

City of
Gainesville

Inter-Office Communication

Planning Division

X5022, FAX x2282, Station 12

Item No. 3

TO: City Plan Board

DATE: April 20, 2000

FROM: Planning Division Staff

SUBJECT: Petition 149ZON-99 PB. City Plan Board. Amend the Zoning designation by changing County zoning Designations to City of Gainesville Zoning designations to Office (OR), Agriculture (AGR), Residential single-family (RSF-1), Education (ED) and Conservation (CON) for annexed land located in the area west of Northwest 43rd Street referred to as the Ashton Area Annexation. (Rehearing)

Recommendation

Planning Division staff recommends approval of Petition 149ZON-99 PB.

Explanation

The City of Gainesville annexed a 371-acre area (the "Ashton Annexation") in the northwest portion of the Gainesville Urban Area on September 28, 1998 (Map 1).

This area must be brought into conformance with the City's Future Land Use Element and Land Development Regulations. This requires amending the City's Comprehensive Plan and zoning map atlas to include the annexed area. This petition amends the City's zoning map atlas to include all but 4 acres of the annexed area, and is related to Petition 147LUC-99PB.

Zoning designations were made on a parcel-by-parcel basis.

The Plan Board previously recommended, on October 21, 1999, zoning designations for the parcels shown in Map 1. The petition is being reheard due to a notification error. The petition has been modified to withdraw a 4-acre University of Florida Foundation parcel, recommended by the Plan Board for Conservation designation. This 4-acre parcel is in negotiation and requires a delay in obtaining a City designation.

Character of the District and Suitability for Particular Uses

Staff believes that in the proposed zoning districts are suitable for existing and potential future uses of the annexed area.

Conservation of Value of Buildings and Encouraging Appropriate Use of Land

Proposed zoning designations will have no detrimental impact on existing buildings. The designations are appropriate for the land in this area.

Applicable Portions of Current City Plans and Programs

There are currently no City plans for the annexed area.

Needs of the City for Land Areas to Serve Population and Economic Activities

Proposed zoning designations will retain existing City needs for passive park and conservation lands. There is no existing City needs for residential, public facility, education, or agriculture.

Substantial Changes in Character or Development of the Area

There have been substantial changes in the area due to the construction of the shopping center and office park to the south and the road extension to the east. These changes are considered compatible with the proposed zoning districts.

Facts, Testimony, Reports Presented to the Plan Board

This staff recommendation serves as a report to the Plan Board. Other facts, testimony, or reports may be submitted by citizens at a later date or at the Public Hearing.

Applicable Goals, Objectives and Policies

Future Land Use Element

Goal 2

The Land Use Element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses activity centers to provide goods and services to City residents; protects viable, stable neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The Land Use Element shall promote statewide goals for compact development and efficient use of infrastructure.

Objective 2.1

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policy 2.1.1

Land Use Categories on the Future Land Use Map shall be defined as follows:

Single Family (up to 8 units per acre)

This land use category shall allow single family detached dwellings at densities up to eight dwelling units per acre. The single family land use classification identifies those areas within the City that due to

topography, soil conditions, surrounding land uses and development patterns, are appropriate for single family development. Land Development Regulations shall determine the performance measures and gradations of density. Land Development Regulations shall specify criteria for the siting of low intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning and libraries. Land Development Regulations shall allow Home Occupations in conjunction with single-family dwellings under certain limitations.

Office

The office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development; office designations shall not encroach in viable residential areas nor expand strip development. Residential uses in office districts shall be designed as infill, mixed use, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land Development Regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Floor area ratios in this district shall not exceed 2.00.

Education

This category identifies appropriate areas for public and private schools and institutions of higher learning when located outside of activity centers. Land Development Regulations shall address compatibility with surrounding uses and infrastructure needs. Floor area ratios in this district shall not exceed 5.00.

Conservation

This category identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single family densities of one unit per five acres. Land Development Regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

Agriculture

This category identifies existing lands which are expected to continue in agricultural production and ancillary uses. Land Development Regulations shall allow single family densities of one unit per five acres. It is not expected that lands designated for urban uses will be converted to agricultural production.

Objective 2.6

Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

Policy 2.6.1

Land use amendments shall be prepared for all annexed properties within one year of annexation.

Policy 2.6.2

Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.

