

# **City of Gainesville**

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



## **Meeting Agenda**

**May 17, 2012**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)*

*Commissioner Thomas Hawkins (At Large)*

*Commissioner Lauren Poe (At Large)*

*Commissioner Yvonne Hinson-Rawls (District 1)*

*Commissioner Todd Chase (District 2)*

*Commissioner Susan Bottcher (District 3)*

*Commissioner Randy Wells (District 4)*

*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 line at 334-2069 at least two business days in advance.*

## 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

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 110937.

#### **Options for Land Use and/or Zoning Changes in the North Main Street Charrette Area (B)**

*Explanation: On February 15, 2011, the Planning & Development Services Department held a charrette to allow residents and businesses in the North Main Street area, along with other interested parties, to voice their recommendations and concerns regarding the charrette area. The North Main Street Charrette Area is bounded on the east by Northeast 2nd Street, on the north by North 23rd Avenue, and on the south by North 8th Avenue. Its western boundary is Northwest 6th Street between North 8th and North 16th Avenues, and is the Seaboard Coastal Railway right-of-way between North 16th and North 23rd Avenues.*

*Subsequent to the charrette, there has been interest in changing land use and zoning for several properties within the area. Staff has identified five areas within the original charrette area where land use and/or zoning changes might assist in facilitating redevelopment consistent with the types of uses desired for North Main Street. The 5 areas are located north of NW/NE 8th Avenue, west of NE 2nd Street, south of NW 16th Avenue, and east of NW 6th Street. The areas are labeled as:*

- 10th Avenue PD*
- Warehouse District*
- Rail-Trail Commercial*
- Main Street Commercial*

· 10th Avenue Business Automotive

Detailed options for land use and/or zoning changes for each of these areas are shown in the backup. All of the affected areas lie within the proposed Form-Based Code analysis area currently under review by the City's consultant.

*Fiscal Note: None.*

**RECOMMENDATION**

Staff to City Commission - Refer this item to the Community Development Committee for review of options for land use and zoning changes proposed for the North Main Street Charrette area.

110937\_2012 N Main St Charrette Rpt\_20120517.pdf

**110939.**

**Florida Division of Cultural Affairs General Program Support, Local Arts Agency Grant (NB)**

**This item requests approval by the City Commission for the Department of Parks, Recreation and Cultural Affairs (PRCA) to apply to the Florida Division of Cultural Affairs for a Local Arts Agency grant.**

*Explanation: The City of Gainesville Parks, Recreation and Cultural Affairs Department (PRCA) has been designated as the Local Arts Agency (LAA) for Alachua County since 1985. As such, the Cultural Affairs Division has applied a number of times to the State of Florida Division of Cultural Affairs (DCA) for a General Program Support grant in the LAA category. PRCA qualifies as a Level III organization and can apply for the highest level of funding, \$150,000. With diminished State funds for culture however, grant awards at this level can be as low as 10% of the requested amount or not awarded at all, depending upon the Legislative appropriation for the year. Though this grant is for general operating support and providing professional services as a LAA, the additional financial resources will be applied towards initiatives that will build local arts agencies' capacity, as well as marketing of the arts in the community and beyond.*

*The grant submission deadline is June 1, 2012; panel review of applications is scheduled for September, 2012, and final recommendations will be announced June, 2013. The grant award period is July 1, 2013 - June 30, 2014.*

*Fiscal Note: There is no fiscal impact related to this grant application request. Since it is a General Program Support grant in the Local Arts Agency category not to exceed \$150,000, and the Department is the designated Local Arts Agency for Alachua County, current allocated operating funds can be used to meet the required 1:1 matching funds. No additional funds will be necessary should the grant be awarded.*

**RECOMMENDATION**

*The City Commission: 1) approve the submission of an application to the State of Florida, Division of Cultural Affairs Local Arts Agency grant program; 2) authorize the Parks, Recreation and Cultural Affairs*

*Department to accept the grant if awarded; and 3) authorize the City Manager or designee to execute any grant related documents, subject to approval by the City Attorney as to form and legality.*

## GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

### 110946.

#### **Engineering Services for Water Reclamation Facilities Dewatering Project (NB)**

**Staff recommends approval of the final ranking of the engineering firms and authorization to negotiate a contract in accordance with the Consultants Competitive Negotiations Act (CCNA) for engineer design services for the Water Reclamation Facilities Dewatering Project.**

*Explanation: GRU currently operates two water reclamation facilities, the Kanapaha Water Reclamation Facility and the Main Street Water Reclamation Facility. These facilities collect wastewater throughout Gainesville and Alachua County and produce aerobically digested Class B biosolids which are beneficially reused via land application at a local agricultural site (Whistling Pines Ranch) through a long term lease. In February 2011, GRU and Alachua County Commission agreed to a consent order to cease application of Class B biosolids at the site by February 21, 2016. All viable alternatives for future reuse of biosolids require dewatering facilities that produce 20% solids to be constructed as well as thickening improvements to existing facilities. These facility improvements will take approximately 3 years to construct. The engineering services provided under this contract will provide design documents, specifications, pilot testing, contract documents, bid package and assistance with permitting dewatering facilities at Kanapaha Water Reclamation Facility.*

*Utilities Purchasing issued a Request for Statement of Qualifications (RFSQ) to 15 engineering firms and posted the request on the GRU web site. Three firms submitted Statements of Qualifications which were evaluated and ranked in accordance with the CCNA. The final ranking is as follows:*

*CH2MHill, Inc.  
Jacobs Engineering Group, Inc.  
Jones Edmunds and Associates, Inc.*

*In accordance with the CCNA, staff is recommending initiating contract negotiations with the top-ranked firm. If staff is unable to negotiate an acceptable contract with the top-ranked firm, it may negotiate with the next firm in order of ranking.*

*Fiscal Note: Funding for this request is included in the Water/Wastewater Capital Improvements budget.*

#### **RECOMMENDATION**

*The City Commission: 1) approve the ranking of engineering firms in the given order of preference for*

*the engineering design of the Water Reclamation Facilities Dewatering Project; 2) authorize the General Manager, or his designee, to initiate contract negotiations with the top ranked firm in accordance with the CCNA; and 3) authorize the General Manager, or his designee, upon successful negotiations, to execute a contract with the top ranked firm, subject to approval of the City Attorney as to form and legality, in an amount not to exceed budgeted amounts for the project.*

**110947.****Main Street WRF Phosphorus Removal Project (B)**

**Staff recommends awarding a contract to Sawcross, Inc. for construction services for the Main Street Water Reclamation Facility Phosphorus Removal Project.**

