

LEGISLATIVE #
200886B

From: [Chan, Nathaniel](#)
To: [Swanigan, Alana C](#)
Cc: [Chazulle, Elizabeth A](#); [McMullen, Brittany A](#)
Subject: NE 39th Land Use and Rezoning (200886 and 200887) Update
Date: Tuesday, November 2, 2021 12:12:24 PM
Attachments: [Proposed Zoning Map.JPG](#)
[CTY. GAINESVILLE 21-01ESR \(P\).pdf](#)
[PB-20-152 LUC DEO Receipt of Review.pdf](#)
[PB-20-152 LUC DEP Review 9-15-2021.pdf](#)
[PB-20-152 LUC NCFRPC Review 9-22-2021.pdf](#)
[Checklist for Expedited State Review & State Coordinated Review.pdf](#)

Good Afternoon Alana,

We received reviews and comments from DEO, DEP, and the Regional Planning Council on the NE 39th Land Use Change (200886), which went to 1st Reading on August 5th. The reviews and comments are attached.

The associated rezoning, item 200887, was continued from the 6/3 meeting and I sent the revised zoning districts to you on 9/20 (see proposed zoning map, attached). We previously discussed having the 2nd reading of the land use change and 1st reading of the rezoning go to the same meeting. Please let me know if you need anything else from me on these items.

Thanks,
Nate

Nathaniel Chan | Planner I
Department of Sustainable Development | City of Gainesville
Pronouns: he/him/his | [Why this matters](#)
Desk 352-393-8691 | Fax 352-334-2648
email chann1@cityofgainesville.org
www.cityofgainesville.org/planningdepartment

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September 22, 2021

The Honorable Lauren Poe
Mayor, City of Gainesville
City Hall
200 East University Avenue
Gainesville Florida, 32601

Dear Mayor Poe:

The Department of Economic Opportunity (“Department”) has reviewed the proposed comprehensive plan amendment for the City of Gainesville (Amendment No. 21-01ESR) received on August 23, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Benjamin Naselius, Planning Analyst, by telephone at (850) 717-8421 or by email at Benjamin.Naselius@deo.myflorida.com.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Powell". The signature is written in a cursive, flowing style.

Barbara Powell, Regional Planning Administrator
Bureau of Community Planning and Growth

BP/bn

Enclosure(s): Procedures for Adoption

cc: Andrew Persons, Director, Department of Sustainable Development

personsaw@cityofgainesville.org

Scott Koons, Executive Director, North Central Florida Regional Planning Council:
koons@ncfrpc.org

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department’s electronic amendment submittal portal “**Comprehensive Plan and Amendment Upload**”

(<https://floridajobs.secure.force.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

August 23, 2021

Mr. Andrew Persons, AICP, LEED GA
Interim Director
City of Gainesville
Post Office Box 490, Station 11
Gainesville, Florida 32627

RE: PB-20-115-LUC

Dear Mr. Persons:

Thank you for submitting Gainesville's proposed comprehensive plan amendment for our review pursuant to the Expedited State Review process. The reference number for this amendment package is 21-01ESR.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than September 22, 2021.

If you have any questions please contact Donna Harris, Plan Processor at (850) 717-8491 or Barbara Powell, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850)717-8504.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/dh

cc: External Agencies

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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**City of
Gainesville**

**Department of
Sustainable
Development**

PO Box 490, Station 11
Gainesville, Florida 32627
352 334 5022

August 11, 2021

Florida Department of Economic Opportunity
Division of Community Planning and Development
Attn: Ray Eubanks, Plan Processing Administrator
107 East Madison Street, Caldwell Bldg., MSC 160
Tallahassee, FL 32399

RE Transmittal of Comprehensive Plan Amendment under **Expedited State Review** (DEO Ref. No. Gainesville 21-1ESR)

The City Commission has approved the following enclosed Comprehensive Plan Amendment for transmittal to the Department of Economic Opportunity. Plan Board Public Hearing date and City Commission transmittal hearing date are as follows:

<u>Petition No.</u>	<u>Legislative Matter No.</u>	<u>Plan Board Hearing</u>	<u>City Commission Hearing</u>
PB-20-115 LUC	200886	February 25, 2021	August 5, 2021

As requested for the large-scale plan amendments, one hard copy and two CDs of the proposed amendment and applicable supporting documents. One copy of the proposed amendment with its applicable supporting documents was sent to the following reviewing agencies on August 11, 2021:

- Alachua County Department of Growth Management
- Florida Department of Transportation
- St. Johns River Water Management District
- Suwannee River Water Management District
- Florida Department of State
- Florida Department of Environmental Protection
- North Central Florida Regional Planning Council

The amendments (see enclosures) is anticipated to be adopted in September 2021. The amendment does not concern property located in an Area of Critical State Concern, and is not proposed to be adopted under a joint planning agreement.

The City requests that the Division of Community Planning and Development review the amendment submitted in this packet.