Applicant Information	City Plan Board.
Request	Adopt City Zoning Designations for the Annexed Area.
Existing Land Use Plan Classification	Recreation, Institutional, Low Density Residential
Existing Zoning	BA (business automotive), R-1a (single-family), C-1 (conservation), A (agriculture), Institutional
Location	Vicinity of NW 43 rd Street and NW 53 rd Avenue.
Size	367 acres
Existing Use	Public parks, public school, office, single-family residential, conservation, racquetball & tennis club.

Surrounding Land Uses

North	Vacant Single-Family Residential
South	Shopping Center
East	GRU Substation, Conservation and Vacant Residential
West	Single-Family Residential Subdivision

Surrounding Controls	Existing Zoning	Land Use Plan
North	RSF-1	SF
South	PD	SF and O
East	OF, CON, RSF-1	CON, O and SF
West	County	County

Recent Zoning History

Not applicable, since properties were outside city limits before the annexation.

City Plan Board
Petition 149ZON-99 PB
April 20, 2000

Affordable Housing

This petition will have no impact on the supply of affordable housing.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RW:DM:DN

Attachment

Annexed Area Parcel Numbers

06006-000-000
06006-001-000
06020-002-000
06021-000-000
06022-000-000
06022-001-000
06022-002-000
06023-003-001
06023-003-002
06023-003-004
06023-040-001 through 074

Attachment 1

Ashton Annexation

**Future Land Use Element
Data and Analysis Report**

General Description of Annexation Area

The City of Gainesville annexed a 371-acre area (the "Ashton Annexation") in the northwest portion of the Gainesville Urban Area on September 28, 1998 (Map 1). The area is bounded to the north, south, and east by city limits, and by the Deer Run subdivision to the west. The area falls within the Urban Reserve Area (see Map 1, City of Gainesville Intergovernmental Coordination Data and Analysis Report) adopted by the Alachua County Commission in August of 1991. Ordinance 98046 finalized the annexation. The area has a population density of 0.5 persons per acre. The Ashton Annexation includes two passive public parks: Devil's Millhopper, a 75-acre state geological site, and San Felasco Park, a 186-acre, minimally developed county park. The Ashton Annexation also includes the 6-acre Talbot Elementary Public School.

Land Use Analysis

The purpose of this section is to determine the development and redevelopment possibilities of land within the Ashton Annexation area. This addendum to the Gainesville Comprehensive Plan will make this determination based on the availability of transportation, sanitary sewer, solid waste, drainage, potable water, and recreation to serve existing vacant and developed land in the annexed area, and the natural conditions that may affect land development.

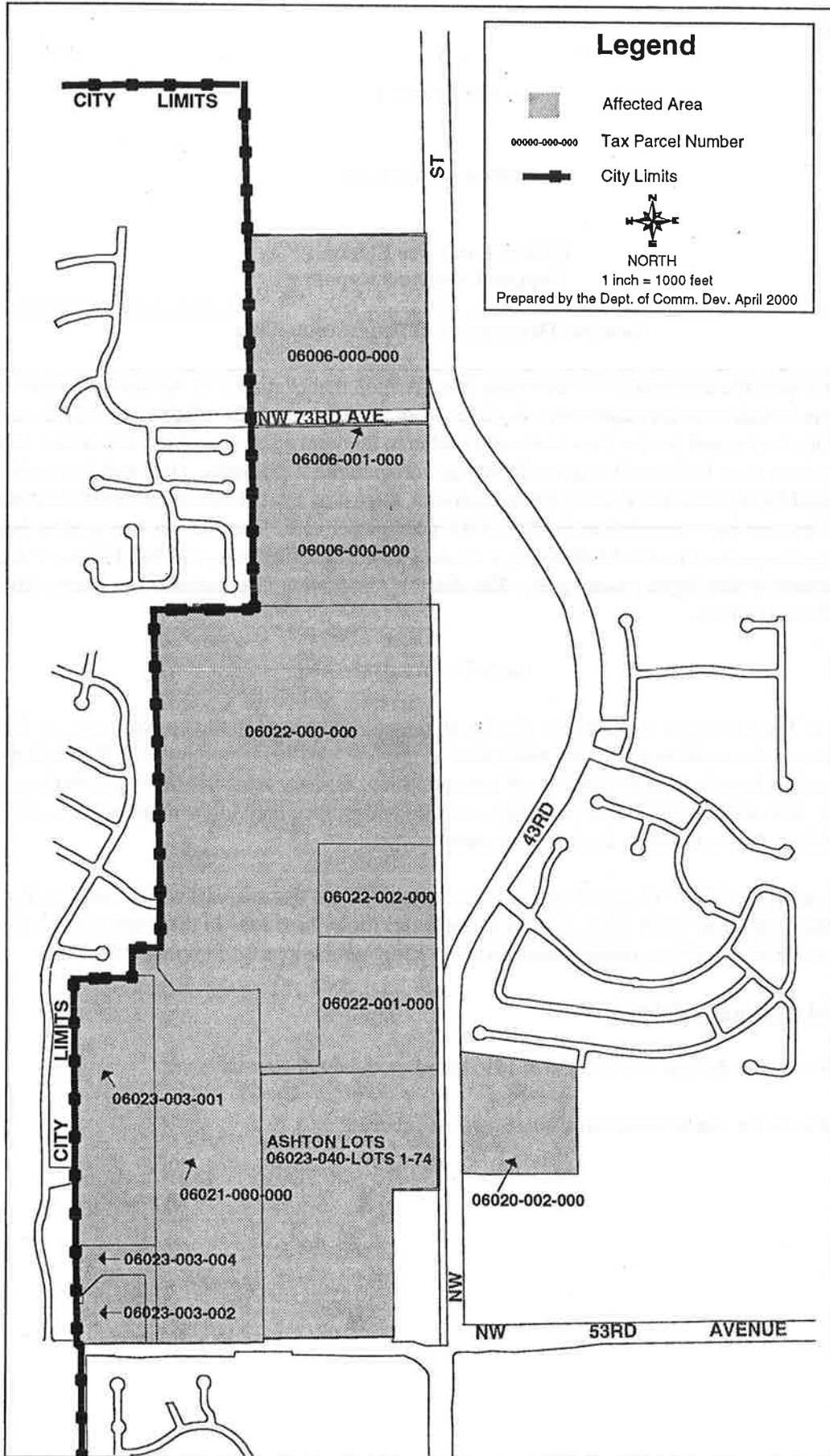
Alachua County's 1991-2011 Comprehensive Plan contains a land use analysis which includes the area annexed by the City. The intent of the City is to designate future land uses in the annexed area consistent with the County's designations, unless there is a compelling public interest in doing otherwise.

