, or
23 species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI) on
24 November 1, 2007.
25
26 9. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be
27 protected shall be identified as Conservation Management Areas and protected by
28 a perpetual conservation easement in favor of the City, or a tax exempt land trust
29 doing business within Alachua County, Florida, as determined by the City.
30 Activities within the Conservation Management Areas shall be as set forth in a
31 Conservation Management Plan approved by the City. In addition, the 500-foot
32 wide natural buffer along the entire eastern edge of the LandMar Area, is hereby
33 identified as a Conservation Management Area that shall be protected by a
34 perpetual easement in favor of the City, or a tax exempt land trust doing business
35 within Alachua County, Florida, as determined by the City.
36
37 10. Planned Developments adopted by zoning ordinances within LandMar shall
38 impose standards that address minimum required setback from SR 121 and CR
39 231, retention of existing vegetation and supplemental vegetative plantings,
40 fencing and other forms of screening. Except where access to the property is

CODE: Words underlined are additions.

1 provided, a minimum 50 foot vegetative buffer shall be retained along both sides
2 of SR 121 and CR 231 within LandMar.

3
4 B. Conservation Land Use Areas

5 All areas designated Conservation land use shall receive a zoning district designation of
6 Conservation and are not permitted to have any residential units. There shall be no
7 transfer of density to other areas. No development, other than minimum crossings
8 necessary to achieve interconnectivity between upland properties, and passive
9 recreational uses is allowed within the Conservation Areas, as determined by the City.

10
11 C. Single-Family and Planned Use District Land Use Areas –

12 1. All areas designated Single-Family and Planned Use District land use shall
13 be implemented by Planned Development (PD) zoning. The required
14 rezoning to PD may occur in increments over time upon request of the
15 property owner and approval by the City. Until such rezonings to PD are
16 effective, the zoning district designations shall remain Agriculture for all
17 areas designated Single-Family land use; and

18
19 2. All areas that are rezoned to PD shall be designed to be traffic-calmed and
20 pedestrian friendly; and

21
22 3. The PD rezoning for LandMar shall ensure that allowed uses are integrated
23 within the existing site landscape in a way that reasonably assures the
24 following:

25
26 a. Preservation of the ecological integrity of the ecosystems of LandMar by
27 creating and maintaining connectivity between habitats, minimizing
28 natural area fragmentation, and protecting wetlands, associated uplands,
29 and floodplains as indicated in Policy 4.3.4 A above; and

30
31 b. Preservation or enhancement of existing wetlands with approved treated
32 stormwater to wetlands, limiting impacts to such wetlands to crossings
33 necessary to achieve interconnectivity between upland properties, and
34 requiring that any such crossings be designed to minimize wetland
35 impacts.

36
37 4. The PD zoning for LandMar shall require that appropriate “low impact
38 development” (LID) techniques for the site must be implemented. The applicant
39 shall provide proof at rezoning to PD that a responsible entity (e.g., community
40 development district, developer and/or homeowner’s association) will

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1 permanently provide for proper maintenance of the LID functional landscape. LID
2 is a site design strategy for maintaining or replicating the pre-development
3 hydrologic regime through the use of design techniques that create a functionally
4 equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,
5 and ground water recharge, plus discharge volume and frequency shall be
6 maintained by integrated and distributed micro-scale stormwater retention and
7 detention areas, by the reduction of impervious surfaces, and by the lengthening of
8 flow paths and runoff time. Other LID strategies include, but are not limited to,
9 the preservation/protection of environmentally sensitive site features such as
10 wetlands, wetland buffers and flood plains. Each rezoning to PD shall include
11 conditions requiring appropriate LID practices, subject to the approval of the City.
12 Such practices may include, but are not limited to:

- 13
- 14 a. Development that adheres to the principles of “New Urbanism” or
15 “Traditional Neighborhood Development”.
- 16 b. Clustering of development.
- 17 c. Bioretention areas or ‘rain gardens.’
- 18 d. Grass swales
- 19 e. Permeable pavements
- 20 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
21 cisterns.
- 22 g. Narrowing street widths to the minimum width required to support traffic,
23 on-street parking where appropriate, and emergency vehicle access.
- 24 h. Elimination of curb and gutter where appropriate.
- 25 i. Minimization of impervious surfaces through use of shared driveways and
26 parking lots.
- 27 j. Reduction in impervious driveways through reduced building setbacks.
- 28 k. Reduction in street paving by providing reduced street frontages for lots.
- 29 l. Permanent educational programs to ensure that future owners and
30 residents of the site have an opportunity to fully understand the purpose,
31 function, and maintenance of each LID component.
- 32 m. Limitations on the amount of turf allowed within the site and standards for
33 implementation of best management practices for such turf, including
34 minimum fertilizer applications.
- 35 n. Reuse of stormwater.