**City of
Gainesville**

**Department of
Sustainable
Development**

PO Box 490, Station 11
Gainesville, Florida 32627
352 334 5022

If you have any questions, please contact:

Andrew Persons, AICP, LEED GA
Director
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627
Telephone: (352) 393-8694
E-mail: personsaw@cityofgainesville.org

Elizabeth Chazulle
Staff Specialist
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627
Telephone: (352) 393-8620
E-mail: chazulleea@cityofgainesville.org

In order to ensure that agency comments are received and can be reviewed in a timely fashion, please send any comments to both Andrew Persons and Elizabeth Chazulle as shown above.

Respectfully submitted,

Andrew Persons, AICP, LEED GA
Interim Director

AP: YT: eac

Enclosures

Chan, Nathaniel

From: Chazulle, Elizabeth A
Sent: Wednesday, September 15, 2021 3:44 PM
To: Chan, Nathaniel
Cc: Persons, Andrew W.; McMullen, Brittany A; Eddleton, Forrest K
Subject: FW: Gainesville 21-01ESR Proposed

Follow Up Flag: Follow up
Flag Status: Flagged

Nate I think this one was yours. Please keep a copy of this to include in a response you'll create for the CA's office.

Thank you,



Elizabeth Chazulle | Staff Specialist
Department of Sustainable Development
City of Gainesville
PO Box 490 Station 11
Gainesville, FL 32627
desk 352-393-8620
email chazulleea@cityofgainesville.org
www.cityofgainesville.org/planningdepartment

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Workday Info:

[Workday Support Contact at 352-393-7903](tel:352-393-7903)

[Community Builder Hub](#) for more information

[Workday Request Form](#) – Please use the Workday Request Form if you are having issues in Workday.

Did you know we have a portal for Workday information/trainings...Go [here](#)

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Wednesday, September 15, 2021 3:30 PM
To: Persons, Andrew W. <personsaw@cityofgainesville.org>; Chazulle, Elizabeth A <ChazulleEA@cityofgainesville.org>; dcpexternalagencycomments@deo.myflorida.com
Cc: Plan_Review <Plan.Review@dep.state.fl.us>
Subject: Gainesville 21-01ESR Proposed

To: Andrew Persons, AICP, LEED GA, Director

Re: Gainesville 21-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





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September 29, 2021

Mr. Andrew Persons, AICP, Director
Department of Sustainable Development
City of Gainesville
P.O. Box 490, Mail Station 12
Gainesville, FL 32627-0490

RE: Regional Review of City of Gainesville Comprehensive Plan
Draft Amendment PB-20-152 LUC
DEO No. 21-1ESR

Dear Andrew:

At its regularly scheduled meeting held September 30, 2021, the Council reviewed the above-referenced item. Subsequent to their review, the Council voted to adopt the enclosed report.

If you have any questions concerning this matter, please do not hesitate to contact Lauren Yeatter, AICP, Senior Planner, at 352.955.2200, extension 113.

Sincerely,

Scott R. Koons, AICP
Executive Director

Enclosure

xc: Ray Eubanks, Florida Department of Economic Opportunity

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Dedicated to improving the quality of life of the Region's citizens,
by enhancing public safety, protecting regional resources,
promoting economic development and providing technical services to local governments.

**FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01**

Regional Planning Council: North Central FL
Review Date: 9/23/21
Amendment Type: Draft Amendment

Regional Planning Council Item No.: 63
Local Government: City of Gainesville
Local Government Item No.: PB-20-152 LUC
State Land Planning Agency Item No.: 21-1ESR

Date Mailed to Local Government and State Land Planning Agency: 9/24/21 (estimated)

Pursuant to Section 163.3184, Florida Statutes, Council review of local government comprehensive plan amendments is limited to adverse effects on regional resources and facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENT

City item PB-20-152-LUC reclassifies approximately 83.79 acres of property located on the 755-1100 block on the South side of NE 39th Boulevard from Planned Use District (PUD) to Residential Low-Density (RL), Commercial (C), and Urban Mixed-Use (UMU) (See attached.)

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN

City item PB-20-152-LUC is adjacent to State Road 222, which is part of the Regional Road Network as identified and mapped in the North Central Florida Strategic Regional Policy Plan. The City Transportation Mobility Element contains objectives and policies which implement one or more practices consistent with Transportation Planning Best Practices contained in the North Central Florida Strategic Regional Policy Plan. Regional Plan Transportation Element Policy 5.1.1 states that within municipalities where local government comprehensive plans contain goals and policies which implement Transportation Planning Best Practices, adverse impacts to the Regional Road Network are adequately mitigated and local government plans and plan amendments are not subject to a Regional Planning Council determination impacts to the Regional Road Network. Therefore, significant adverse transportation impacts to the Regional Road Network are adequately mitigated.

City item PB-20-152-LUC is located within an Area of High Recharge Potential to the Floridan Aquifer, which is identified and mapped in the regional plan as a Natural Resource of Regional Significance. Nevertheless, significant adverse impacts are not anticipated to occur to the natural resources as, the City Comprehensive Plan contains adequate policy direction consistent with the regional plan to mitigate adverse impacts to the natural resources.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

The City Comprehensive Plan, as amended, is not anticipated to create significant adverse impacts to adjoining local governments.

Request a copy of the adopted version of the amendment?

Council Action: At its September 23, 2021 meeting, the Council voted to adopt this report.

Yes No
Not Applicable