Population of the Annexed Area

The population of the Ashton Annexation is 179, based on the 1990 Census count.

Existing land uses for the annexed area are shown in Table 1.

Map 1 • Locator Map



Map 1A • Existing LUP and Zoning Categories

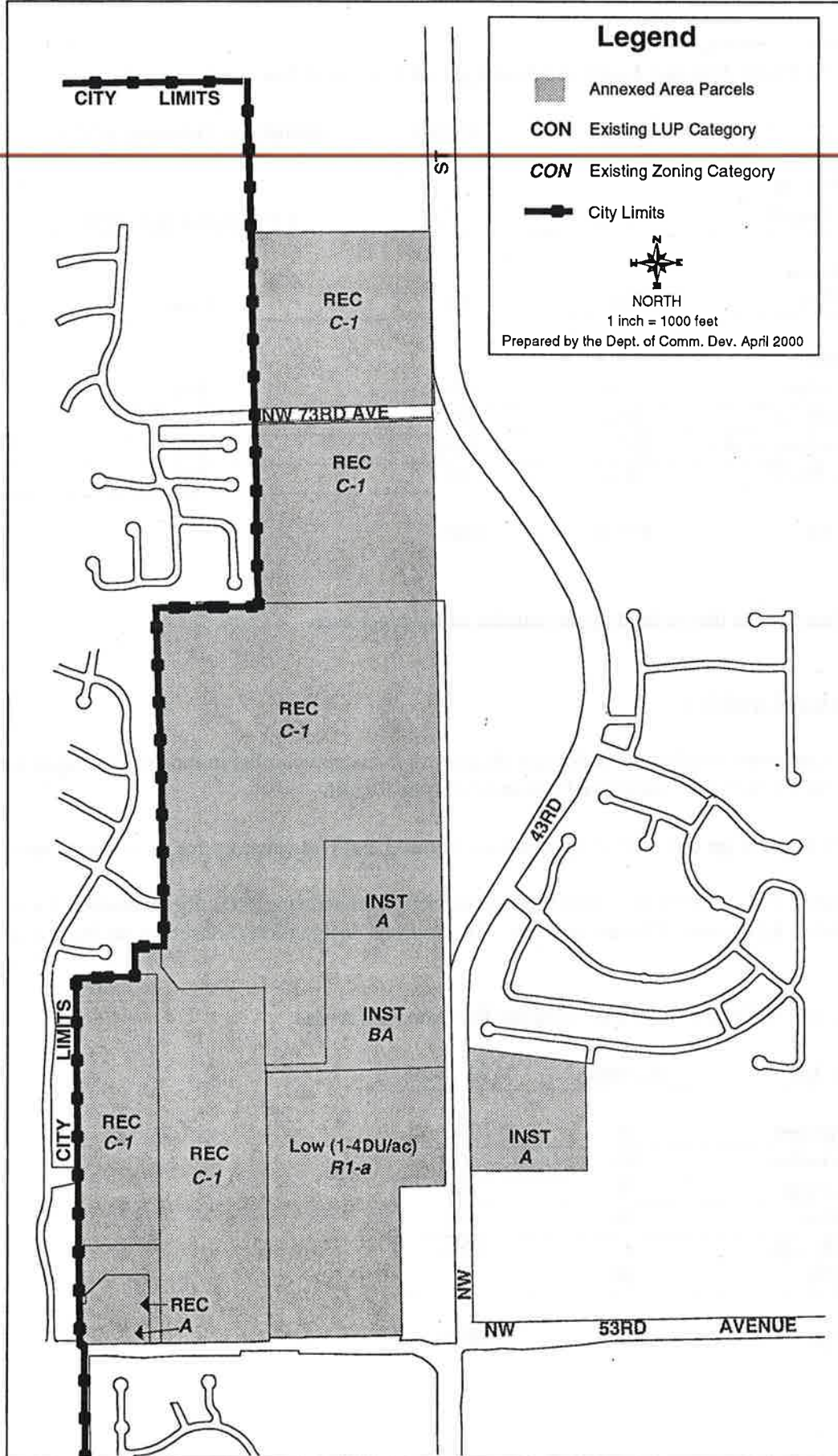


Table 1: Existing Land Use Acreage and Density of Use for Annexed Area

Land Use	Acreage	% of Total	Density or Intensity of Use
Residential Single Family	45 ac	12%	1.6 dwelling units/acre
Business Office	30 ac	8%	Low
Other Education	15 ac	4%	NA