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- o. Use of “Florida Friendly” plant species and preferably native species for landscaping.
- p. Use of low-volume irrigation technologies and soil moisture sensors if potable water supply is used for irrigation.
- 5. Implementation of appropriate “firewise” community planning practices shall be identified during the rezoning process and required by the PD zoning ordinance.
- 6. A master storm water management plan for each geographic area proposed for rezoning to PD must be prepared and submitted to the City for review and approval before final development orders can be approved.

D. Single-Family Land Use Areas:

- 1. All areas designated Single-Family land use shall be rezoned to PD prior to issuance of development permits within the rezoned area; and
- 2. All of the areas designated Single-Family land use within LandMar (Future Land Use Map, Series A) shall be limited to a total maximum gross residential density of 1.25 residential units per acre up to a maximum of 1350 residential units; and
- 3. The 500-foot wide natural buffer along the entire eastern edge of LandMar shall be retained as a Conservation Management Area;
- 4. A natural and/or planted 25-foot wide buffer shall be retained along the entire western boundary property line abutting the Gainesville Regional Utilities Deerhaven power plant site.

E. Planned Use District Land Use Areas:

- 1. Development within the Planned Use District areas shall maximize pedestrian/bicycle connections among all uses (residential and non-residential) and shall maximize pedestrian and bicyclist safety and comfort. A network of sidewalks and street trees shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the public right of way adjoining the Planned Use District. To minimize traffic impacts on SR 121, the implementing PDs shall maximize internal connectivity between residential and areas with mixed uses.

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- 2. The PDs associated with the Planned Use District shall provide for transit access approve by the City’s Regional Transit System (RTS), and the owner/developer may be required to provide comfortable, multi-use transit stations if transit service is made available to LandMar by the RTS.

- 3. The implementing PDs district zoning for the Planned Use District areas shall be subject to the following standards:
 - a. A PD (planned development) zoning ordinance consistent with the planned use district must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to timely apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay planned use district shall automatically be null and void and of no further force and effect and the overlay land use category shall ministerially be removed from the Future Land Use Map, and the underlying land use shall be “Agriculture”. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application.

 - b. The Planned Use District areas shall allow mixed uses such as residential, office, business retail, professional and financial services, schools, places of religious assembly and community facilities. The areas shall be implemented by PD zoning which shall generally adhere to the requirements of the City’s Traditional Neighborhood Development District standards.

 - c. A maximum of 540 residential units shall be permitted throughout the entire 90 acres of Planned Use District land use. Residential uses that are located above non-residential uses are allowed and encouraged. Residential types allowed include townhouses, apartments, plus attached and detached single-family homes.

 - d. A maximum of 100,000 square feet of non-residential use shall be allowed within the Planned Use District land use, of which a maximum of 80,000 square feet shall be permitted as commercial use. Except as may be otherwise provided in the implementing PD zoning ordinance, each building within this zone shall be allowed to be mixed with residential

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located above non-residential uses. Each implementing PD shall provide detailed and specific design standards governing all aspects of development within the PD.

- e. Urban design standards that ensure compatibility among the various allowed uses shall be included as part of the PD ordinance. Additional standards may be required to address noise and lighting to further assure compatibility.
- f. The PD zoning ordinance shall, through design and performance measures, assure the neighborhood, pedestrian quality of LandMar by regulating building type and scale, overall building appearance and orientation, placement and function of parking, loading, waste disposal, access points, outdoor uses and mechanical equipment, signage and landscaping.
- g. Open space shall be provided, where appropriate, as common open space serving conservation, recreation and civic needs of the Planned Use District areas, subject to approval of the City.

F. Miscellaneous Provisions

- 1. Prior to the second reading of the land use amendment ordinance(s) for LandMar, the developer shall sign a binding agreement acknowledging owner/developer responsibility for proportionate fair-share mitigation for the transportation level of service (LOS) impacts associated with the maximum amount of development identified in the future land use map amendment. The City shall amend the 5-Year Schedule of Capital Improvements to show the developer funding for required transportation modifications to maintain adopted LOS and funding provided by the proportionate fair share agreement. If sufficient funds are not available for the required transportation modifications and improvements, the owner/developer shall be required to limit the development program associated with the land use amendment to that which would not degrade the transportation LOS below the adopted LOS for impacted roads after taking into account all improvements funded in the 5-Year Schedule of Capital Improvements.
- 2. LandMar shall be limited to the maximum levels of development specified below for the initial phase until such time that adequate public facilities and services at the City's adopted levels of services are demonstrated for

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1 subsequent phases. Each phase of development is required to be
2 submitted and reviewed in its entirety, and each phase shall be analyzed
3 showing the cumulative impacts of previously approved phases.
4

