

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Meeting Agenda

August 04, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

Prophet George Young

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

110184.

Bid Award - Regional Transit System (RTS) Garage Renovations and Construction of Bus Undercarriage Wash Bay (B)

This item is a request for the City Commission to authorize the bid award to Anglin Construction Company for garage renovations, construction of a bus undercarriage wash bay, and installation of an emergency generator for the Regional Transit System (RTS).

Explanation: On June 30, 2011, the City Purchasing Department received four (4) bids for this project. The lowest responsive responsible bidder was Anglin Construction Company with a bid of \$513,600.

This project includes site work, construction of a bus undercarriage wash bay, installation of an emergency generator, and renovations to the garage interior.

Fiscal Note: The funding is available in RTS' 2011 budget and was obtained through Federal Transit Administration (FTA) Section 5307 grants.

RECOMMENDATION

The City Commission: 1) award the bid to Anglin Construction Company for the RTS garage renovations and construction of bus undercarriage wash bay, including an emergency generator; 2) authorize the City Manager to execute the contract, subject to approval by the City Attorney as to form and legality;

and 3) issue a purchase order in an amount not to exceed \$513,600.

110184_Bid Tab_20110804.pdf

110166.

City of Gainesville Design and Construct a Traffic Signal Communications Conduit using Funds Provided by Town of Tioga (B)

This item is a request to allow the City of Gainesville Traffic Operations Division of the Public Works Department to design and construct a fiber optic cable conduit for the new traffic signal at Newberry Road at 131st Street with funds provided by the Town of Tioga development.

Explanation: The Town of Tioga is completing construction of a new traffic signal at Newberry Rd and 131st Street. The Florida Department of Transportation, which will own the signal upon final acceptance, requires this new signal be connected to the Traffic Management System. The City of Gainesville is the maintaining agency for all traffic signals in unincorporated Alachua County. Upon final acceptance by the Florida Department of Transportation and Alachua County Public Works Department, the City of Gainesville will begin maintenance of this traffic signal. The City of Gainesville and the Town of Tioga have reached an agreement that would allow the Traffic Operations Division to construct the conduit needed to connect this traffic signal to the Traffic Management System with funds directly provided by the Town of Tioga. The Traffic Operations division hereby requests approval to accept the sum of \$104,291.08 from Town of Tioga to design and construct this conduit.

Fiscal Note: Revenue in the amount of the \$104,291.08 from Town of Tioga.

RECOMMENDATION

The City Commission: 1) authorize the City Manager to execute an agreement with Town of Tioga Development, subject to approval by the City Attorney as to form and legality; and 2) approve the acceptance of \$104,291.08 from Town of Tioga to the Traffic Operations Division.

110166B_Exhibit_20110804.pdf

110166A_Agreement_20110804.PDF

110140.

U.S. Department of Justice Bulletproof Vest Partnership (NB)

Explanation: The U.S. Department of Justice, Bureau of Justice Assistance, invited the City of Gainesville to apply for \$14,715 in grant funding through the Bulletproof Vest Partnership Program. The program reimburses law enforcement agencies for up to fifty percent (50%) of the total costs of purchasing bulletproof vests to replace zylon bulletproof vests. The amount the City of Gainesville was eligible to apply for was established by the U.S. Department of Justice. The City submitted an application to the U.S. Department of Justice for the designated amount of grant funding.

The U.S. Department of Justice requested the application be submitted by July 7, 2011. This will allow the City of Gainesville to purchase up to \$29,430 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$14,715.

Fiscal Note: The City of Gainesville will be able to purchase up to \$29,430 in bulletproof vests and be reimbursed for fifty percent (50%) of the cost, up to a maximum of \$14,715. The fifty percent (50%) of funding from the Gainesville Police Department is requested to come from departmental State Forfeiture Contraband Funds.

RECOMMENDATION

*The City commission authorizes the City Manager to:
1) accept the 14,715 in grant funds, and 2) execute any other necessary documents, pending review by the City Attorney as to form and legality.*

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

110106.

HOUSE BILL 7207 - PERMIT EXTENSIONS PROVISIONS - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)

Explanation: On June 2, 2011, the Governor signed House Bill 7207 entitled the "Community Planning Act" (now Chapter 2011-139, Laws of Florida) ("HB 7207") into law and it became effective on that date. HB 7207 is a fairly significant rewrite of the state's growth management law and comprehensive plan processes. On this agenda, Planning Staff will provide an overview of the changes and the Commission will see these changes implemented as petitions and ordinances are processed in coming months.

One of the first items to implement are permit extensions. HB 7207 provides for another possible 2-year permit extension and renewal for any permit that was extended under SB 360 in 2009 or under SB 1752 in 2010. Under HB 7207, holder of permits with an expiration date of September 1, 2008 through January 1, 2012 will have until December 31, 2011 to extend and renew their permit for a period of 2 years from its current date of expiration. HB 7207 states that this is in addition to any prior granted permit extension; however, the total extensions granted cannot exceed four years. A copy of the relevant pages from HB7207 are included in the backup.

In addition, HB 7207 provides a two-year permit extension for any local government-issued development order or building permit including certificates of levels of service, with an expiration date from January 1, 2012 through January 1, 2014. HB 7207 states that this extension is in addition to the SB 360 extension, the SB 1752 extension and the HB 7207 extension of those prior extensions. However, HB 7207 states that the total extensions granted under any/all of the foregoing cannot exceed four years.

Just as the City did with SB 1752 last year and SB 360 in 2009, City staff recommends that the City Commission adopt, by ordinance, procedures and fees to provide clarity in the processing, administration and documentation of the HB 7207 permit extensions. City planning staff recommends that the fees remain the same as the 2010 ordinance: for development orders - \$48.75 per development project and \$24.38 within the Enterprise Zone, and for building permits - \$48.75 per development project.

RECOMMENDATION

The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an Ordinance establishing administrative procedures and fees to carry out the development order and building permit extensions authorized by House Bill 7207.

110106_Ch. 2011-139 Laws of Florida_20110804.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****ADVISORY BOARD AND COMMITTEE, CONSENT****110183.****Request to Waive Probationary Period of New City Plan Board Member Erin Condon (B)**

Explanation: Erin Condon was appointed to the City Plan Board by the City Commission on July 7, 2011 (Legistar No. 110118) for a term that expires on November 1, 2014. Based on the pertinent background described in her application, and on a conversation on July 9, 2011 with Ms. Condon, staff finds that the 60-day probationary period required of new Plan Board members by Sec. 30-353(a) 5a. of the Land Development Code should be waived. Such waiver by the City Commission is allowed by Sec. 30-353(a) 5c., which states that the City Commission may waive the required probationary period for any appointee to the City Plan Board upon good cause shown and entered into the record of the minutes of the City Commission.

Planning staff notes that Ms. Condon's law degrees (J.D., 2007, and LL.M. (Master of Laws; post-J.D. degree) in Environmental and Land Use Law, 2010) from the University of Florida provide a good basis for the requested waiver. Staff discussed this request with Ms. Condon, who supports it.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - Waive the 60-day probationary period for new Plan Board Member Erin Condon, in accord with Sec. 30-353(a) 5c. of the Land

Development Code.

110183A_erin condon application_20110804.pdf

110183B_Sec 30-353 CPB probationary period_20110804.pdf

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

PUBLIC SAFETY COMMITTEE

100003.

Citizen's Police Review Board (B)

Explanation: This issue was brought forward during citizen comment at the May 20, 2010 City Commission Meeting and was referred to the Public Safety Committee (PSC).