Agriculture	10 ac	3%	NA
Conservation (public pk)	261 ac	70%	NA
Public ROW	10 ac	3%	NA
Total	371 ac	100%	

Residential density was determined by the number of units per acre.

Proposed Future Land Use

The land use categories which will implement the growth management plan in the annexed areas are described in the City's Future Land Use Data and Analysis Report.

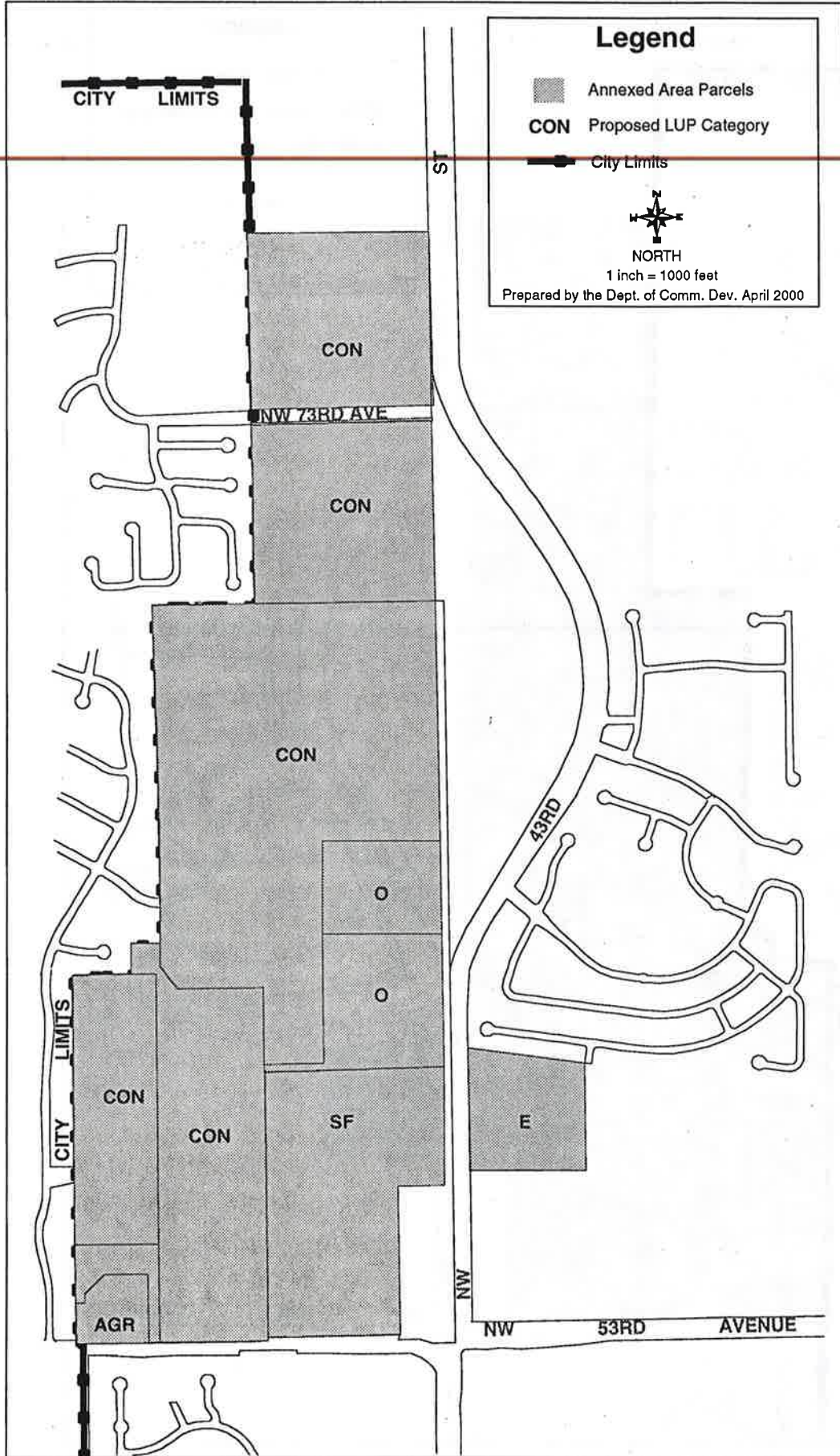
Table 2 shows the acreage distribution by proposed Future Land Use category for the annexed area.