5 The initial phase of development within the first five years shall consist of:
6

7 581 residential units, which shall include a maximum of 481 single-family
8 detached units and a maximum of 100 multi-family units subject to City
9 approval of a traffic study provided by the owner/developer that shows
10 adequate transportation LOS. The initial phase may include up to 30,000
11 square feet of non-residential use in exchange for a portion of the allowed
12 residential units. The exchange rate shall be based upon applicable trip
13 generation rates so that the total trips attributable to the initial phase will
14 not exceed the total trips attributable to the allowed 581 residential units.
15 The PD approval process shall ensure a balanced mix of residential and
16 non-residential uses are developed in the first phase. Subsequent to build-
17 out of the first phase, a complete analysis shall be provided by the
18 owner/developer that demonstrates to the satisfaction of the City the
19 availability of adequate public facilities as adopted in the City's LOS
20 standards. Until such time that the developer can demonstrate or fund
21 adequate public facilities, the development is limited to the initial phase of
22 the development.
23

24 All recreation facilities that are required to ensure that the City's Recreation LOS
25 standards are maintained shall be specified in the PD rezoning application and
26 ordinance. Such recreation facilities shall include both passive and active
27 recreational facilities including nature trails, a nature park, basketball and/or
28 tennis courts and various types of play areas. Many of the single-family areas
29 along with portions of the PUD areas shall be built around pocket parks of various
30 types, subject to approval by the City. At the development stage for each phase
31 and section of the project, recreational amenities necessary to meet the demands
32 of the residential units will be provided by the owner/developer as required by the
33 Gainesville Comprehensive Plan facilities and substitution lists. All recreational
34 amenities will be provided at the cost of the owner/developer. Recreation facilities
35 shall be provided on-site to ensure that the needs of the residents of LandMar are
36 met on-site, provided that a portion of the recreation need may be met through the
37 cooperative development of active recreation facilities on the adjacent property
38 (tax parcel 07781-002-000) owned by the Suwannee River Water Management
39 District provided that such facilities are under the supervision of and are
40 controlled by the City of Gainesville, and subject to approval by the City.

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- 3. All proposed access points to CR 231 are subject to approval by the Alachua County Public Works Department. All proposed access points onto SR 121 are subject to approval by the FDOT.

- 4. Due to the limited capacity of SR 121, the owner/developer shall provide a traffic study acceptable to the City, Alachua County, and the Florida Department of Transportation prior to the application for each PD rezoning. The study shall analyze issues related to transportation concurrency, operational and safety concerns, and shall propose appropriate mitigation for the transportation impacts of the development.

- 5. Land use changes for LandMar do not vest future development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including transportation mitigation at the time of filing any PD rezoning application.

- 6. At such time that cumulative development of the subject property reaches the threshold for a Development of Regional Impact (DRI), as provided by Chapter 163, F.S., there shall be no more rezonings to PD and no more development plan approvals until the DRI development order has been approved by the City and taken effect.

- 7. The LandMar development shall include in any Planned Development Report the requirement that five percent of the residential units shall be affordable to households earning between 80% and 120% of the median income for Alachua County for a family of four as established from time to time by the U.S. Department of Housing and Urban Development. Each implementing PD zoning ordinance shall provide all required methods for ensuring implementation of this requirement, including the requirement that the owner/developer enter into a binding agreement that specifies the number of affordable units that must be constructed on an approved time schedule.

Section 4. Those portions of the Planned Use District as shown on the map described in Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long as the property is developed and used in accordance with the development plan approved in the ordinance rezoning this property to Planned Development "PD". In the event, however, the

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D R A F T

10/1/2008

1 property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned
2 Development "PD" within 18 months of the effective date of this Ordinance, as provided in Section
3 8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be
4 deemed null and void and of no further force and effect, and the overlay land use category shall
5 ministerially be removed from the Future Land Use Map, and the underlying land use shall be
6 "Agriculture".

7 **Section 5.** The City Manager is authorized and directed to make the necessary changes in
8 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
9 portion thereof in order to comply with this ordinance.

10 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
11 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
12 finding shall not affect the other provisions or applications of the ordinance which can be given
13 effect without the invalid or unconstitutional provisions or application, and to this end the
14 provisions of this ordinance are declared severable.

15 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
16 such conflict hereby repealed.

17 **Section 8.** This ordinance shall become effective immediately upon passage on second
18 reading; however, the effective date of this plan amendment shall be the date a final order is issued
19 by the Department of Community Affairs finding the amendment to be in compliance in accordance
20 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

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D R A F T

10/1/2008

1 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

2 PASSED AND ADOPTED this _____ day of _____, 2008.

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Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

10
11

Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney

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This ordinance passed on first reading this _____ day of _____, 2008.

This ordinance passed on second reading this _____ day of _____, 2008.

20 H:\Marion Radson\Planning\28LUC-07PB pet.DOC

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EXHIBIT "A"

(Due to bulk and size, Exhibit "A" is not attached, but is on file in the Office of the Clerk of the Commission.)