The PSC deferred the discussion on this referral until a proposal was received from the citizen's group who brought the suggestion to the City Commission that the City have a Citizen's Police Review Board, not a Police Advisory Council, as the City Manager has formed with seven citizen members.

At the June 22, 2011 Public Safety Committee meeting, the proposal from the Committee for a Civilian Police Review Board was discussed and citizen comment was received. The proposal suggests a Citizen's Review Board have the ability to investigate officers and be part of their discipline. The City Attorneys Office's opinion on the proposal is that it violates the Officer's Bill of Rights and without State legislative change the Board would not be valid.

The PSC agreed that the current Police Advisory Council be given an opportunity to perform the tasks and goals set for them by the City Manager.

RECOMMENDATION

The City Commission: 1) approve the Public Safety Committee's recommendation to not accept the Citizen's Police Review Board's proposal to form a Citizen's Review Board; and 2) remove this referral from the PSC Referral List.

Legislative History

5/20/10	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
6/22/11	Public Safety Committee	Discussed	

100003A_Proposal_20110622.pdf
100003B_CALetter_20110622.pdf
100003C_LtrtoCityComm_20110622.pdf

CITY MANAGER

110175.

Information Update and Discussion of Issues Related to House Bill 7207 (Chapter Law 2011-139) Growth Management Changes (B)

Explanation: On June 2, 2011, the Governor signed House Bill 7207 into law with an immediate effective date. This is now referred to as Chapter Law 2011-139 (the Community Planning Act).

There are significant changes to Florida's growth management laws as a result of the legislation. These changes impact the City's planning process and comprehensive plan. In addition, new permit extension provisions were adopted in the law, and the City Attorney's Office has a separate presentation on that aspect of the legislation.

Significant changes included under the new legislation that impact Gainesville include:

- 1. Requirements for a public schools facilities element and school concurrency have been eliminated and made optional*
- 2. Requirement for transportation concurrency has been eliminated and made optional*
- 3. Requirement for parks and recreation concurrency has been eliminated and made optional*
- 4. A comprehensive plan amendment is necessary for a local government to eliminate school, transportation, and/or recreation concurrency*
- 5. Evaluation and appraisal report (EAR) requirements eliminated and new evaluation process created (notification letter)*
- 6. Requirement for financial feasibility has been deleted*
- 7. Twice yearly plan amendment limitation for large-scale amendments has been eliminated*
- 8. Amendments must be adopted within 180 days of receiving comments from reviewing agencies or the amendments will be deemed withdrawn*
- 9. House Bill 697 requirements for energy efficiency and greenhouse gas reduction programs have been deleted*
- 10. Changes in the review process for comprehensive plan amendments*
- 11. Changes to transportation proportionate share requirements*
- 12. New criteria for urban sprawl analysis (including a definition and indicators in state law)*
- 13. New expedited review of large-scale amendments (except those associated with update based on evaluation and appraisal)*

The most immediate impact to the City related to the new legislation concerns the Evaluation and Appraisal Report process and updates to the comprehensive plan. In December 2010, the City received notification from the Department of

Community Affairs that the Gainesville Evaluation and Appraisal Report was sufficient and that we could proceed with EAR-based amendments. With the elimination of the old EAR requirements and the creation of a new evaluation process for comprehensive plans, Planning staff has had to adapt the strategy for updating the comprehensive plan.

Under the new evaluation process, the City must submit a notification letter to the Department of Community Affairs by May 1, 2012. The letter must indicate whether any amendments to the comprehensive plan are needed to reflect changes in state requirements. If it is determined that amendments are needed, the City must prepare and transmit those amendments within one year of the notification date to the state land planning agency for review. If a local government fails to submit the evaluation notification letter or does not timely transmit needed plan amendments, the local government may not amend its comprehensive plan until it complies with the requirements.

Planning staff's strategy for the comprehensive plan evaluation and update is as follows:

- 1. Use the information gathered from the old EAR process to update the comprehensive plan elements outside of the comprehensive plan evaluation process. Six of the elements will be on the August 4, 2011 evening agenda for a petition public hearing. These amendments will reflect the Plan Board and City Commission recommendations for improvements to the plan that reflected major issues in the community.*
- 2. As part of the update process, change the name of the Gainesville 2000-2010 Comprehensive Plan to the Gainesville Comprehensive Plan because updates will occur on an ongoing basis.*
- 3. Begin the research work on whether comprehensive plan amendments are necessary to reflect changes in state requirements.*
- 4. Submit the notification letter to the state land planning agency prior to the May 1, 2012 submittal deadline.*
- 5. Begin work on any plan amendments needed to reflect changes in state requirements and transmit those amendments for review to the state land planning agency prior to May 1, 2013.*

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission: Hear a presentation about the changes to state growth management law and the impacts on the City's planning process and provide input to staff on issues related to the City's comprehensive plan.

110175_FAQ about community plan act_20110804 .pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

110203. National Clown Week - August 1 - 7, 2011 (B)

RECOMMENDATION *The Gainesville Sunshine Clowns to accept the proclamation.*

110203_ClownWeek_20110804.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

110165. Resolution for a Joint Participation Agreement for Regional Transit System (RTS) Bus Stop Amenities (B)

This item is a request to adopt a Resolution authorizing the City Manager

to execute a Joint Participation Agreement between the City of Gainesville and the Florida Department of Transportation (FDOT) to receive Service Development Funds for Regional Transit System (RTS) Bus Stop Amenities.

Explanation: FDOT allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Funds Grant (SDG) criteria. FDOT requires the governing board of each public transit system to adopt a resolution authorizing the acceptance of these funds.

Regional Transit System (RTS) desires these funds to design, construct, and install pedestrian amenities to improve bus stop accessibility on transit corridors. Amenities include sidewalks, pedestrian crossings, ADA ramps, concrete curb ramps, curb and gutters, wheelchair landing pads, waiting pads, shelter foundations, and other work to improve pedestrian access to transit. Bus stop locations will be prioritized by people with disabilities (mainly wheelchairs) usage.

Improving the pedestrian infrastructure will make the bus riding experience more comfortable and work toward improving the marketability of transit through enhancing existing ridership and reaching out to new passengers.

Fiscal Note: This Joint Participation Agreement requires the City of Gainesville to match funding in the amount of \$75,000. Matching funds are allocated in the RTS FY11-12 operating budget.

RECOMMENDATION *The City Commission adopt the Resolution.*

110165_Resolution_20110804.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

110169.

NON-AD VALOREM SPECIAL ASSESSMENT (B)

Ordinance No. 110169

An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non-ad valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the 2011-2012 fiscal year; providing conditions for the consent; providing that the consent is for a one-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on July 21, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance allowing the assessment for solid waste management, with the addition of Solid Waste Facilities Cost, to continue through September 30, 2012, inside the city limits for an additional year.

This ordinance requires two readings. If approved on first reading, the second

and final reading will be August 18, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/21/11 City Commission Approved as Recommended (7 - 0)

110169A_draft ordinance_20110804.pdf

110169B_Exhibit A_20110804.pdf

110017.

DOWNTOWN SPECIAL EVENT (B)

Ordinance No. 110017

An Ordinance of the City of Gainesville, Florida, amending Chapter 4 of the City of Gainesville Code of Ordinances relating to alcoholic beverages; by repealing subsections (b) and (c) of Section 4-4 in their entirety, and creating and adding new subsections (b), (c) and (d) to said Section, relating to the sale, consumption and possession of alcoholic beverages; providing for the temporary outdoor sale, dispensing and consumption of beer at a special event, in the Central City District on the Fridays immediately preceding regularly scheduled home football games for the University of Florida; setting forth conditions and specifications for issuance of a special event permit; prohibiting the possession of open containers of alcohol in specified areas; clarifying and providing for other special events and areas where alcoholic beverages may be served and consumed; providing penalties; providing for permit fees; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION - (Revised back-up was added Monday, August 1, 2011 @ 5:07 PM).

