

DRAFT

070210E

Minutes  
City Plan Board

City Hall, Auditorium  
200 East University Avenue

September 27, 2007  
Thursday 6:30 P.M.

Members Present

Bob Cohen Late arrival  
Jack Walls  
Laura High  
Randy Wells  
David Gold  
Peter Polshak (Chair)  
Eileen Roy (SBAC)

Members Absent

Jon Reiskind (v-Chair)

Staff Present

Dean Mimms  
Onelia Lazzari  
Ralph Hilliard  
Deborah Brady

I. ROLL CALL

II. REQUEST TO ADDRESS THE BOARD – None.

V. OLD BUSINESS

**1. Petition 23LUC-07PB Gerry Dedenbach, AICP, Causseaux, Hewett, and Walpole, Inc., agent for East Gainesville Development Partners LLC. Amend the City of Gainesville 2000-2010 Future Land Use Map from SF (Single-Family, up to 8 units per acre), IND (Industrial), and REC (Recreation) to PUD (Planned Use District) to allow up to 1,500 dwelling units, 500 units adult living facility, and up to 200,000 square feet of non-residential uses, including outdoor storage facilities. Located at 2100 Northeast 39th Avenue, adjacent to the Ironwood Golf Course.**

Ron Carpenter, Attorney for the petitioner stated that he has several counter conditions to Staff's 31 conditions in the staffing report and would like to detail them to the Board.

The Board discussed the petitioner's issue of the counter conditions and decided to hear them at the end of the petitioner's presentation on environment.

Pete Wallace, President of Ecosystems gave a detailed environmental PowerPoint presentation and stated that the applicant is not requesting an exemption or exception to environmental regulations but an evaluation in concurrency with the existing LDR's and the Comprehensive Plan Regulations. Mr. Wallace further stated that Condition E in the staffing report is too restrictive for this proposed project, especially considering the quality of the degraded wetlands that are on site. Mr. Wallace added that wetlands can be mitigated to protect Newnans Lake and the water quality coming onto the site, as a lot of the issues can not be addressed until the Land Use is identified.

Mark Schneider, representative for the petitioner gave a detailed presentation discussing residential use, airport compatibility, as well as types and levels of noise issues; and stated that residential zoning is a compatible use for the proposed project as it is legal to build in a 65 Dnl. Mr. Schneider further stated that the developer has agreed to incorporate the 25 NLR, the avigation easement as well as provide notice to homeowners. Mr. Schneider added that the noise levels contours that are being used for this proposed development were generated in 1985, when there were

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3,300 take offs and landings at the Gainesville Regional Airport, however in 2005 there were less than 2,000 per year which calculates in take offs and landings per day as 5, that will last approximately five seconds per flight over the property, which equates to less than 30 seconds a day.

Jack Walls inquired if the north boundary area of wetlands has the possibility of draining into the public water supply. Mark Garland, Environmental Coordinator stated that the wetlands would not be draining directly into the Floridan Aquifer, however the wells are having some effect on drainage. Mr. Garland further stated that the larger potential is that surface contamination, of which could reach the Floridan Aquifer.

Mr. Wallace stated that this proposed development will include creation, enhancement, and possibly restoration of the wetlands as they will have to impact wetlands to do what they need to do on the site. Mr. Wallace further stated that Staff's recommendation includes no impacts to wetlands as the petitioner feels that he should abide by all Federal, State and Local guidelines for wetlands mitigation.

Chair Polshek inquired from Mr. Wallace if he has addressed the St. Johns River Water Management District letter, that is labeled as Staff's Exhibit 19-B, requesting technical information to sufficiently review the possible impacts on the surrounding area. Mr. Wallace stated that the wetlands jurisdiction line is about 90% complete and when that's completed they will be able to respond to their requests in the letter.

Chair Polshek stated that they are aware that the site is relatively degraded, however is concerned about Newnans Lake and what is coming off of the proposed development. Mr. Wallace stated that he can not give specifics on a mitigation plan without a development plan and can not get a development plan without a land use. Mr. Wallace further stated that everything he has read about Newnans Lake has been presumptive as there has been no data offered to say how this site is going to cause or contribute to the degradation of Newnan's Lake, and has addressed issues as to how they think pollutants could be coming into the site and how they could clean it up.