*Explanation: Water/Wastewater Systems operates the Main Street Water Reclamation Facility (MSWRF) that discharges the effluent to the Sweetwater Branch, a Class III stream. Sweetwater Branch flows south to Paynes Prairie State Park, a 21,000 acre natural and historic landmark. As part of the Paynes Prairie Sheetflow Restoration Project, MSWRF has agreed to meet new phosphorus effluent limits prior to the effluent discharge to Sweetwater Branch. Upon completion, this project will add chemical feed systems to MSWRF in order to meet a design effluent phosphorus limit of 0.3 mg/L. The project includes installing two aluminum sulfate (alum) chemical storage tanks, a concrete slab to place polymer totes, chemical dosing pumps for both alum and polymer, and a metal roof structure for the alum feed equipment.*

*Utilities Purchasing issued an Invitation to Bid to three known companies that perform this type of work. In addition, the bid was posted on GRU's web page. Three firms attended a mandatory pre-bid meeting. Three bids were received. A tabulation of the bids received is attached for your information. Any additional purchases will be made in accordance with established Purchasing policies.*

*Fiscal Note: Funding for this work is included in the Water System Capital Improvements FY 2012 and FY 2013 budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to execute a contract with Sawcross, Inc. to perform construction services for the Main Street Water Reclamation Facility Phosphorus Removal Project, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Sawcross, Inc. for these services in an amount not to exceed \$844,700; and 3) authorize staff to procure services, equipment and materials, as required, to complete the project as budgeted, subject to the final appropriation of funds.*

110947\_sawgrass contract\_20120517.pdf

## CITY ATTORNEY, CONSENT AGENDA ITEMS

### 110672.

#### **AMENDMENTS TO THE CITY OF GAINESVILLE NOISE ORDINANCE IN LIGHT OF RECENT COURT DECISIONS HOLDING FLORIDA STATUTE SECTION 316.3045 UNCONSTITUTIONAL (B)**

*Explanation: Recently, the Fifth District Court of Appeal held that Florida Statute Section 316.3045, a state law regulating sounds from motor vehicles, was unconstitutionally overbroad as a content-based restriction on free expression. Montgomery v. State, 2011 WL 4102292 \*8 (Fla. 3d DCA 2011). In particular, the Court took issue with the content-based restrictions in Section 316.3045 which exempted sounds from the law's prohibitions if they came from motor vehicles used for commercial or political purposes, but prohibited other types of sounds from motor vehicles, including classical music and religious programming. Because the state failed to show that these content-based restrictions served a compelling state interest or were narrowly drawn to achieve those interests, the court held that the statute was unconstitutional under the First Amendment. Id. at \*7-8. The Montgomery court's holding was consistent with State v. Catalano, 2011 WL 1801204 (Fla. 2d DCA 2011), in which the Second District Court of Appeal also found Section 316.3045 to be an unconstitutional content-based restriction of free expression.*

*Based on a recent review of the City of Gainesville's noise ordinance and in light of this recent case law, it appears that the City treats some forms of noncommercial speech better than commercial speech under its noise ordinance. Because of the distinction in the City's ordinance between commercial and noncommercial speech, a court may find that the ordinance contains unconstitutional content-based provisions aimed at commercial expression. Therefore, it is recommended that Section 15-3(d)(3) and (e)(7) of the City of Gainesville Code of Ordinances be amended to provide identical noise restrictions for commercial and noncommercial amplified sounds.*

#### **RECOMMENDATION**

*The City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending Section 15-3(d)(3) and (e)(7) of the City of Gainesville Code of Ordinances to provide identical noise restrictions for commercial and noncommercial amplified sounds.*

110672b\_Draft Ordinance\_20120517.pdf

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

### 110943.

#### **City Commission Minutes (B)**

#### **RECOMMENDATION**

*The City Commission approve the minutes of April 19,*

2012, and May 3, 2012, as circulated.

110943\_april 19, 2012\_minutes\_20120517.pdf

110943a\_may 3, 2012\_minutes\_20120517.pdf

**110950.**

**Appointment to the Gainesville Housing Authority (NB)**

**RECOMMENDATION**

*The City Commission confirm the Mayor's appointment for the following:*

*Arthur Stockwell to the Gainesville Housing Authority for a term to expire 4/1/16.*

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION**

**CITY MANAGER**

**110492.**

**Charter County and Regional Transportation System Surtax (B)**

**Section 212.055, Florida Statutes allows charter counties to impose a discretionary sales surtax of up to 1 percent. The Alachua County Board of County Commission are proposing two ballot initiatives for November 2012; one for a ¾ cent surtax for roads and a ¼ cent surtax for transit each for a 15 year period. An Interlocal Agreement between Alachua County Board of County Commission and the City of Gainesville are required to allow the County to transfer revenue from the surtax to the City.**

*MODIFICATION - (Revised back-up per City Attorney).*

*Explanation: Subsection 212.055(1)(d)(4), Florida Statutes, provides that proceeds from the surtax levied may be distributed according to an Interlocal agreement between the County governing body and the governing bodies of the municipalities. The City of Gainesville is required to enter into Interlocal Agreements one for the ¾*

*surtax for roads and one for the ¼ cent surtax for transit.*

*Alachua County has requested that the specific projects that are intended to be funded by the surtax being identified on a list attached as an Exhibit to the Interlocal Agreement. Staff has developed project lists for both the roads and the transit surtax that identify projects that would be eligible for funding from the surtax.*

*Alachua County has requested that surtax proceeds being used only for the planning, development, construction, operation and maintenance of roads and bridges. They specifically stated that the proceeds shall not be used for the planning, development, construction, operation and maintenance of sidewalks.*

*As drafted both Interlocal Agreements contain language in Section 10 stating that the agreement may be amended by written agreement only upon a vote of a majority plus one of the membership of each party's governing body. Staff has provided two agreements for the City Commission's consideration, one as prepared by Alachua County and one that revised Section 10 to state the vote of a simple majority of each party's governing body.*

*Fiscal Note: The proposed ¼ cent surtax for transit is projected to raise \$112,500,000 over the 15 year time period or \$7,500,000 annually. The ¾ cent surtax for roads is projected to raise \$337,500,000 over the 15 year period with 24.31% (approximately \$82,500,000) transmitted to the City of Gainesville or \$5,500,000 annually. Amounts will vary depending on actual revenues.*