Explanation: At its meeting on July 7, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the Code to permit the sale of beer only, on the street for a 501(c)(3) sponsor, on Fridays that precede a regularly scheduled University of Florida home football games, when such events are produced to attract and entertain people across a broad range of ages and is co-sponsored by the city. The ordinance reflects the criteria discussed at the meeting.

Contemporaneously, the City Attorney's Office revised this section of the Code of Ordinances to clarify the prohibition on open containers and the special events and areas where alcoholic beverages may be served and consumed.

This ordinance requires two readings. If approved on first reading, the second and final reading will be August 18, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/19/11 City Commission Approved as Recommended (7 - 0)

7/7/11 City Commission Approved as Recommended (6 - 1)

110017_PPT_20110707.pdf
 110017_draft ordinance_20110804.pdf
 110017_MOD_draft ordinance _20110804.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100591.

LANDLORD PERMIT PROGRAM FEES (B)

Ordinance No. 100591

An ordinance of the City of Gainesville, Florida, amending section 14.5-1(c) of the City of Gainesville Code of Ordinances to authorize the City Attorney to seek judicial resolution of delinquent fees; amending section 14.5-1(d), City of Gainesville Code of Ordinances, relating to landlord permit fees; providing for Code Enforcement Board-imposed fines to stop accruing under certain conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: CITY ATTORNEY MEMORANDUM

At its meeting on June 16, 2011, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance to authorize judicial resolution of delinquent fees by adding an additional method for collection and enforcement of delinquent fees and providing a specified termination for the accrual of points for Code Enforcement Board-imposed fines related to landlord license fees.

This ordinance requires two readings. If approved on first reading, the second and final reading will be August 4, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/14/10	Community Development Committee	Approved as shown above (See Motion)
6/16/11	City Commission	Approved as Amended (7 - 0)
7/21/11	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100591_Memo_20101214.pdf
 100591_1-12-10 Minutes_20101214.pdf
 100591_CDC Minutes_20110616.pdf
 100591_CITIZEN_COMMENT_20110616.pdf
 100591_draft ordinance_20110721.pdf

110048.

STREET VACATION – 3333 NORTH MAIN STREET (B)

Ordinance No. 110048, Petition PB-11-61SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon and

close approximately 100 feet of unimproved right-of-way located in the vicinity of 3333 North Main Street, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

This petition is a request to vacate a portion of the North Main Street right-of-way. This portion of the right-of-way is approximately 100 feet wide and 35 feet deep, running parallel to Main Street. It is not currently part of the roadway, but is located between the sidewalk and the property line of 3333 North Main Street, which is currently being redeveloped as the new location for Prestige Lincoln-Mercury, Inc. This is a referral from the City Commission (Legistar number 100774). The City Commission approved a recommendation for Planning and Development Services to initiate a Plan Board petition to vacate the right-of-way on April 7, 2011.

Staff recommends approval based on the criteria for street vacation established in sec. 30-192 of the City's Land Development Code.

Public notice was published in the Gainesville Sun on May 9, 2011. The Plan Board held a public hearing on May 26, 2011.

Fiscal Note

None.

Recommendation

City Plan Board to City Commission- The City Commission approve Petition PB-11-61SVA. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-11-61SVA as recommended by the City Plan Board, and reserve the public and private utilities easement.

Staff to City Plan Board – The City Plan Board approve Petition PB-11-61SVA.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/21/11 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110048_draft ordinance_20110721.pdf

110048B_staff report_20110721.pdf

110048C_append A-1_20110721.pdf

110048D_append A-2_20110721.pdf

110048E_append B_20110721.pdf

110048F_cpb minutes_20110721.pdf

110048G_staff ppt_20110721.pdf

110048_draft ordinance_20110721.pdf

100678.**REZONINGS - VICINITY OF WEST OF SW 34TH STREET AND NORTH OF SW ARCHER RD (B)****Ordinance No. 100678, Petition No. PB-10-136ZON-A**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties annexed into the City, as more specifically described as follows: Area 1: from the Alachua County zoning categories of "Agricultural (A) district", "Multiple family, medium density (R-2) district", and "Planned development (PD) district", to the City of Gainesville zoning categories of "CON: Conservation district" and "PS: Public services and operations district" to allow cemeteries as a use permitted by right; without approval of a preliminary development plan; Area 2: from the Alachua County zoning category of "Agricultural (A) district" and "Multiple family, high density (R-3) district", to the City of Gainesville zoning category of "CON: Conservation district"; Area 3: from the Alachua County zoning categories of "Multiple family, medium-high density (R-2a) district" and "Industrial services and manufacturing (MS and MP) districts", to the City of Gainesville zoning categories of "RMF-5: 12 units/acre single-family/multiple-family residential district", "RMF-7: 8-21 units/acre multiple-family residential district", "BI: Business industrial district", and "PS: Public services and operations district" to allow electric, gas, and sanitary services (MG-49); utility lines; water conservation areas, water reservoirs and control structures, drainage wells and water wells; stormwater facilities; any use customarily incidental to any permitted principal use as uses permitted by right; without approval of a preliminary development plan; Area 4: from the Alachua County zoning categories of "Industrial services and manufacturing (MS and MP) districts", "Highway oriented business services (BH) district", "Residential Professional (RP) district", and "Single family, low density (R-1c) district", to the City of Gainesville zoning categories of "BI: Business industrial district" and "BUS: General business district"; located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of Southwest 34th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition is a rezoning from Alachua County to City of Gainesville designations. It covers approximately 285 acres of southwest Gainesville in the vicinity of SW 20th Avenue, SW Archer Road, and SW 34th Street.

Proposed zoning categories were selected to reflect existing conditions and to be compatible with surrounding uses: CON (Conservation) zoning for the northern portion of the subject area, which includes Hogtown Creek, wetlands, and the ten-year flood channel; BI (Business Industrial) zoning for the lands adjacent to the interstate along the southern portion of SW 43rd Street; BUS (General Business) for the parcels along SW 34th Street and SW Archer Road; and RMF-5, RMF-7, ED (Education) and PS (Public services and operations)

zoning, as appropriate, for several small parcels in the annexation area.

The original "Southwest Annexation" petitions (PZ-09-145LUC and PZ-09-146ZON) were presented to the Plan Board on December 7, 2009 and to the City Commission on January 21, 2010. The City Commission voted to continue the petitions to allow further exploration of implementation options for the Urban Village portion of the petition. Per the requirements of sec. 30-347.8 of the Land Development Code, "If a petition or recommendation for a change or amendment is not acted upon finally by the city commission within six months of the date upon which the report of the city plan board is filed with the city commission, the petition shall be deemed denied without prejudice. However, no petition shall be deemed denied if the city commission has continued its consideration to a date certain, or has stayed action on the petition by enactment of a moratorium ordinance." Since no action was taken during the 6-month time limit, the original land use petition (PZ-09-145LUC) and associated rezoning petition (PZ-09-146ZON) have been deemed denied without prejudice.

Staff has split the petitions so that Petition PB-10-136ZON represents only parcels located outside the Urban Village. The attached staff report reflects all of the Plan Board's recommended changes.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.

Fiscal Note: None.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/3/11	City Commission	Approved (Petition) as amended by the Plan Board (6 - 0 - 1 Absent)
7/21/11	City Commission	Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100678_staff report_20110303.pdf

100678A_110127_cpb minutes_20110303.pdf

100678_staff ppt_20110303.pdf

100678_MOD_QJ_FORMS_20110303.pdf

100678_draft ordinance_20110721.pdf

100851.