Bob Cohen stated that there seems to be a general disagreement between Staff and the petitioner regarding what is done at the Land Use stage and Zoning stage. Mr. Cohen further stated that the PUD in the City's Comprehensive Plan is more specific than PUD's in other jurisdictions and is not sure when to consider a level of detail. Mr. Mimms read into the record the text of the Future Land Use Element, in the Planned Use District; Policy 4.1.1. Mr. Carpenter stated that they believe they have provided the level of specificity that is required for a Comprehensive Plan, as they do not have to provide a site plan for a Comprehensive Plan Amendment in a PUD.

Nicole Smith, Assistant City Attorney 2 stated that The Comprehensive Plan states that you shall address certain things in the PUD Ordinance in addition to the Policy 4.1.3.

Mr. Cohen inquired if the petitioner came with a general plan and the Board accepts it, then tells the petitioner they need to resolve issues at the PD level, is the Board vesting the owner with certain rights by changing the Future Land Use Map or is fine to consider these details at the zoning stage. Ms. Smith stated that this Board is free to consider the level of specificity it feels necessary to satisfy the requirements in the Comprehensive Plan, and if the Board wants to see more information about certain aspects or want a greater degree of specificity you can do that if it will assist the Board in reviewing these factors and making sure that the PD Ordinance addresses the items listed in the Comprehensive Plan.

Onelia Lazzari, Senior Planner stated that State law has changed requiring Comprehensive Plans to be financial feasible since the 2005 amendments as stated in the handouts that were distributed to the Board. Ms. Lazzari further stated that the generic requirements by the State are related to our Adoptive Level of Service; of which can be accomplished by showing the density and intensity of use will not degrade levels of service for the entire scope of the Comprehensive Plan and beyond; as well as taking a phased approach and limit density and intensity; and put a maximum on development for the five year schedule. Mr. Lazzari added that the City of Gainesville does not know what the property tax reform will bring as they have been informed that the City can not provide transportation improvements in this area.

David Gold inquired if level of service in terms of transportation is a concern for this proposed development. Ms. Lazzari stated that this proposed development is outside of the Transportation Concurrency Exception Area as FDOT, the County and the City all have concerns as well as written conditions concerning binding letters of agreement. Ms. Lazzari further stated that the City may never have any funding to put to this, as the burden of the Proportionate Share maybe 100% on the developer, if they wish to develop beyond a certain level.

Ted Baldwin, City Environmental Consultant from Harris Miller Miller & Hanson Inc. stated that he has spent 30 years in the field of aviation, noise abatement and compatible land use planning. Mr. Baldwin stated that the Ldn stands for the day/night average level that measures cumulative exposure in levels of decibels, and those decibels are translated into A-Weighted Decibel, that adjusts the decibels to take into account the way a human ear hears noise. Mr. Baldwin further stated that any noise producing event from 10:00p.m. to 7:00 a.m. has an increased noise factor of ten, as a Ldn level of 65 has been determined to be the outer-limit for absolute incompatibility with any type of Land Use. Mr. Baldwin stated that Part 150 Study is a volunteer program for Airports that consists of the noise exposure map, that defines the problem; and the noise compatibility program that identifies solutions to incompatibilities. Mr. Baldwin stated that the Single Family Zoning to the western part of the parcel would allow higher density of development to occur, exposing more future residents to levels of noise that would be incompatible and inappropriate for residential development. Mr. Baldwin stated that avigation easements is not the way to apply sound insulations to make a development compatible but should be used to address existing non-conforming uses of mitigation existing problems or occasionally an infill development where it would be inappropriate to leave them empty and to make it a cohesive neighborhood. Mr. Baldwin stated that avigation easements and noise level reductions do nothing for people when they are outside or near open windows. Mr. Baldwin concluded stating that based on his professional experience he feels that many residents in this proposed project will be surprised at the level of exposure they would hear and would find it annoying even if they were given advanced notice, and would take strong action against it. Mr. Baldwin stated that this proposed development could ultimately affect the ability of the Airport to serve its mission, as it could lead to use restrictions and a smaller economic benefit to the local community.

Laura High inquired from Mr. Baldwin if he had an opinion on Mr. Schneider's comments of hearing less than 30 seconds per day of aircraft noise in the proposed development. Mr. Baldwin stated the phase out of older noisier, aircrafts that are called Stage 2 Aircrafts has not been phased out, as it only applies to those aircrafts that are over 75,000 pounds. Mr. Baldwin added that during Mr. Schneider's presentation he referenced a Lear 25 of which is one of the oldest, noisiest

jets and in this development a departure or an arrival would be above 65 for at least 20 seconds and audible for several minutes on a departure. Mr. Baldwin further added that if there are a lot of corporate jets for weekend games in Gainesville that are under that weight limit and are not phased out by that regulation.