**RECOMMENDATION**

*The City Commission 1) approve the Interlocal Agreement Between Alachua County and the City of Gainesville For Use and Distribution of 0.75 Percent (3/4%) Of the Funds Generated By a Charter County and Regional Transportation System Sales Surtax To Be Used For Improvement and Maintenance of Roads and Bridges, including Exhibit A; and 2) approve Interlocal Agreement Between Alachua County and the City of Gainesville For Use and Distribution of 0.25 Percent (1/4%) Of the Funds Generated By a Charter County and Regional Transportation System Sales Surtax To Be Used For Bus and Fixed Guideway Systems, including Exhibit A.*

**Legislative History**

|          |   |   |   |
|----------|---|---|---|
| 11/17/11 | City Commission   | Referred (6 - 0 - 1 Absent)                             | Recreation, Cultural Affairs and Public Works Committee |
| 1/9/12   | Recreation, Cultural Affairs and Public Works Committee | Approved as shown above (See Motion)                    |   |
| 2/13/12  | City Commission   | Approved as shown above (See Motion) (5 - 0 - 2 Absent) |   |



110492A\_PPT\_20111117.pdf  
110492B\_CIP Recommendations for FY 2012-2021\_20111117.pdf  
110492A\_PPT\_20120109.pdf  
110492B\_Additional County Info\_20120109.pdf  
110492C\_Sales Tax Distribution Analysis\_20120109.pdf  
110492D\_Project Needs List\_20120109.pdf  
110492E\_Project Needs Map\_20120109.pdf  
110492A\_County PPT & Info\_20120213.pdf  
110492B\_City Staff PPT\_20120213.pdf  
110492A\_Interlocal Roads with Super\_20120517.pdf  
110492B\_Interlocal Roads without Super\_20120517.pdf  
110492C\_Exhibit A COG Transportation Project List\_20120517.pdf  
110492D\_Exhibit A COG General Resurfacing List\_20120517.pdf  
110492E\_Exhibit B County Transportation Project List\_20120517.pdf  
110492F\_Interlocal Transit with Super\_20120517.pdf  
110492G\_Interlocal Transit without Super\_20120517.pdf  
110492H\_Exhibit A COG Transit Priority List\_20120517.pdf  
110492I\_Cost of 2013-2027 Transit Improvements\_20120517.pdf  
110492H\_MOD Exhibit A COG Transit Priority List\_20120517.pdf

## GENERAL MANAGER FOR UTILITIES

## CITY ATTORNEY

## CITY AUDITOR

## EQUAL OPPORTUNITY DIRECTOR

## COMMITTEE REPORTS (PULLED FROM CONSENT)

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

### 110949. Appointments to City Commission Advisory Boards and Committees (NB)

**RECOMMENDATION**

*The City Commission appoint:*

*Monica Petrella to the City Beautification Board for a term to expire 11/1/15.*

*Monica Petrella to the Gainesville/Alachua County Cultural Affairs Board for a term to expire 9/30/15.*

*Byron Harper to the Gainesville Enterprize Zone Development Agency for a term to expire 3/31/16.*

*Byron Harper to the Public Recreation and Parks Board for a term to expire 6/1/15.*

*Tom Rider to the Student Community Relations  
Advisory Board for a term to expire 2/26/14.*

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**RECESS**

**RECONVENE**

**PLEDGE OF ALLEGIANCE (5:30pm)**

**Gainesville Detachment of the Marine Corp League World War II Veteran Bob Gasche**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**110953.**

**Memorial Day - May, 28, 2012 (B)**

**RECOMMENDATION**

*Gainesville Detachment of the Marine Corp League  
World War II Veteran Bob Gasche to accept the  
proclamation.*

110953\_MemorialDay\_20120517.pdf

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

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**110592.**

**SALE AND MARKETING OF CANDY FLAVORED TOBACCO  
PRODUCTS (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
GAINESVILLE, FLORIDA, URGING TOBACCO RETAILERS TO STOP  
THE SALE AND MARKETING OF CANDY FLAVORED TOBACCO  
PRODUCTS IN GAINESVILLE, FLORIDA**

**RECOMMENDATION***The City Commission adopt the proposed resolution.***Legislative History**

12/15/11 City Commission Referred (7 - 0) Public Safety Committee  
 3/28/12 Public Safety Discussed  
 Committee  
 5/3/12 City Commission Approved as Recommended (7 - 0)

110592\_ArticleOnRegulatingTobacco\_20120328.pdf  
 110592b\_CityAttnyPPT\_20120328.pdf  
 110592\_DraftResolution\_20120419.pdf  
 110592\_DraftResolution\_20120503.pdf  
 110592\_candy flavored tobacco\_20120517.pdf

**110936.****Resolution Supporting Naming a portion of SW 23 Street as Coach Jimmy Carnes Boulevard (B)**

**This item involves a Resolution authorizing the naming of a portion of SW 23 Street, in front of James G. Pressly Stadium and 4211 SW 23rd Street, between SW 2nd Avenue and Fraternity Row/Drive as Coach Jimmy Carnes Boulevard.**

*MODIFICATION - Revised resolution per City Attorney.*

*Explanation: The Gainesville Sports Commission is requesting the City of Gainesville to adopt a Resolution supporting their request to the State of Florida to name a portion of SW 23 Street, in front of James G. Pressly Stadium and 4211 SW 23rd Street, between SW 2nd Avenue and Fraternity Row/Drive located on the University of Florida campus as Coach Jimmy Carnes Boulevard. Governor Scott supports this naming and has requested resolutions from local governing agencies supporting the request.*

*Fiscal Note: There is no fiscal impact associated with this request.*

**RECOMMENDATION***The City Commission adopt the Resolution.*

110936\_Resolution\_20120517.pdf  
 110936-MOD\_Resolution\_20120517.pdf

**ADOPTION READING-ROLL CALL REQUIRED****110798.****LAND USE CHANGE - VICINITY OF 515 NW 13TH TERRACE (B)****Ordinance No. 110798; Petition No. PB-12-10 LUC**

**An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and**

**providing an effective date.**

*MODIFICATION - New ppt. submitted from CHW, 5/16/2012.*

**Explanation:** *PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This petition and ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from Residential Medium-Density (8-30 units per acre) (RM) to Mixed-Use Low-Intensity (8-30 units per acre)(MUL).*

*The property is located within the College Park/University Heights Redevelopment District and within the College Park Special Area Plan overlay zoning district. The property currently contains two approximately 1,800 square-foot residential duplexes that were built in 1948 and 1964 and abuts three parcels with MUL land use, which comprise the remainder of the block bounded by NW 13th Street on the east, NW 13th Terrace on the west, NW 6th Avenue on the north, and NW 5th Avenue on the south.*