REZONING - UF EASTSIDE CAMPUS (B)

Ordinance No. 100851, Petition No. PB-11-19ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property from "PS: Public services and operations district" and "MH: 12 units/acre mobile home residential district" to "ED: Educational services district"; consisting of approximately 14.3 acres, and located in the vicinity of 2004 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This proposed rezoning from PS (Public services and operations district) and MH (12 units/acre mobile home residential district) to ED (Educational services district) is for the University of Florida Eastside Campus. This approximately 14.3-acre, developed property is on the west side of Waldo Road and is south of Northeast 23rd Avenue. To the south of the UF Eastside Campus are a residential neighborhood, and an electrical contracting business. To the north is a vacant, 2.6-acre property (now owned by the university and proposed for an expansion of the Eastside Campus) that was previously part of the mobile home park to its north, and Northeast 23rd Avenue. To the east and across Waldo Road is the State of Florida's Tacachale residential facility for the developmentally disabled. To the west are a self-storage facility and business center, a small non-residential building of unknown use, and a very small, vacant parcel.

The UF Eastside Campus is within the Eastside Community Redevelopment Area, but it is not within either the Enterprise Zone or a special area plan. This property is part of the 2005-2015 Campus Master Plan and is subject to the provisions of the 2005-2015 Campus Development Agreement.

This petition is related to Petition PB-11-18 LUC, which is a request for a large-scale amendment of the Future Land Use Map from Public Facilities and Residential Low-Density (up to 12 units per acre) to Education. A separate petition for a small-scale amendment of the Future Land Use Map from Residential Low-Density (up to 12 units per acre) and to Education (and a related petition for rezoning from MH (12 units/acre mobile home residential district) and to ED (Educational services district)) for the approximately 2.6-acre property to the north was recommended for approval by the City Plan Board on February 24, 2011, and is scheduled to be heard by the City Commission on April 21, 2011.

The Plan Board discussed the petition and recommended approval with a 6-0 vote.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

Fiscal Note

None.

Recommendation

City Plan Board to City Commission - Approve Petition PB-11-19 ZON and find it consistent with the City's Comprehensive Plan and the land development regulations. The Plan Board voted 6-0.

Staff to City Commission - Approve Petition PB-11-19 ZON.

Staff to City Plan Board - Approve Petition PB-11-19 ZON.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of May 5, 2011, authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the City of Gainesville.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/5/11 City Commission Approved (Petition) (7 - 0)
7/21/11 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

100851_staff report_20110505.pdf
100851A_Append A_20110505.pdf
100851B_append B_20110505.pdf
100851C_exhibit C_Aerial UF Eastside_20110505.pdf
100851D_append D_20110505.pdf
100851E_cpb minutes_20110505.pdf
100851F_staff ppt_20110505.pdf
100851_draft ordinance_20110721.pdf
100851B_staff ppt_20110721.pdf

PLAN BOARD PETITIONS**110168.****Amend the Historic Preservation Element for the updated City of Gainesville Comprehensive Plan (B)****Petition PB-11-6 CPA. Update the Historic Preservation Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.**

Explanation: This petition is part of amending the City of Gainesville 2000-2010 Comprehensive Plan. The Historic Preservation Element emphasizes the preservation, protection, restoration and rehabilitation of historical and cultural resources and improves the quality of the built environment and maintains the character and identity of the City. The City Plan Board reviewed and provided comments to the Evaluation and Appraisal Report (EAR) for the Historic Preservation Element of the 2000-2010 Comprehensive Plan at a public workshop on March 31, 2010. The City Commission heard an EAR progress report on August 19, 2010. The Plan Board recommended approval of the EAR on September 15, 2010, and the City Commission adopted the EAR on October 21, 2010. The Florida Department of Community Affairs on December 27, 2010 determined that the City's adopted Evaluation and Appraisal Report was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law, effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Since the needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward

(outside of the new evaluation process) to update the comprehensive plan.

The proposed changes to the Goals, Objectives, and Policies include:

Policy 1.1.2 was deleted and replaced with more specific language to develop a city-wide archaeological sensitivity map to indicate the probability of archaeological sites. Coordinating with groups that are surveying and identifying cemeteries (Policy 1.1.3) was deleted because at this time the surveying and registering of the Evergreen Cemetery has been postponed.

New policies (Policies 1.3.8, 1.3.9, and 1.3.10) have been added to promote: improvements to deteriorated structures, preservation of City-owned structures and projects within the historic districts adhering to appropriate historic preservation standards.

Other new policies (Policies 1.4.5, 1.4.6, and 1.47) focused on the coordination of the historic districts and the City's public spaces of streets and traffic circulation, sidewalks and utility improvements while maintaining the historic character of the historic districts and limiting traffic impacts.

The Plan Board discussed the Historic Preservation Element at their March 24, 2011 meeting and recommended a change to Policy 1.3.9.

Fiscal Note: None.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board discussed the item at their March 24, 2011 meeting. The Plan Board approved the petition with an amendment to Policy 1.3.9 to add the word significant in front of historic structures. This change has been made in the goals, objectives and policies included in the backup.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-6 CPA with an amendment to Policy 1.3.9 and find it consistent with the City's Comprehensive Plan. The Plan Board voted 5-0.

Staff to City Commission - Approve Petition PB-11-6 CPA with the Plan Board recommended change to Policy 1.3.9.

Staff to City Plan Board - Approve Petition PB-11-6 CPA.

110168A_staff report_20110804.pdf
110168B_append A_HP GOP's_20110804.pdf
110168C_append B_updated maps_20110804.pdf
110168D_HP data & analysis_20110804.pdf
110168E_append C_application_20110804.pdf
110168F_cpb minutes_20110804.pdf
110168G_staff ppt_20110804.pdf

110170.**Amend the Cultural Affairs Element for the updated City of Gainesville Comprehensive Plan (B)****Petition PB-11-5 CPA. Update the Cultural Affairs Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.**

Explanation: This petition is part of updating the City of Gainesville Comprehensive Plan. The Cultural Affairs Element emphasizes the cultural "industry" in the City of Gainesville. The City Plan Board reviewed and provided comments to the Evaluation and Appraisal Report (EAR) for the Cultural Affairs Element of the 2000-2010 Comprehensive Plan at a public workshop on March 31, 2010. The City Commission during an EAR progress report on August 19, 2010. The Plan Board recommended approval of the EAR on September 15, 2010, and the City Commission adopted the EAR on October 21, 2010. The Florida Department of Community Affairs on December 27, 2010 determined that the City's adopted Evaluation and Appraisal Report was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Since the needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan.

The proposed changes to the Goals, Objectives, and Policies include incorporating the 2004 Cultural Plan goals and information from Arts and Economic Prosperity III, a national survey of the economic impact of the non-profit arts and cultural organizations and their audiences, conducted by Americans for the Arts in 2007 in which the City of Gainesville participated.

Many of the objectives and policies have been deleted because the City of Gainesville has little control over educational organizations and needs to delete all the policies under Objective 2.3 which state, "The City shall enhance and support opportunities for artistic training and preparation across all creative and performing art forms and at all levels". Objective 2.3 and all the Policies are deleted from the Cultural Affairs Element.

Additional objectives and policies were deleted in relation to a shift in departmental responsibility. The Community Redevelopment Agency (CRA) has taken some responsibility for the Bo Diddley Plaza development and the Parks, Recreation and Cultural Affairs Department continues its maintenance, as well as the "Free Fridays" concert series from May through October.