Chair Polshek opened the floor to public comments and stated that this proposed development is not infill development, it is new development.

Citizens came forward in support for the proposed development and sited reasons as:

- Quality development in East Gainesville
- Has Lived 30 years in his neighborhood, which is west of the proposed development and has had no problems with noise in the area
- Proposed development can be made compatible with the area

Citizens came forward against the proposed development and sited reasons as:

- Number of large corporate jets that land at the Gainesville Regional Airport for Gator events
- Incompatible to the Airport
- Negative effects of aviation noise on residents
- Residents are more annoyed with aircraft noise than highway noise
- Runway is too close to proposed residential area
- When communities intrude on Airports the Airports have always been the loser
- Safety is an issue if a residential area is placed close to an Airport
- Restricted operating hours for late night and early morning service for University Air Center for Shands Healthcare, organ transplant services, Air-Ambulance Services, as well as Blood flights for Life South Blood Bank 363 nights a year
- Good idea for a development wrong site location
- 65 Ldn is too high in a residential development
- Residential encroachments on Airports
- Newnan's Lake and surrounding creeks will be severely impacted by water leaving the site of this proposed development
- Just because land is not developed it does not mean it does not serve a useful purpose

<b>Motion By:</b> David Gold	<b>Seconded By:</b> Bob Cohen
<b>Moved To:</b> Extend meeting to 11:00 p.m.	<b>Upon Vote:</b> 6 – 0.

Chair Polshek stated that the Board does not feel that they will be able to get to a decision this evening as most Board members have several questions with very little time left this evening as the Board just received updated proposed conditions.

Chair Polshek inquired from Mr. Carpenter if this proposed development is a gated development as the petitioner wants it to be. Mr. Carpenter stated that it was mentioned in one of the conditions that it would be a secured property; as the entrance to the subdivision and the retail areas will be on the same main road as the entrance to others. Mr. Carpenter further stated that it could mean that they could have a security person at one of the entrances who would determine who was going into the subdivision and the basis upon which they were doing it.

Ms. High stated that she is very interested in development in East Gainesville but does not see how

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this proposed development is best for East Gainesville or how it will impact commerce in the area. Rodney Long, County Commissioner stated such factors as diversity of social economics would lead to disposable incomes that lead to economic impact that will determine where businesses can locate, as well as where investments will be made. Mr. Long further stated it benefits the outside perimeter of the development, and the Waldo Road Corridor.

Mr. Wells stated that he very much appreciates the desire for quality development on the East side of town, however feels that the market place is moving in a different direction that is designed more openly and achieves security through quality design and investment. Mr. Wells further stated that this proposed development is not a grid connection to the greater community of which is a major factor in his consideration as to whether this development reflects and achieves the PUD goals. Mr. Wells added that he is in favor of clustering as a way to accomplish higher density levels and environmental issues of having more land set aside. Mr. Wells added that he has a major concerns regarding the Airport noise and compatibility.

David Gold stated he supports Staff's recommendation and would love to see this development on the east side of Gainesville, however the portion of the development that is close to the Airport just does not make any sense with all of the noise restrictions and can not imagine that they will not be setting themselves up for a lot of problems from this proposed development. Mr. Gold further stated that avigation easement do not guarantee the City of Gainesville that things will be alright in the future and is a poor way of addressing the issues.

<b>Motion By:</b> Bob Cohen	<b>Seconded By:</b> Randy Wells
<b>Moved To:</b> Extend for an additional 5 minutes.	<b>Upon Vote:</b> 6 – 0.

<b>Motion By:</b> Bob Cohen	<b>Seconded By:</b> David Gold
<b>Moved To:</b> Continue petition 23 LUC-07 PB until next Thursday or when scheduled by Staff.	<b>Upon Vote:</b> 6 – 0.

**VII. COMMENTS FROM THE BOARD**

Mr. Cohen reminded Staff that "Planning for Dummies" needs to be done, scheduling two to three workshops and in October the Board will need to elect officers.

**VIII. ADJOURNMENT** – Meeting was adjourned at 11:38 p.m.

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**Chair, City Plan Board**  
Peter Polshek

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**Date**

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