The most prominent proposed future land uses are conservation and single-family residential, for a combined total of 82 percent of future land use. All proposed designations are shown on Maps 2 and 3.

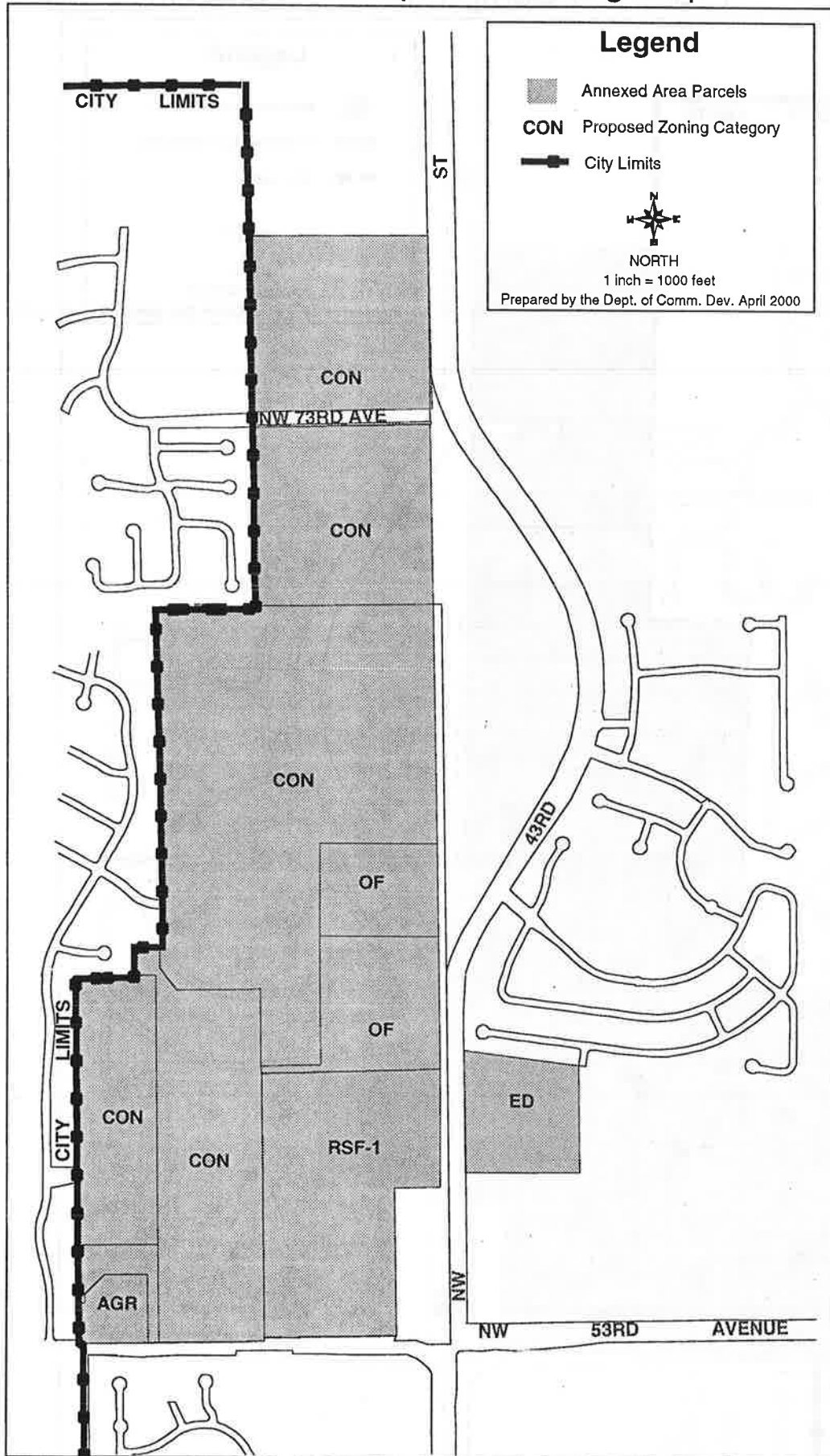
Table 2: Proposed Future Land Use Acreage For Annexed Areas