The remaining objectives and policies have been restructured and combined.

Public notice was published in the Gainesville Sun on February 8, 2011. The Plan Board held a public hearing on February 24, 2011 and recommended

approval with a 7-0 vote.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-5 CPA and find it consistent with the City's Comprehensive Plan. The Plan Board voted 7-0.

Staff to City Commission - The City Commission approve Petition PB-11-5 CPA.

Staff to City Plan Board - Approve Petition PB-11-5 CPA.

110170A_staff report_20110804.pdf
 110170B_cultural affairs GOPs_20110804.pdf
 110170C_cultural affairs D&A report_20110804.pdf
 110170D_application_20110804.pdf
 110170E_cpb minutes_20110804.pdf
 110170F_staff ppt_20110804.pdf

110171.

Amend the Solid Waste Element for the updated Comprehensive Plan (B)

Petition PB-11-77 CPA. Update the Solid Waste Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed 2010-2020 Comprehensive Plan.

Explanation: This petition amends the City of Gainesville 2000-2010 Comprehensive Plan Solid Waste Element for the updated Comprehensive Plan.

The proposed, revised Solid Waste Element includes goals, objectives and policies that are the result of the old Evaluation and Appraisal Report (EAR) process. The Plan Board reviewed the element and provided comments at their June 30, 2010 workshop. A progress report on Solid Waste was heard by the City Commission on August 19, 2010. The Plan Board held a public hearing on the EAR on September 15, 2010, and the City Commission transmitted (adopted) the EAR on October 21, 2010. On December 27, 2010, the Florida Department of Community Affairs determined that the City's adopted EAR was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Since the needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan.

Major amendments to the goals, objectives and policies include an amended Objective 1.1 that revises the waste diversion rate to 75 percent to match the target established by the State of Florida. For Policy 1.1.5, the date and

percentage target of participation in the recycling program was raised. An amended set out rate is proposed for Policy 1.1.8. Finally, Policy 1.5.1 is updated to show that the "Interlocal Agreement for Solid Waste Services Between Alachua County and The City of Gainesville, Florida", is in effect until December 31, 2018.

Planning Division staff recommended approval of Petition PB-11-77 CPA.

The City Plan Board reviewed the petition and recommended approval. Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on June 6, 2011. The Plan Board held a public hearing on June 23, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-11-77 TCH. Plan Board vote 4-0.

Staff to City Commission - The City Commission approve Petition PB-11-77 CPA.

Staff to the Plan Board - Approve Petition PB-11-77 CPA.

110171A_staff report_20110804.pdf
 110171B_append A_solid waste GOPs_20110804.pdf
 110171C_append B_addendum_20110804.pdf
 110171D_append C_updated maps_20110804.pdf
 110171E_append D_interlocal agreement_20110804.pdf
 110171F_append E_application_20110804.pdf
 110171G_cpb minutes_20110804.pdf
 110171H_staff ppt_20110804.pdf

110172.

Amend the Stormwater Management Element for the updated Comprehensive Plan (B)

Petition PB-11-76 CPA. Update the Stormwater Management Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed 2010-2020 Comprehensive Plan.

Explanation: This petition amends the City of Gainesville 2000-2010 Comprehensive Plan to update it. Through the policies and regulations proposed in the Stormwater Management Element, the City is endeavoring to implement a stormwater management plan that enhances the function of natural systems to provide flood control and water quality treatment.

The proposed, revised Stormwater Management Element includes goals, objectives and policies that are the result of the old Evaluation and Appraisal Report (EAR) process. The Plan Board reviewed the element and provided

comments at their May 12, 2010 workshop. A progress report on Stormwater Management was heard by the City Commission on June 3, 2010. The Plan Board held a public hearing on the EAR on September 15, 2010, and the City Commission transmitted (adopted) the EAR on October 21, 2010. On December 27, 2010, the Florida Department of Community Affairs determined that the City's adopted EAR was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Since the needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan.

The major proposed changes to the policies are related to strengthening natural resource protection. Policy 1.7.2 is amended to address the acquisition of environmentally sensitive lands other than wetlands. Policy 1.7.3 has to be updated to be consistent with the wetland policies in the Conservation, Open Space and Groundwater Recharge Element. Policy 1.9.1 would add trails as an example of passive recreation that the City would like to promote for joint use with retention and detention basins.

The City is proposing new Policy 1.3.10, to address the concern expressed by the City Commission about stormwater runoff from the Cabot-Koppers Superfund Site. New Policies 1.6.6 and 1.7.5 are addressing the City's desire to encourage and adopt Low Impact Development (LID) concepts or other environmentally sensitive design guidelines for stormwater management facilities. The goals, objectives and policies also reflect the staff-recommended changes that were approved by the Plan Board on June 23, 2011.

The City Plan Board reviewed the petition and recommended approval with minor staff changes presented at the meeting. Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on June 6, 2011. The Plan Board held a public hearing on June 23, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-11-76 TCH with minor staff changes presented at the meeting. Plan Board vote 4-0.

Staff to City Commission - The City Commission approve Petition PB-11-76 CPA.

Staff to the Plan Board - Approve Petition PB-11-76 CPA with minor staff changes presented at the meeting.

110172A_staff report_20110804.pdf
110172B_append A_stormwater GOPs_20110804.pdf
110172C_append B_addendum_20110804.pdf
110172D_append C_updated maps_20110804.pdf
110172E_append D_interlocal agreement_20110804.pdf
110172F_append E_application_20110804.pdf
110172G_cpb minutes_20110804.pdf
110172H_staff ppt_20110804.pdf

110173.

Amend the Public Schools Facilities Element for the updated City of Gainesville Comprehensive Plan (B)

Petition PB-11-31 CPA. Update the Public Schools Facilities Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.

Explanation: The City of Gainesville adopted a Public Schools Facilities Element (PSFE) in December 2008. The City Plan Board reviewed the Evaluation and Appraisal Report (EAR) for the Public Schools Facilities Element of the 2000-2010 Comprehensive Plan at a public workshop on May 27, 2010, as did the City Commission during an EAR progress report on August 19, 2010. The Plan Board recommended approval of the EAR on September 15, 2010, and the City Commission adopted the EAR on October 21, 2010. The Florida Department of Community Affairs on December 27, 2010 determined that the City's adopted Evaluation and Appraisal Report was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law, effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Since the needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan.

The proposed amendments to the Goals, Objectives, and Policies of the Public Schools Facilities Element for the updated Gainesville Comprehensive Plan are to Objective 2.6, Policy 2.6.1 and Policy 3.1.2.

The amendments to Objective 2.6 and Policy 2.6.1 will remove the considerable administrative burden on the City of adopting the School Board's annually updated 5-Year District Facilities Work Program in the required annual update of the 5-Year Schedule of Capital Improvements in the Comprehensive Plan. The City has no control over the School Board's 5-year facilities plan, which can and should be incorporated by reference (rather than by direct adoption) into the Capital Improvements Element of Gainesville's Comprehensive Plan. This has been found to be an acceptable procedure by the state land planning agency and is a practice used by other local governments. The current 5-year facilities plan of the School Board is provided as updated data and analysis for the Public Schools Facilities Element.

The proposed amendment to Policy 3.1.2 will strengthen the promotion of the neighborhood concept in new development and redevelopment by deleting the limitation that neighborhood centers be encouraged only for existing schools.