*The proposed land use category change will facilitate future redevelopment of the property by expanding the allowable uses of the property and because the entire block will now have the MUL land use category. This is consistent with the infill and redevelopment goals of the Future Land Use Element (Goal 2, Objective 2.1, and Policy 2.1.1). These policies include, but are not limited to, improving the condition of blighted areas, promoting a healthy economy, and discouraging urban sprawl.*

*After public notice was published in the Gainesville Sun on February 7, 2012, the City Plan Board held a public hearing on February 23, 2012, and by a vote of 7-0, recommended approval of this petition.*

**CITY ATTORNEY MEMORANDUM**

*This proposed amendment to the Comprehensive Plan is treated as a small scale development activity. Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes.*

*If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.*

**RECOMMENDATION**

*The City Commission: (1) approve Petition PB-12-10 LUC and (2) adopt the proposed ordinance.*

**Legislative History**

5/3/12 City Commission Continued (Ordinance Adoption Reading) (6 - 0 - 1 Absent)

110798B\_staff report\_20120503.pdf  
110798C\_Exhibit A-1\_20120503.pdf  
110798D\_Exhibits B-1- B-4\_20120503.pdf  
110798E\_Exhibit C-1\_20120503.pdf  
110798F\_CPB minutes\_20120503.pdf  
110798G\_staff ppt\_20120503.pdf  
110798A\_draftordinance\_20120503.pdf  
110798B\_staff report\_20120517.pdf  
110798C\_Exhibit A-1\_20120517.pdf  
110798D\_Exhibits B-1- B-4\_20120517.pdf  
110798E\_Exhibit C-1\_20120517.pdf  
110798F\_CPB minutes\_20120517.pdf  
110798G\_staff ppt\_20120517.pdf  
110798\_MOD\_CHW\_ppt\_20120517.pdf

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

### 110799.

#### REZONING - VICINITY OF 515 NW 13TH TERRACE (B)

##### **Ordinance No. 110799; Petition No. PB-12-11 ZON**

**An ordinance amending the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from multiple-family medium density residential district (RMF-8) to mixed use low intensity district (MU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*MODIFICATION - New ppt. submitted from CHW, 5/16/2012.*

*Explanation: This petition and ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from multiple-family medium density residential district (8-30 units per acre) (RMF-8) to mixed use low intensity district (8-30 units per acre) (MU-1).*

*The property is located within the College Park/University Heights Redevelopment District and within the College Park Special Area Plan overlay zoning district. The property, which currently contains two approximately 1,800 square-foot residential duplexes, abuts three MU-1 zoned parcels comprising the remainder of the block.*

*The proposed rezoning will facilitate future redevelopment of the property by expanding the allowable uses of the property and because the entire block will now be zoned MU-1. This is consistent with the City's Comprehensive Plan and the proposed Mixed-Use Low-Intensity (MUL) land use category. This zoning petition is also consistent with the redevelopment policies of Goal 2, Objective 2.1 and Policy 2.1.1 of the Future Land Use Element. These policies include, but are not limited to, improving the condition of blighted areas, promoting a healthy economy, and discouraging urban sprawl.*

*After public notice was published in the Gainesville Sun on February 7, 2012, the City Plan Board held a public hearing on February 23, 2012, and by a vote of 7-0, recommended approval of this petition.*

*CITY ATTORNEY MEMORANDUM*

*This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, June 7, 2012. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110798 becomes effective as provided therein.*

**RECOMMENDATION**

*The City Commission: (1) approve Petition PB-12-11 ZON and (2) adopt the proposed ordinance.*

**Legislative History**

5/3/12 City Commission Continued (1st Reading) (5 - 0 - 2 Absent)

110799B\_staff report\_20120503.pdf  
 110799C\_Future Land Use Element\_20120503.pdf  
 110799D\_Maps\_20120503.pdf  
 110799E\_Application packet\_20120503.pdf  
 110799F\_CPB minutes\_20120503.pdf  
 110799G\_staff ppt\_20120503.pdf  
 110799A\_draftordinance\_20120503.pdf  
 110799B\_staff report\_20120517.pdf  
 110799C\_Future Land Use Element\_20120517.pdf  
 110799D\_Maps\_20120517.pdf  
 110799E\_Application packet\_20120517.pdf  
 110799F\_CPB minutes\_20120517.pdf  
 110799G\_staff ppt\_20120517.pdf  
 110799, MOD\_CHW\_ppt\_20120517.pdf

**110800.**

**REZONING - AMENDMENT TO SPECIAL AREA PLAN; VICINITY OF 515 NW 13TH TERRACE (B)**

**Ordinance No. 110800; Petition No. PB-12-12 ZON**

**An ordinance amending the Special Area Plan for College Park in the City of Gainesville Land Development Code; by deleting and replacing the "Master Plan & Regulating Plan for New Construction" map to reflect an amended building type for property located in the vicinity of 515 NW 13th Terrace, as more specifically described in this ordinance, from Type III - House to Type I - Shopfront/Office/Apartment; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*MODIFICATION - New ppt. submitted from CHW, 5/16/2012.*

*Explanation: This petition and ordinance amends the College Park Special Area Plan (SAP) Master Plan & Regulating Plan for New Construction map in the City of Gainesville Land Development Code by changing property located in the*

*vicinity of 515 NW 13th Terrace, as more specifically described in the ordinance, from Type III - House to Type I - Shopfront/Office/Apartment.*

*Appendix A - Special Area Plans, Section 3 - Special Area Plan for College Park of the Land Development Code includes a map of the boundaries of the College Park SAP showing the four designated building types (Type I-Shopfront/Office/Apartment; Type II-Apartment/House; Type III-House; and Type IV-Civic) regulated by the associated special area plan. The property (which is located within the College Park/University Heights Redevelopment District) is currently designated Type III-House, which prohibits principal, non-residential uses.*

*This amendment to the College Park SAP will facilitate redevelopment of the site by expanding the allowable uses of the property from a single use (House) to a mix of uses (Shopfront/Office/Apartment). Additionally, the property is contiguous to three Type I designated lots to the east, southeast, and south, which comprise the remainder of the block. Designating the property a Type I building allows the opportunity for redevelopment of the entire block and provides greater design flexibility.*

*After public notice was published in the Gainesville Sun on February 7, 2012, the City Plan Board held a public hearing on February 23, 2012, and by a vote of 7-0, recommended approval of this petition.*

#### *CITY ATTORNEY MEMORANDUM*

*This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, June 7, 2012. This ordinance shall become effective immediately upon final adoption; however, the map amendment shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110798 becomes effective as provided therein.*

#### **RECOMMENDATION**

*The City Commission (1) approve Petition PB-12-12 ZON and (2) adopt the proposed ordinance.*