Land Use	Acreage	% of Total
Agriculture	6	2%
Conservation	261	71%
Education	6	2%
Office	30	8%
Single Family	45	12%
ROW	19	5%
Total	367	100%

Map 2 • Proposed Comprehensive Land Use Map



Map 3 • Proposed Zoning Map



Transportation

~~The Traffic Circulation Element of Alachua County's 1991-2011 Comprehensive Plan addressed the level of service (LOS) standards of the state highway system roadways and additional collector and arterial roads that serve the annexed area.~~

All of the other streets that fall within the annexed area are operating at level of service B. MTPO LOS Reports will annually update level of service for roadways in the Gainesville Metropolitan Area. The City shall apply the goals, objectives and policies of the Traffic Circulation Element of the Comprehensive Plan to transportation needs in the annexed areas.

The Gainesville Public Works Department provides basic maintenance and repair services for all City streets within city limits.

The existing and future Regional Transit System main bus service area is identified in Map 4 (from the Transportation Mobility Element). The Regional Transit System does not serve any of the annexed area.

Potable Water

The Murphree Water Treatment Plant, located in northeast Gainesville, serves the annexed area with potable water service. Map 5 (from the Potable Water and Wastewater Data and Analysis Report) shows the existing geographic service area for potable water facilities. Currently, the Murphree Water Treatment Plant has a design capacity of 34 million gallons per day (Table 4, Potable Water and Wastewater Data and Analysis Report). Forecasts of demand and capacity (Tables 9 and 10 of the Potable Water and Wastewater Data and Analysis Report) indicate a surplus capacity through the year 2001. Therefore, potable water demand will not exceed available capacity during the planning time frame.

Natural Groundwater Aquifer Recharge

The primary water supply for Gainesville and the newly annexed area is the Floridan Aquifer. The Floridan Aquifer underlies all of the City, including the annexed area. Map 6 (from the Conservation, Open Space and Groundwater Recharge Data and Analysis Report) shows the degree of confinement of the Floridan Aquifer System for the annexed area. The City will apply the goals, objectives and policies of the Conservation, Open Space and Groundwater Recharge Element to the annexed area.

Sanitary Sewer

The City currently serves the entire annexed area through Gainesville Regional Utilities. Map 7 (from the Potable Water and Wastewater Data and Analysis Report) shows the existing geographic service areas for wastewater facilities. The annexed area is served by the Kanapaha Wastewater Treatment Plant.