The Plan Board heard the petition and recommended approval with a 5-0 vote. It is of note that the 2011 Florida Legislature subsequently approved legislation in which public school concurrency and a public schools facilities element of a comprehensive plan are no longer required, but are instead optional. The Plan Board discussed these legislative changes during its review on May 26, 2011 of Petition PB-11-62 CPA (update of the Intergovernmental Coordination Element), and did not indicate that it was interested in eliminating public school concurrency or the Public Schools Facilities Element.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-31 CPA and find it consistent with the City's Comprehensive Plan. The Plan Board voted 5-0.

Staff to City Commission - Approve Petition PB-11-31 CPA.

Staff to City Plan Board - Approve Petition PB-11-31 CPA.

110173A_staff report_20110804.pdf

110173B_append A_exhibit A-1_20110804.pdf

110173C_append B_exhibit B-1_20110804.pdf

110173D_append C_application_20110804.pdf

110173E_cpb minutes_20110804.pdf

110173F_staff ppt_20110804.pdf

110174.

Amend the Intergovernmental Coordination Element for the updated City of Gainesville Comprehensive Plan (B)

Petition PB-11-62 CPA. Update the Intergovernmental Coordination Element of the City of Gainesville 2000-2010 Comprehensive Plan for the proposed City of Gainesville 2010-2020 Comprehensive Plan.

Explanation: The Intergovernmental Coordination Element (ICE) was amended in December 2008 to meet statutory requirements for public school concurrency and to update statutory references in the ICE. The amended ICE was approved on the same date that the then-required Public Schools Facilities Element was adopted by the City Commission. Public school concurrency has since been and continues to be implemented in the City of Gainesville, consistent with the school district-wide concurrency requirements that are implemented throughout the entire County.

The City Plan Board reviewed the Evaluation and Appraisal Report (EAR) for the ICE of the 2000-2010 Comprehensive Plan at a public workshop on April 28, 2010, as did the City Commission during an EAR progress report on May 20, 2010. The Plan Board recommended approval of the EAR on September 15, 2010, and the City Commission adopted the EAR on October 21, 2010. The Florida Department of Community Affairs on December 27, 2010 determined that the City's adopted Evaluation and Appraisal Report was sufficient.

In the intervening period since the finding of sufficiency for the City's EAR, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law, effective June 2, 2011. The old Evaluation and Appraisal Report process has been eliminated and a new evaluation requirement has replaced it. Because needed amendments to comprehensive plan elements were identified during the old process, the City is moving forward (outside of the new evaluation process) to update the comprehensive plan.

A major change with respect to school concurrency has recently occurred. The Florida Legislature's approval of House Bill 7207 on May 7, 2011 deleted the F.S. 163 requirements pertaining to a public school facilities element. Gainesville's Public Schools Facilities Element (PSFE) therefore is no longer a required element of the Comprehensive Plan, and school concurrency is no longer required by Chapter 163, Florida Statutes.

The proposed amendments to the Goals, Objectives, and Policies of the ICE for the updated Gainesville Comprehensive Plan include new Policies 1.1.4, 1.1.10, and 1.3.7 that require: meeting with representatives of the School Board and other local governments to discuss public school concurrency issues; development of a State-required interlocal agreement with Alachua County regarding airport zoning regulations pertaining to the airport hazard area; and coordination with Alachua County on additional funding sources for transportation.

The Plan Board on May 26, 2011 heard a staff presentation on proposed amendments to the ICE, provided comments to staff, and continued the petition to the June 23, 2011 Plan Board meeting. The Plan Board in its May 26, 2011 review of Petition PB-11-62 CPA expressed no interest in eliminating public school concurrency or the Public Schools Facilities Element. However, the Plan Board's motion on June 23rd included a recommendation that staff continue discussions with the School Board and other local governments regarding school concurrency.

Public notice was published in the Gainesville Sun on May 9, 2011. The Plan Board held a public hearing on May 26, 2011 and continued this item to June 23, 2011. The Plan Board approved the petition on June 23, 2011 with amendments.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-62 CPA, changing "urban sprawl" in

Policy 1.4.1 f. to "urban sprawl as defined in state statutes", and with a recommendation that staff continue discussions with the School Board and other local governments regarding school concurrency. The Plan Board voted 4:0.

Staff to City Commission - Approve Petition PB-11-62 CPA as recommended by the Plan Board.

Staff to City Plan Board - Approve Petition PB-11-62 CPA.

110174A_staff report_20110804.pdf
 110174B_append A_amended ICE_20110804.pdf
 110174C_append B_exhibit B-1 - B-3_20110804.pdf
 110174D_append C_application_20110804.pdf
 110174E_cpb minutes_20110804.pdf
 110174F_staff ppt_20110804.pdf

110076.

Add and Update Regulations for the Protection of Natural and Archaeological Resources (B)

Petition PB-10-143 TCH. City of Gainesville. Amend the Land Development Code to add and update regulations for the protection of natural and archaeological resources. Delete Sections 30-309 & 30-309.1 of the Land Development Code, which pertain to the Significant Ecological Communities District.

*MODIFICATION - (Additional back-up added by the petitioner 8/2/2011 @ 4:30 PM)
 ADDITIONAL SLIDES ADDED 8/4/2011 @ 11:30 AM and move this item to be heard first under PLAN BOARD PETITIONS.*

Explanation: This petition:

- 1. adds new definitions related to natural and archaeological resource protection;*
- 2. amends the Nature Park District to include new buffering requirements for developments adjacent to a Nature Park;*
- 3. adds review requirements for most development applications in order to determine the impacts on natural and archaeological resources;*
- 4. specifies the level of review required for Basic, Level 1, and Level 2 review, and specifies review fees;*
- 5. requires that parcels containing strategic ecosystems or significant natural communities not be disaggregated such that there is lesser natural resource protection;*
- 6. sets requirements for natural and archaeological resources assessments;*
- 7. sets further regulations for parcels with confirmed regulated natural or archeological resources (regulated resources include: significant natural communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant archaeological resources, and significant geological resources);*
- 8. provides for conservation management areas and management plans;*
- 9. establishes avoidance, minimization and monitoring requirements with*

respect to the regulated natural and archaeological resources;
10. amends the Relief and Enforcement provisions of Article VIII, Environmental Management; and,
11. deletes the Significant Ecological Communities section of the Code (Sections 30-309 & 30-309.1).

The manner in which the City addresses the protection of significant ecological communities, particularly with respect to Alachua County-designated Strategic Ecosystems that have been annexed by the City, was referred to the Community Development Committee in October 2007. A staff team subsequently worked for approximately one year to determine how the Land Development Code protects significant ecological communities and how such protection relates to the City Commission's expressed desire to ensure protection of designated Strategic Ecosystems once they are annexed.

The Community Development Committee on February 26, 2009 voted to refer the staff recommendation to the City Commission, which reviewed the matter on April 16, 2009 and approved staff's recommendation that a petition proceed to the City Plan Board.

The Plan Board held a public hearing on September 24, 2009 and unanimously approved the petition. The City Commission heard the petition on December 3, 2009 and continued it to an unspecified later date. That petition (PB-09-125. Legislative No. 090536) is now deemed to be denied without prejudice (per Sec. 30-347.8 of the Land Development Code) because more than six months have passed since the Plan Board's report was filed with the City Commission.

Staff has since worked with the City Attorney's Office in developing the current petition (Petition PB-10-143 TCH). The staff team recommends that the City focus on the preservation of significant natural communities and features through the normal development review process. Alachua County's land development regulations were used as the model for the proposed environmental regulations.

As part of the Plan Board's recommendation, they encouraged staff to continue working on the regulations and communicate with stakeholders. Planning staff held a meeting with stakeholders on May 9, 2011. There were additional comments and suggestions for improving the ordinance, and many of these have been incorporated into the final version of the proposed regulations (Exhibit 3). Planning staff also held a meeting on June 9, 2011 with GRU staff to discuss their concerns about the regulations and explain certain provisions. Additional changes were made to the regulations based on GRU's comments.