#### **Legislative History**

5/3/12 City Commission Continued (1st Reading) (6 - 0 - 1 Absent)

110800B\_staff report\_20120503.pdf  
 110800C\_Maps\_20120503.pdf  
 110800D\_Applicant Package\_20120503.pdf  
 110800E\_CPB minutes\_20120503.pdf  
 110800F\_staff ppt\_20120503.pdf  
 110800A\_draftordinance\_20120503.pdf  
 110800B\_staff report\_20120517.pdf  
 110800C\_Maps\_20120517.pdf  
 110800D\_Applicant Package\_20120517.pdf  
 110800E\_CPB minutes\_20120517.pdf  
 110800F\_staff ppt\_20120517.pdf  
 110800\_MOD\_CHW\_ppt\_20120517.pdf

**110740.****PLANNED DEVELOPMENT AMENDMENT - GAINESVILLE AUTO TOWN CENTER PD (B)****Ordinance No. 110740, Petition No. PB-11-158PDA**

**An ordinance of the City of Gainesville, Florida, amending Ordinance No. 070706 (as was subsequently amended by Ordinance No. 100520) related to Gainesville Auto Town Center Planned Development (PD); by deleting Condition 24, Section 2 of Ordinance No. 100520 relating to development time limits for Phase II; 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 amend Ordinance #100520 for the Gainesville Auto Town Center Planned Development (PD). The property is located at 3900 North Main Street, northwest corner of NW 39th Avenue and North Main Street. The development site consists of five separate parcels totaling approximately 18.4 acres. The development was originally approved by the City Commission as Ordinance #070706 on April 14, 2008. The first phase of the PD is constructed and currently occupied by the Mercedes Benz dealership which occupies approximately 12.8 acres of the site. The remaining 5.6 acres of the site is proposed as phase II and regulated by both Ordinance #100520 and Ordinance #070706. On September 15, 2011 the City Commission approved a request to extend the valid period of the PD and to modify the list of uses applicable to the undeveloped Phase II portion.*

**CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of March 15, 2012 authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as Gainesville Auto Town Center Planned Development."*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

3/15/12 City Commission Approved (Petition) (6 - 0 - 1 Absent)

110740A\_staff report\_20120315.pdf

110740B\_Technical Review Committee comments\_20120315.pdf

110740C\_Application\_20120315.pdf

110740D\_Approved PD\_Ord 100520\_20120315.pdf

110740E\_cpb minutes\_20120315.pdf

110740\_draft ordinance\_20120517.pdf

**110642.****AMEND THE UMU-2 ZONING DISTRICT IN THE LAND DEVELOPMENT CODE TO INCLUDE CLARIFICATIONS/UPDATES AND ADD NEW REQUIREMENTS FOR THE URBAN VILLAGE (B)**



**Ordinance No. 110642**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to the Urban Mixed-Use 2 (UMU-2) zoning district; by amending Section 30-23 to add definitions; by amending Section 30-65.2 Urban mixed-use district 2 (UMU-2) to add regulations regarding uses, site development, public realm, circulation, landscaping, parking, signage and other development standards and limitations specific to property zoned UMU-2 within the Urban Village area; by amending Section 30-65.2 to make general clarifications and revisions to the existing UMU-2 regulations; by amending Section 30-65.2 to repeal existing illustrative figures and adopt new illustrative figures, including a map defining the Urban Village area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*In July 2011, the City adopted form-based zoning regulations for the Urban Mixed-Use District 2 (UMU-2) zoning district. While the City's special area plan overlay zoning districts are form-based in their approach, this was the first time the City took a form-based approach with an underlying zoning district. Form-based codes differ from conventional zoning in that they focus more on the integrated built form by regulating the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks, and generally depict those relationships through diagrams and other visuals. By contrast, conventional zoning focuses on segregating uses and controlling density and intensity.*

*The stated intent of the UMU-2 zoning regulations is to promote and encourage economic development in commercial and mixed-use areas near the University of Florida, while directing this development to occur with a certain urban vision for the design of streets and buildings. The goal for the form-based regulations is to provide a concise, straightforward, flexible framework that will facilitate high quality development, while also ensuring high quality design in the built environment.*

*As originally adopted, the UMU-2 regulations apply only to property that is zoned UMU-2 and is located within the University Heights area and the Archer Triangle area (as those areas are mapped in the UMU-2 regulations.) However, as planning staff was reviewing appropriate land use and zoning designations for the Urban Village area (an area immediately west of the University of Florida in the vicinity of SW 20th and SW 24th Avenues west of SW 34th Street that was annexed into the City in 2009), UMU-2 zoning appeared to be an excellent fit. While the area is currently dominated by multi-family residential development, there are large portions of the area that can be redeveloped with a mix of uses. Under the current real estate market conditions, allowing for a broader range of uses in this area will promote redevelopment opportunities. In addition, transit service in the Urban Village area is excellent, which assists with the intent of encouraging multimodal*

*mobility.*

*This ordinance proposes amendments to the UMU-2 zoning district (Section 30-65.2 of the Land Development Code) to clarify and revise the text of the existing UMU-2 zoning regulations and to add regulations for properties that are located in the Urban Village area and are zoned UMU-2. It should be noted that separate rezoning ordinances will be necessary to rezone land in the Urban Village to the UMU-2 zoning district.*

*This ordinance revises the text of the existing UMU-2 zoning regulations to incorporate the Urban Village area into the UMU-2 zoning district. The primary revisions include:*

- 1. Minimum density regulations for properties in the Urban Village*
- 2. Elimination of the Special Use Permit requirement for additional stories when only structured and on-street parking are used*
- 3. Addition of minimum parking requirements in the Urban Village for residential uses*
- 4. Block perimeter requirements for the Urban Village*
- 5. Build-to lines associated with streets in the Urban Village (taking into account swale system roadways)*
- 6. Allowing drive-through facilities by Special Use Permit in certain areas within the Urban Village*
- 7. Addition of prohibited uses in the Urban Village*
- 8. Optional hardscaping provisions for the landscape zone*
- 9. Addition of provisions for drop-off drive-ways or porte-cocheres for certain uses*
- 10. Addition of a Primary Frontage Streets map and regulations about Primary Frontage Streets*
- 11. Addition of the Urban Walkway concept with a definition and regulations.*
- 12. Addition of a requirement for a Circulation Plan for new development and redevelopment in the Urban Village for sites greater than 2 acres in size*

*In addition to the changes being made to accommodate the Urban Village parcels, several changes that will apply to all UMU-2 zoned properties are recommended to clarify the regulations, correct minor errors, and incorporate changes recommended by the Plan Board during discussion of this item at their meetings. These district-wide changes include:*