EXISTING & FUTURE R.T.S MAIN BUS SERVICE AREA

1991-2001

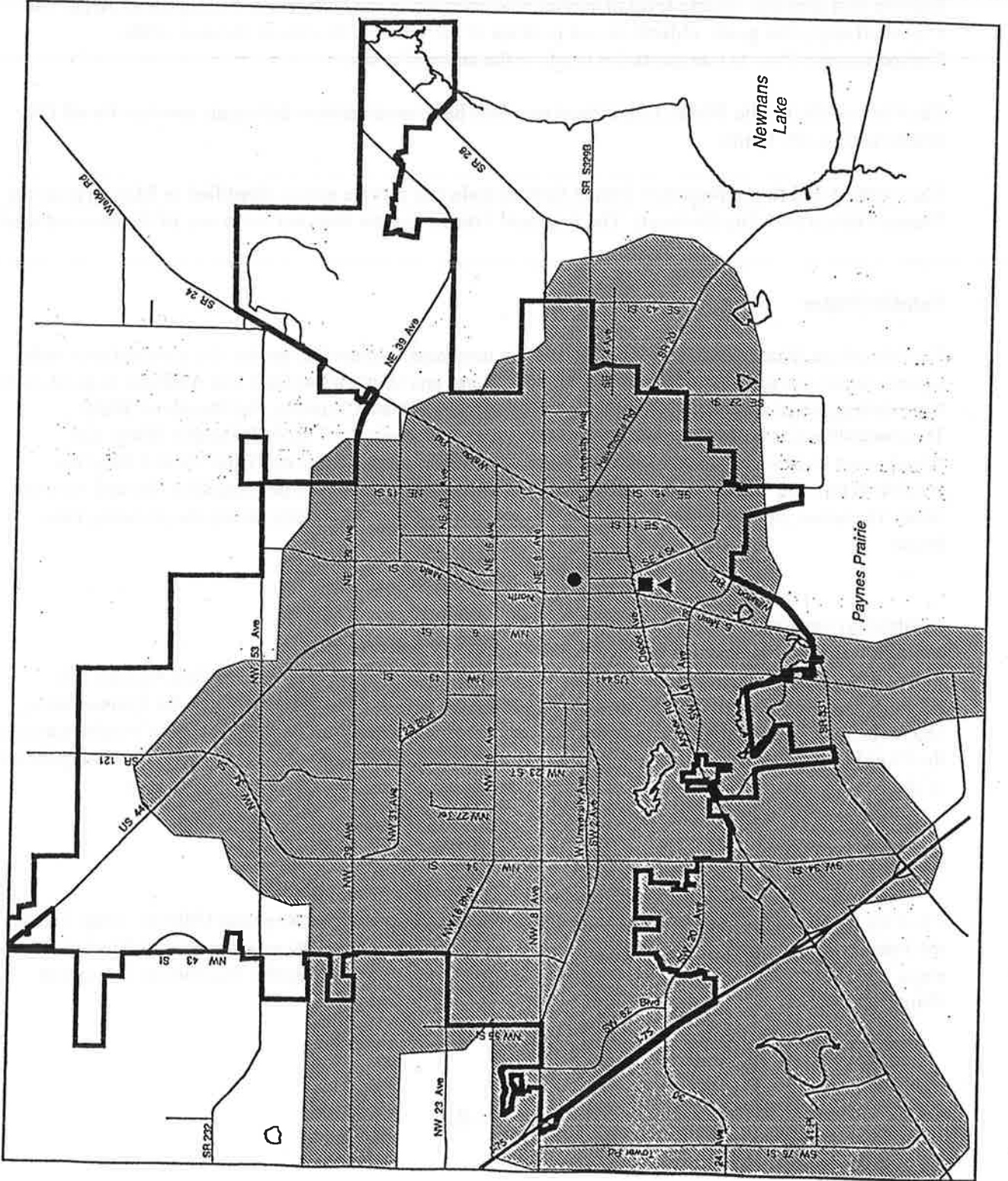
Legend

- Existing Bus Terminal
- Existing R.T.S. Administration
- ▲ Future Bus Terminal & R.T.S. Administration
- ▨ Service Area

Notes: There are no mass transit right-of-ways or exclusive mass transit corridors.