Exhibit 8 contains a list of the changes made to the proposed regulations since the Plan Board's approval of the petition on March 24. These changes are all included in the proposed regulations in Exhibit 3 and Exhibits 6 and 7.

The Plan Board discussed Petition PB-10-143 TCH and recommended approval with a 5-1 vote. There was extensive discussion about the proposed regulations and the impact on development within the City. Included in the motion for approval were staff changes provided on an errata sheet dated 3/24/11;

changes recommended in a letter from David Coffey (Comment 6.a. amend page 27 of draft regulations, paragraph f as shown in the letter and Comment 6.b. amend P. 28 of draft regulations, paragraph e, as shown in the letter); changes recommended in a letter from Dink Henderson on P. 36 of draft regulations to add "when stipulated in the management plan" in Section (k)(2)c and in section (k)(3), replace "properly maintained or managed" with "maintained in accordance with the approved management plan"; and encouraged staff to continue to work on the petition with stakeholders as the petition moved forward to the City Commission.

Public notice was published in the Gainesville Sun on March 8, 2011. The Plan Board held a public hearing on March 24, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-10-143 TCH with staff changes provided on an errata sheet dated 3/24/11; changes recommended in a letter from David Coffey (Comment 6.a. amend page 27 of draft regulations, paragraph f as shown in the letter and Comment 6.b. amend P. 28 of draft regulations, paragraph e, as shown in the letter); changes recommended in a letter from Dink Henderson on P. 36 of draft regulations to add "when stipulated in the management plan" in Section (k)(2)c and in section (k)(3), replace "properly maintained or managed" with "maintained in accordance with the approved management plan"; and encouraged staff to continue to work on the petition with stakeholders as the petition moved forward to the City Commission. The Plan Board voted 5-1.

Staff to City Commission - Approve Petition PB-10-143 TCH as amended by the Plan Board and as further modified by staff subsequent to the Plan Board meeting.

Staff to City Plan Board - Approve Petition PB-10-143 TCH with staff changes presented in the errata sheet dated 3/24/11.

Legislative History

7/7/11 City Commission Continued (Petition) (7 - 0)

110076A_exhibit 8_post cpb chgs_20110707.pdf
 110076B_staff report_20110707.pdf
 110076C_exhibit 1 timeline_20110707.pdf
 110076D_exhibit2_envtl petition Table1_20110707.pdf
 110076E_exhibit 3_envtl LDC chgs_20110707.pdf
 110076F_exhibit 4_remove envtl LDC_20110707.pdf
 110076G_exhibit 5_strategic ecosystems map_20110707.pdf
 110076H_exhibit 6_sec 30-300_20110707.pdf
 110076I_exhibit 7_sec 30-275_20110707.pdf
 110076J_cpb minutes.110324_20110707.pdf
 110076K_staff ppt_20110707.pdf
 110076L_MOD_Fowler Ltr to O Lazzari_20110707.pdf
 110076M_MOD_Fowler Ltr to COG_20110707.pdf
 110076N_MOD_Supplemental Staff PPT Slides_20110707.pdf
 110076A_exhibit 8_post cpb chgs_20110804.pdf
 110076B_staff report_20110804.pdf
 110076C_exhibit 1 timeline_20110804.pdf
 110076D_exhibit2_envtl petition Table1_20110804.pdf
 110076E_exhibit 3_envtl LDC chgs_20110804.pdf
 110076F_exhibit 4_remove envtl LDC_20110804.pdf
 110076G_exhibit 5_strategic ecosystems map_20110804.pdf
 110076H_exhibit 6_sec 30-300_20110804.pdf
 110076I_exhibit 7_sec 30-275_20110804.pdf
 110076J_cpb minutes.110324_20110804.pdf
 110076K_staff ppt_combined_20110804.pdf
 110076L_Fowler Ltr to O Lazzari_20110804.pdf
 110076M_Fowler Ltr to COG_20110804.pdf
 110076N_7-6-11 Memo to Comm Hawkins_20110804.pdf
 110076 O_responses to GACAR comments_20110804 .pdf
 110076_MOD_EC&D.CoG.LDCSuggestions_20080804.PDF
 110076-MOD_Memo&Maps(slides)_20110804.pdf

110077.

Remove the Significant Ecological Communities Overlay District from eight parcels located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road (B)

Petition PB-11-16 ZON. City Plan Board. Remove the Significant Ecological Communities Overlay District from eight parcels totaling approximately 47 acres in size and located generally east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road. Related to Petition PB-10-143 TCH.

Explanation: The properties that are the subject of this rezoning petition are located east of Southeast 24th Street, between University Avenue and Hawthorne Road. These eight parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to them by adoption of Ordinance No. 051019 on July 10, 2007.

The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which if

approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources. One component of that petition is deletion of Land Development Code Sections 309 and 309.1, which pertain to the Significant Ecological Communities District.

The City Commission adopted an ordinance in 2004 to create a significant ecological communities overlay district. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7:0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued because the City Attorney's office had not yet reviewed the substantial and lengthy draft. During 2010, the City Attorney's office and staff worked together to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5:1 to approve that petition.

If the regulations proposed by related PB-10-143 TCH are adopted by the City Commission, the Significant Ecological Communities Overlay District will no longer exist, and the protections it provided will be replaced by additional and updated regulations for the protection of natural and environmental resources that are applicable to all properties subject to the requirements of the City's Land Development Code.

The Plan Board discussed Petition PB-11-16 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that this petition be heard with Petition PB-10-143 TCH, and that approval of PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH).

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-16 ZON with the condition that Petition PB-10-143 TCH be approved by the City Commission. The Plan Board voted 4-0.

Staff to City Commission - Approve Petition PB-11-16 ZON.

Staff to City Plan Board - Approve Petition PB-11-16

ZON.

Legislative History

7/7/11 City Commission Continued (Petition) (7 - 0)

110077A_staff report_20110707.pdf
 110077B_append A_exhibit A-1 - A-3_20110707.pdf
 110077C_append B_application_20110707.pdf
 110077D_cpb minutes 110428_20110707.pdf
 110077E_staff ppt_20110707.pdf
 110077A_staff report_20110804.pdf
 110077B_append A_exhibit A-1 - A-3_20110804.pdf
 110077C_append B_application_20110804.pdf
 110077D_cpb minutes 110428_20110804.pdf
 110077E_staff ppt_20110804.pdf

110078.

Remove the Significant Ecological Communities Overlay District from the approximately 368-acre property adjacent to the City's Ironwood Golf Course (B)

Petition PB-11-17 ZON. City Plan Board. Remove the Significant Ecological Communities Overlay District from an approximately 368-acre property generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. Related to Petition PB-10-143 TCH.

Explanation: The approximately 368-acre property that is the subject of this rezoning petition is located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. It surrounds (one part is within) the City's Ironwood Golf Course. The Significant Ecological Communities Overlay zoning district was applied to this property by adoption of Ordinance No. 050160 on November 17, 2005.

The proposed removal of the Significant Ecological Communities Overlay District from this property is necessitated by the related, amended land development regulations proposed by Petition PB-10-143 TCH, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources. One component of that petition is deletion of Land Development Code Sections 309 and 309.1, which pertain to the Significant Ecological Communities District.

The City Commission adopted an ordinance in 2004 to create a significant ecological communities overlay district. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, to the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.

Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009

to the Plan Board, which by a 7:0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued because the City Attorney's office had not yet reviewed the substantial and lengthy draft. During 2010, the City Attorney's office and staff worked together to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5:1 to approve that petition.

If the regulations proposed by related PB-10-143 TCH are adopted by the City Commission, the Significant Ecological Communities Overlay District will no longer exist, and the protections it provided will be replaced by additional and updated provisions for the protection of natural and environmental resources that are applicable to all properties subject to the requirements of the City's Land Development Code.

The Plan Board heard Petition PB-11-17 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that this petition be heard with Petition PB-10-143 TCH, and that approval of PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH).

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-11-17 ZON with the condition that Petition PB-10-143 TCH be approved by the City Commission. The Plan Board voted 4-0.

Staff to City Commission - Approve Petition PB-11-17 ZON.

Staff to City Plan Board - Approve Petition PB-11-17 ZON.

Legislative History

7/7/11 City Commission Continued (Petition) (7 - 0)

110078A_staff report_20110707.pdf
 110078B_append A_exhibits A-1 - A-3_20110707.pdf
 110078C_append B_application_20110707.pdf
 110078D_cpb minutes 110428_20110707.pdf
 110078E_staff ppt_20110707.pdf
 110078A_staff report_20110804.pdf
 110078B_append A_exhibits A-1 - A-3_20110804.pdf
 110078C_append B_application_20110804.pdf
 110078D_cpb minutes 110428_20110804.pdf
 110078E_staff ppt_20110804.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS**110147.****Appeal of Development Review Board Decision - Jack's Bar Case - 16 and 24 S. Main Street, Petition DB-11-38 SPA (B)**

This item is an appeal filed challenging the Development Review Board's decision to grant Preliminary Development Plan approval of Petition DB-11-38 SPA for conversion of an existing office space to a bar (Alcoholic Beverage Establishment) with an associated outdoor café.

MODIFICATION - (Additional back-up added by HGI 8/2/2011 @ 4:30 PM). Please note that 2 more items were added by HGI, Inc. 8/3/2011 @ 2:30 PM.

Explanation: On May 12, 2011, the Development Review Board (DRB) considered Petition DB-11-38 SPA at a public hearing and voted 4 - 0 to continue the petition asking the applicant to address issues related to establishing a principal use by expanding the interior space allocated for the Alcoholic Beverage Establishment, including a photometric plan, establishing a definitive fence height of 48 inches and working with staff to address comments from an adjacent neighbor.

On June 9, 2011, the petition was resubmitted to the Development Review Board (DRB) at a public hearing. The board voted to approve the Petition with staff conditions, by a vote of 4-0.

On June 27, 2011, Mr. Michael Volk, representing Historic Gainesville Inc., filed an appeal to the DRB decision. The appeal alleges that Preliminary Development Plan approval should not have been granted for the following reasons: 1) the project is an intensification of a non-conforming condition and does not conform to the City of Gainesville's Code and the Comprehensive plan; 2) the project does not comply with the intent of Policy 3.5.6 of the Urban Design Element of the Comprehensive Plan; 3) the project does not comply with the intent and wording of the "Special Area Plan overlay district for the Traditional City"; 4) the project does not comply with the requirements of the Central City District in that the area devoted to outdoor café is greater than the area devoted to Alcoholic Beverage Establishment; and 5) the proposed development does not comply with Sections 30-87 and 30-23 of the City of Gainesville Land Development Code.

There are two threshold legal issues that staff feels are appropriate for the City Commission to examine from the outset regarding deliberations on this appeal.

Standing

In order to have standing to appeal a decision under the City's Land Development Code (Appendix A. Section 4. Special Area Plan for Traditional City, Exhibit B. (e) Right to appeal) or to appeal and challenge the consistency of a development order with the comprehensive plan (Section 163.3215, Florida Statutes), a person must be "adversely affected" or "aggrieved" by the decision.

As defined in the City's Land Development Code (Sec. 30-23) and Section 163.3215, the term "adversely affected" or "aggrieved" person/party means:

any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

With respect to organizations or citizen groups, the courts have recognized that an organization whose members are injured may represent those members in an appeal proceeding. However, a general interest in the matter does not place the organization, or its members, among the injured. In this case, the Appellant (an organization) has asserted that it "will be impacted via the negative effects to its members (and other Gainesville citizens) caused by this noncompliant development in our downtown." The Appellant has failed to assert how it, or any of its individual members, will suffer injury or adverse effect of a greater degree than the general citizenry. The Appellant does not own property within the 400 foot notice area, nor was it recognized as an "adversely affected" or "aggrieved" party at the DRB hearing on this matter.

For these reasons, Staff recommends the City Commission dismiss the appeal based on lack of standing by the Appellant.

Limited Jurisdiction

If the City Commission finds the Appellant has established standing, the City Commission should limit its review to only two of the issues raised by the Appellant (Noncompliance with the Special Area Plan for the Traditional City and Noncompliance with the Comprehensive Plan, Urban Design Element, Policy 3.5.6.) for the following reasons. Section 30-352.1(b) of the City's Land Development Code generally provides that any final order of the Development Review Board may be appealed to the appropriate court within 30 days of the order by an action in the nature of a writ of certiorari. However, with respect to the Traditional City Special Area Plan standards, the Land Development Code (Appendix A. Section 4. Special Area Plan for Traditional City, Exhibit B. (e) Right to appeal) provides a right to appeal to the City Commission, after which the decision of the City Commission may be appealed to the courts as provided by law. In addition, with respect to inconsistency with the Comprehensive Plan, Section 163.3194(1)(a), Florida Statutes, requires that all actions taken in regard to development orders by governmental agencies be consistent with its adopted comprehensive plan. Therefore, because this is a de novo hearing before the City Commission that will result in a development order, the City Commission has jurisdiction to consider consistency with the Comprehensive Plan.

For these reasons, Staff recommends the City Commission limit this appeal

hearing to two issues: 1) Noncompliance with the Special Area Plan for the Traditional City, and 2) Noncompliance with the Comprehensive Plan, Urban Design Element, Policy 3.5.6. The remaining issues may be appealed to the appropriate court, as provided by the Land Development Code and state law.

Fiscal Note: None.

RECOMMENDATION

Recommendation: Staff to City Commission: Dismiss appeal based on lack of standing by Appellant.

Alternative Recommendation: City Commission: 1) Find that Appellant has established standing; 2) Hear appeal as to two issues: Noncompliance with the Special Area Plan for the Traditional City and Noncompliance with the Comprehensive Plan, Urban Design Element, Policy 3.5.6., including presentations from staff, William Chick and/or his agents (the applicant) and Historic Gainesville, Inc. (the affected party appellant); and 3) affirm, amend or reverse the decision of the Development Review Board.

110147A_Appeal Application_20110804.pdf
 110147B_Letter to Sergio Reyes_20110804.pdf
 110147C_SPA Comments SPUTO_20110804.pdf
 110147D_5-4-11 Development Plan_20110804.pdf
 110147E_5-23-11 Development Plan_20110804.pdf
 110147F_Appeal Response - Staff Memo_20110804.pdf
 110147G_6-9-11 DRB Minutes_20110804.pdf
 110147H_Staff Power Point_20110804.pdf
 110147 I_Applicant PPt_20110804.pdf
 110147_MOD_HGI full presentationfinal1_20110804.pdf
 110147_MOD_homassa-vs-citruscaselaw220110804.pdf
 110147_MOD_nassau-vs-williscaselaw1_20110804.pdf
 110147_MOD_Appeal Standing Documentation20110804.pdf
 110047_MOD_ExpertLetterHGI Appeal_20110804.pdf

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)