- 1. Including minimum density regulations for consistency with the Comprehensive Plan*
- 2. Changing the requirement for each unit to have a door on the street to make that applicable only to rowhouses and two-family dwellings. For other types of multi-family buildings, the requirement will be to have at least one functional entrance for every 150 feet of building fronting the street.*
- 3. Changing the requirement for each unit to have a front porch on the street to make this applicable only to rowhouses and two-family dwellings*
- 4. Addition of requirement that loading docks be prohibited along urban thoroughways*
- 5. Revised Urban Throughway diagram to correctly depict the build-to line*

*requirements*

*The Plan Board discussed this petition at its June 23, July 28, August 25, September 22 and November 1, 2011 meetings. At the August 25, 2011 meeting, the Plan Board also discussed whether a new zoning district should be created to accommodate the Urban Village as opposed to incorporating it in the existing UMU-2 zoning district. The consensus opinion was to amend the existing UMU-2 zoning district in a way that would accommodate the Urban Village. After public notice, the City Plan Board held a public hearing on December 5, 2011 and, by a vote of 4-0, recommended the City Commission approve the Petition.*

*On February 16, 2012, the City Commission approved the Petition, by a vote of 7-0 and requested staff consider: 1) developing a definition for the term building frontage; 2) adding dimensions for urban walkways to the Dimensions Table for the Urban Village, and 3) whether the parking requirements of paragraph (d)(3)f. (now (d)(2)f.) address parking that is near or adjacent to an urban walkway.*

*To address these issues, staff has: 1) added a definition of building frontage to Sec. 30-23 and added an administrative modification provision for building frontage to Sec. 30-65.2(b)(2)b.; 2) added an urban walkway dimensions table and corresponding figure/illustration; and 3) added language to what is now paragraph (d)(2)f. to clarify that driveways and surface parking are prohibited between urban walkways and buildings.*

*In addition, in reviewing and preparing the ordinance, staff realized that the terms building frontage, structured parking, surface parking, and pedestrian forecourt used in the UMU-2 text are not defined, so staff has added those definitions to Sec. 30-23. Staff has also changed the formula for calculating bicycle parking in Section 30-65.2(f)(3)c. because the original formula resulted in an excess of bicycle parking.*

#### *CITY ATTORNEY MEMORANDUM*

*This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on June 7, 2012.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

2/16/12 City Commission Approved (Petition), as amended (7 - 0)

110642A\_staff report\_20120216.pdf  
 110642B\_Map 1 Urban Village\_20120216.pdf  
 110642C\_text changes to UMU-2 zoning district regs\_20120216.pdf  
 110642D\_adopted ordinance 100697\_20120216.pdf  
 110642E\_application\_20120216.pdf  
 110642F\_CPB Minutes\_20120216.pdf  
 110642G\_staff ppt\_20120216.pdf  
 110642\_MOD\_Urban Village\_3D Model\_34th Scene (1).pdf  
 110642A\_draft ordinance\_20120517.pdf  
 110642B\_staff ppt\_20120517.pdf

**110283.****VENDING BOOTH VENDORS AND ITINERANT FOOD VENDORS  
HOURS OF OPERATION (B)****Ordinance No. 110283**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Code of Ordinances, relating to vending booth vendors and itinerant food vendors; by amending Chapter 19, Article IV, sections 19-93(a) and 19-93(b) to extend permissible hours of operation for vending booth vendors and itinerant food vendors in the Central City District, and vending booth vendors in the College Park Special Area Plan; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting on March 15, 2012, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an amendment to the current Itinerant Food Vendors Ordinance to extend the hours of operation from 10:00 P.M. to 3:00 A.M. This change will allow both vending booth vendors and itinerant food vendors within the Central City District, and vending booth vendors in the College Park Special Area Plan to operate during the extended hours.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

**Legislative History**

|          |                         |  |                         |
|----------|-------------------------|--|-------------------------|
| 8/18/11  | City Commission         | Referred (6 - 0 - 1 Absent)                | Public Safety Committee |
| 9/28/11  | Public Safety Committee | Discussed                                  |                         |
| 10/26/11 | Public Safety Committee | Discussed                                  |                         |
| 2/29/12  | Public Safety Committee | Discussed                                  |                         |
| 3/15/12  | City Commission         | Approved as Recommended (5 - 0 - 2 Absent) |                         |
| 4/5/12   | City Commission         | Withdrawn (7 - 0)                          |                         |

110283\_Chapter 19\_20110928.pdf  
 110283\_PlanningMaps\_20111026.pdf  
 110283b\_FassEmail\_20111026.pdf  
 110293c\_JeffBabikInfo\_20111026.pdf  
 110283\_draft ordinance\_20120405.pdf  
 110283\_draft ordinance\_20120517.pdf

**110898.****2013 CITY COMMISSION ELECTION DATES (B)****Ordinance No. 110898**

**An ordinance of the City of Gainesville, Florida, setting March 19, 2013 as the date for the 2013 regular city election and April 16, 2013 as the date for the 2013 run-off election, if necessary; setting the dates for qualifying for the 2013 regular election; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: The City Commission, at its meeting of April 19, 2012, authorized the City Attorney's Office to draft an ordinance setting the 2013 regular city election and run-off election dates.*

**RECOMMENDATION**                      *The City Commission adopt the proposed ordinance.*

**Legislative History**

4/19/12              City Commission              Approved as Recommended (6 - 0 - 1 Absent)

110898\_Academic calendar\_20120419.pdf

110898\_ordinance 2013 election dates\_20120517.pdf

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****110599.****COMPREHENSIVE PLAN AMENDMENT - FUTURE LAND USE ELEMENT (B)****Ordinance No. 110599; Petition No. PB-11-138 CPA**

**An ordinance amending the Future Land Use Element of the City of Gainesville Comprehensive Plan; by amending Policy 4.6.1; by amending Objective 4.7, Policy 4.7.1 and the Future Land Use Categories and Corresponding/Implementing Zoning Districts table; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*On March 15, 2012, the City Commission approved this ordinance by a vote of 5-0. In accordance with the expedited state review process, city staff transmitted this ordinance as part of the Amendment No. 12-3ESR package to the state reviewing agencies. During the 30 day comment period, the city received 5 letters of no comment from the reviewing agencies.*

*Changes made in Florida's growth management laws during the 2011 legislative session (House Bill 7207) have eliminated many requirements related to Comprehensive Plans. One of those requirements was the inclusion of a table in the Future Land Use Element of the Comprehensive Plan that lists the land use categories and their corresponding zoning districts. Because this table is no*

longer required in the Comprehensive Plan and because an identical table is contained in Section 30-46 of the Land Development Code, staff recommends deletion from the Comprehensive Plan.

Public notice of the petition was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, recommended approval.

#### CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first public hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second public hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

In accordance with Section 163.3184, Florida Statutes, within 10 days after the first public hearing, the City must transmit the Comprehensive Plan amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must then consider during the second public hearing any written comments received.

If adopted on second reading, this ordinance will be sent to the state land planning agency and any party that submitted written comments, and the Comprehensive Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, it will not become effective until the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.

#### RECOMMENDATION

The City Commission (1) receive letters of no comment" from the North Central Florida Regional Planning Council, Florida Department of Education, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Economic Opportunity; and (2) adopt the proposed ordinance.

#### Legislative History

3/15/12 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (5 - 0 - 2 Absent)

110599A\_draft ordinance\_20120315.pdf

110599B\_staff report\_20120315.pdf

110599C\_cpb minutes\_20120315.pdf

110599D\_staff ppt\_20120315.pdf

110599A\_no comment letters state reviewing agencies\_20120517.pdf

**110608.****COMPREHENSIVE PLAN AMENDMENT - RECREATION ELEMENT (B)****Ordinance No. 110608; Petition No. PB-11-135 CPA**

**An ordinance amending the Recreation Element of the City of Gainesville Comprehensive Plan; by amending Objective 1.1 and its Policies 1.1.1, 1.1.5; by amending Policies 1.2.2, 1.2.3, 1.3.1, 1.3.2, 1.3.3 and 1.6.1; by amending Objective 1.8 and its Policy 1.8.3; by amending Policies 2.1.2 and 3.1.2; by amending Objective 3.2 and its Policies 3.2.1 and 3.2.2; by amending "Table 1: Service Level Standards for Parks and Facilities"; by amending the Park Design and Function Standards and the Park and Facility Substitution standards; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*On March 15, 2012, the City Commission approved this ordinance by a vote of 5-0. In accordance with the expedited state review process, city staff transmitted this ordinance as part of the Amendment No. 12-3ESR package to the state reviewing agencies. During the 30 day comment period, the city received 5 letters of no comment from the reviewing agencies.*

*This ordinance proposes to amend the Recreation Element of the City of Gainesville Comprehensive Plan to include goals, objectives and policies that are the result of the former Evaluation and Appraisal Report (EAR) process. The Plan Board reviewed this Element and provided comments at workshops on March 31 and April 28, 2010. A progress report on this Element was heard by the City Commission on May 20, 2010. On December 27, 2010, the former Department of Community Affairs found the City's EAR submitted to be sufficient.*

*However, part way through bringing the EAR amendment petitions to the City Plan Board and City Commission, the legislature passed House Bill 7207 (now Chapter Law 2011-139), a new state growth management law effective June 2, 2011. The former EAR report process was eliminated and a new evaluation process has replaced it. Since the needed amendments to Comprehensive Plan elements were identified during the former process, the City is moving forward (outside of the new evaluation process) to update the Comprehensive Plan. The new law does not prohibit the City from doing so.*

*Amendments to the goals, objectives and policies include a revised Objective 1.1 and Policy 1.1.1 that deletes the reference to the Park and Facility Substitution Standards. The City also proposes to delete Policy 1.1.5, which references these standards. Policy 1.3.1 states that the City will continue to coordinate with the County on recreation planning in the urban area. Policy 1.3.2 has been deleted because the City does not fund outside agencies. Policy 1.3.3 has been renumbered to be the new Policy 1.3.2 and states that the City*

*will work with specific school sites concerning public use of school facilities.*

*Policy 1.6.1 states that the City shall continue to see that community parks shall provide bicycle and pedestrian access meeting Traffic Engineering standards. Policy 1.8.3 has added examples of alternative means of funding recreation activities. Policy 2.1.2 adds that comprehensive plan policies also promote the establishment of the trail network. Policy 3.1.2 requires City staff to submit reports to the City Commission concerning updates of the capital improvements program. Policy 3.2.1 references the findings of the Parks, Recreation and Cultural Affairs Master Plan. Table 1: Service Level Standards for Parks and Facilities reflects changes in the level of service standards. The Park Design and Function standards update park names and dates. Finally, the Park and Facility Substitution standards are deleted.*

*Public notice of the petition was published in the Gainesville Sun on November 17, 2011. On December 5, 2011, the City Plan Board held a public hearing and, by a vote of 4-0, recommended approval.*

#### *CITY ATTORNEY MEMORANDUM*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first public hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second public hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.*

*In accordance with Section 163.3184, Florida Statutes, within 10 days after the first public hearing, the City must transmit the Comprehensive Plan amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must then consider during the second public hearing any written comments received.*

*If adopted on second reading, this ordinance will be sent to the state land planning agency and any party that submitted written comments, and the Comprehensive Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, it will not become effective until the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.*

#### **RECOMMENDATION**

*The City Commission (1) receive letters of no comment" from the North Central Florida Regional Planning Council, Florida Department of Education, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Economic Opportunity; and (2) adopt the proposed ordinance.*



Legislative History

3/15/12 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (5 - 0 - 2 Absent)

110608A\_draft ordinance\_20120315.pdf  
110608B\_staff report\_20120315.pdf  
110608C\_Recreation Element GOPs\_20120315.pdf  
110608D\_data analysis addendum to Rec Element\_20120315.pdf  
110608E\_Gainesville and School Bd\_20120315.pdf  
110608F\_Application\_20120315.pdf  
110608G\_cpb minutes.pdf  
110608H\_staff ppt\_20120315.pdf  
110608A\_no comment letters state reviewing agencies\_20120517.pdf

**PLAN BOARD PETITIONS****110873.****Personal Outdoor Storage Facilities Within Residential Zoning Districts (B)**

**Petition PB-12-13 TCH: City Plan Board. Amend the Land Development Code to allow personal outdoor storage facilities as temporary outdoor storage within residential zoning districts.**

*Explanation: This petition is the result of a referral from the City Commission to the Community Development Community in response to neighborhood concerns about Portable On-Demand Storage (PODS) facilities. After several meetings and receiving information from staff and the general public on the subject matter, the Community Development Committee submitted a recommendation to the City Commission that regulations should be designed to address the placement of PODS in residential zoning districts. The City Commission held a public hearing on May 5, 2011 and voted 7 to 0 authorizing staff to initiate a petition to the City Plan Board to implement the recommendations of the Community Development Committee.*

*Generally the land development code treats uses such as PODS as a use that is considered customary and incidental to a residential use. City staff as well as others across the country have determined that PODS often are beneficial to a property owner but the goal was not to have them become a permanent feature of the landscape. The intent of the proposed regulations is to allow PODS but to regulate them so that they do not become permanent structures such as garages and sheds.*

*As part of this petition the Code Enforcement Department has indicated that along with PODS, the City needs to address roll-offs (large open air containers generally used for construction debris), and large steel conex containers. Staff has determined that all such facilities will be regulated in the same manner when used as storage. Roll-offs will continue to be allowed along with building permits during construction activity.*

*Based on the general characteristics of PODS and Roll-offs and the problems commonly associated with them, a set of standards are proposed to address*

*their placement and duration of time they can remain on properties zoned residential.*

*The Plan Board heard a presentation from staff and expressed the need to provide for continued use of such facilities during emergency periods. After deliberation, the board voted 7 - 0 to approve the request with one condition. The board asked that staff include a standard to ensure that the 30 day limit would not restrict the ability for residential development to utilize a variety of storage options available after a natural disaster such as flooding, hurricane or other emergencies.*

*After the Plan Board meeting, staff drafted the following new standard to address the concern of the Plan Board.*

*In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disaster period officially declared by the authorized agency, the time period for keeping PODS and Roll-offs at a site may be waived for a time period to be determined by the City Manager or designee. Such waiver may not be for an indefinite period and shall expire when the city manager determines that emergency conditions have ended.*

*Public notice was published in the Gainesville Sun on March 6, 2012. The Plan Board held a public hearing on March 22, 2012.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - Approve Petition PB-12-13 TCH with additional condition drafted by staff.*

*Staff to City Commission - Approve Plan Board's recommendation.*

*Staff to City Plan Board - Approve petition.*

**Legislative History**

5/3/12 City Commission Continued (Petition) (7 - 0)

110873A\_staff report\_20120503.pdf

110873B\_CDC backup documents to CCOM\_20120503.pdf

110873C\_cpb minutes\_20120503.pdf

110873D\_staff ppt\_20120503.pdf

110873A\_staff report\_20120517.pdf

110873B\_CDC backup documents to CCOM\_20120517.pdf

110873C\_cpb minutes\_20120517.pdf

110873D\_staff ppt\_20120517.pdf

**110866.**

**Amendment to a Planned Development at 4405 N.W. 39th Avenue, OR 050254, Petition 111PDV-05 PB (B)**

**Petition PB-12-8 PDA: Ricardo Cavallino, agent for Los Volcanes.**

**Planned Development Amendment to allow additional parking for an existing restaurant. Zoned: PD (Planned Development). Located at 4405 NW 39th Ave**

*Explanation: This petition is a request to amend the approved Planned Development for a parcel located at 4405 NW 39th Avenue to allow additional parking. The PD for the parcel was approved by the City Commission on July 24, 2006, as Ordinance #050254. The requested amendment is to allow expansion of the vehicular use area for construction of additional patron parking.*

*The property is located approximately 240 feet west of the intersection of NW 39th Avenue and NW 43rd Street. The project site is approximately 1.26 acres and is the last undeveloped portion of a larger parcel developed in Alachua County and later annexed into the City of Gainesville. The property is surrounded on the north and west by residential and on the east and south by offices. Access to the office development on the south side is via a driveway from NW 39th Avenue which runs across the subject property.*

*After the property was annexed into the city, it was rezoned to PD which allowed a variety of commercial, office and retail uses, including a restaurant. The PD was amended on August 21, 2008 to extend its expiration date. A development plan, Petition 38SPL-07DB, for a restaurant was approved in 2009; the project was constructed and commenced operation on August 23, 2011.*

*After the restaurant commenced operation, its success resulted in a noticeable deficiency in parking and the need for additional parking spaces. The applicant indicated that they attempted valet parking, leased parking, shared parking, joint parking and reconfiguration of the parking but the options were not successful. This petition is an attempt to expand the vehicular use area to increase the number of parking spaces available to patrons.*

*The proposed amendment will maintain the essential elements of the PD as it relates to conformance with the Comprehensive Plan and the Land Development Code but it will affect some key elements of the project and conditions of the ordinance.*

*The Plan Board heard a presentation from staff and the applicant and asked several questions pertaining to the relationship of the proposed new parking area to the existing residential development to the west. The board expressed the need to provide adequate and effective buffers and screening to protect the residential development from the new parking areas. Considering such a recent opening, the board questioned the applicant about the need for such a large increase in the number of parking spaces. The applicant informed the board that the initial project was focused on offices which require fewer spaces and that the degree of patron visits were not anticipated. Representatives of a neighboring office development, sharing a common access with the restaurant, addressed the board about safety, emergency access and congestion. The board concluded that the issues raised would exist whether or not the vehicular use area was expanded and that the proposed amendment would improve the situation. The Plan Board continued deliberation and voted 7 - 0 to approve the*

*request with staff conditions.*

*Public notice was published in the Gainesville Sun on March 6, 2012. The Plan Board held a public hearing on March 22, 2012.*

*Fiscal Note: None.*

**RECOMMENDATION**

*City Plan Board to City Commission - Approve Petition PB-12-08 PDA with conditions.  
Staff to City Commission - Approve Plan Board's recommendation.  
Staff to City Plan Board - Approve petition with conditions.*

**Legislative History**

5/3/12 City Commission Continued (Petition) (7 - 0)

110866A\_cpb recommended conditions\_20120503.pdf  
110866B\_staff report\_20120503.pdf  
110866C\_\_TRC comments\_20120503.pdf  
110866D\_required maps submitted with PD-20120503.pdf  
110866E\_supplemental documents\_20120503.pdf  
110866F\_references from the LDC-20120503.pdf  
110866G\_maps\_20120503.pdf  
110866H\_cpb minutes\_20120503.pdf  
110866I\_staff ppt\_20120503.pdf  
110866A\_cpb recommended conditions\_20120517.pdf  
110866B\_staff report\_20120517.pdf  
110866C\_\_TRC comments\_20120517.pdf  
110866D\_required maps submitted with PD-20120517.pdf  
110866E\_supplemental documents\_20120517.pdf  
110866F\_references from the LDC-20120517.pdf  
110866G\_maps\_20120517.pdf  
110866H\_cpb minutes\_20120517.pdf  
110866I\_staff ppt\_20120517.pdf

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

### **110951.**

**Mayor Craig Lowe - Committee Assignments (NB)**

**RECOMMENDATION**

*The City Commission confirm the Mayor's appointments.*

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

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