City of Gainesville
Gainesville, Florida







Prepared by the
Department of Community Development
December 1998



POTABLE WATER FACILITIES

Existing Geographic Service Area

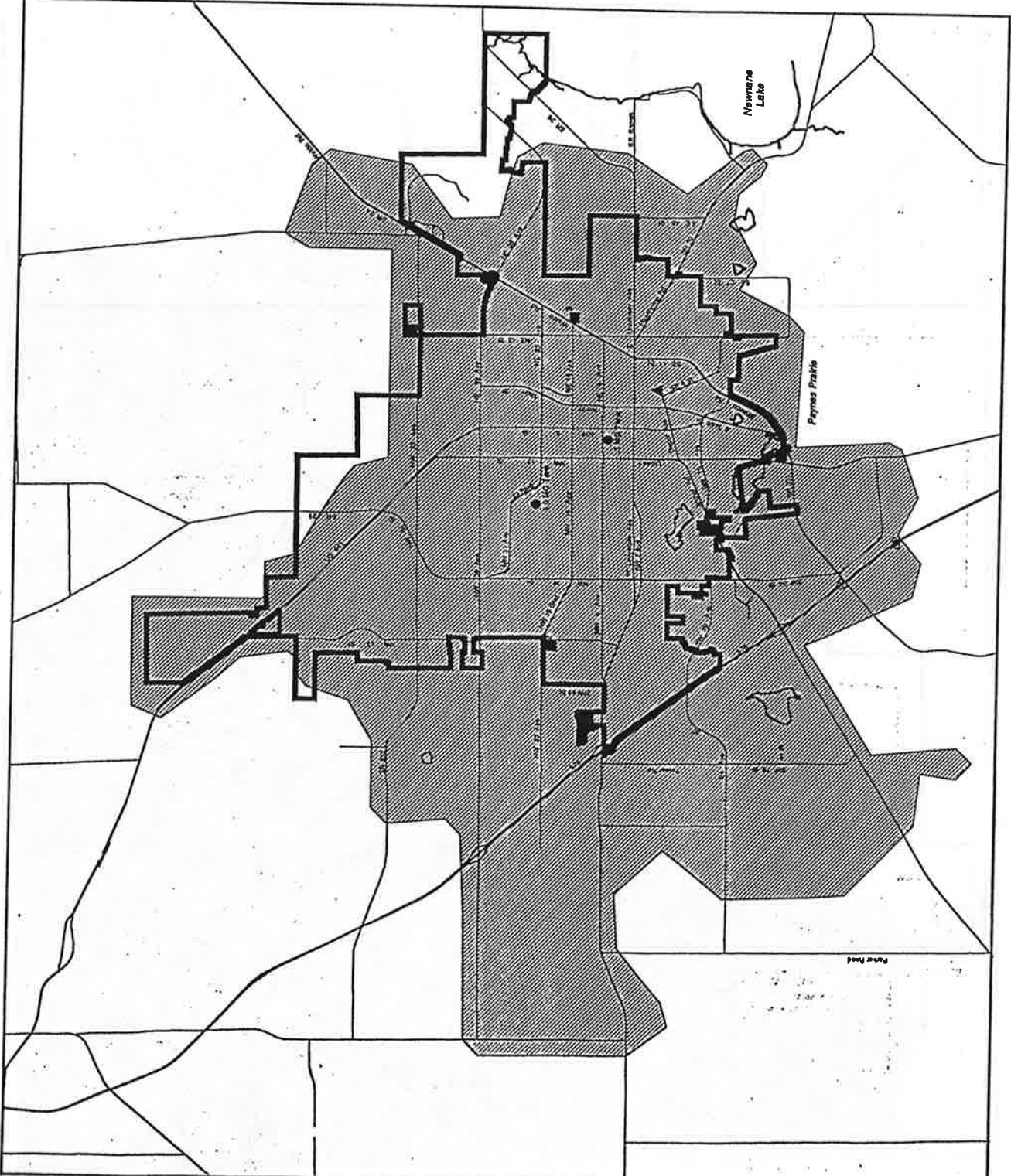
Legend

-  Gainesville Regional Utilities Potable Water Service Area
-  ¹ Gainesville Regional Utilities Murphree Water Plant
-  ² Saint Michael's Child Care Center (Private)
-  ³ Tacachale Water System (State). See Map 4
-  Gainesville Regional Utilities elevated water storage tank
-  1 MG Ground Storage Tank

Sources: Gainesville Regional Utilities, Strategic Planning Department, July, 1997
 Florida Department of Environmental Regulation, September, 1989 and GRU, 1991.

City of Gainesville
 Gainesville, Florida

Prepared by the
 Department of Community Development
 April, 1999



Map 6

FLORIDAN AQUIFER SYSTEM

Degree of Confinement

Legend



Confined Zone

A region of higher elevation underlain by at least 10 feet of clays or clayey sand which form an aquiclude to the Floridan Aquifer System.



Perforated Zone

A region primarily confined with numerous fractures allowing hydrologic access to the Floridan Aquifer System.



Unconfined Zone

A region of low and flat terrain where porous sands overlie the Floridan Aquifer System.

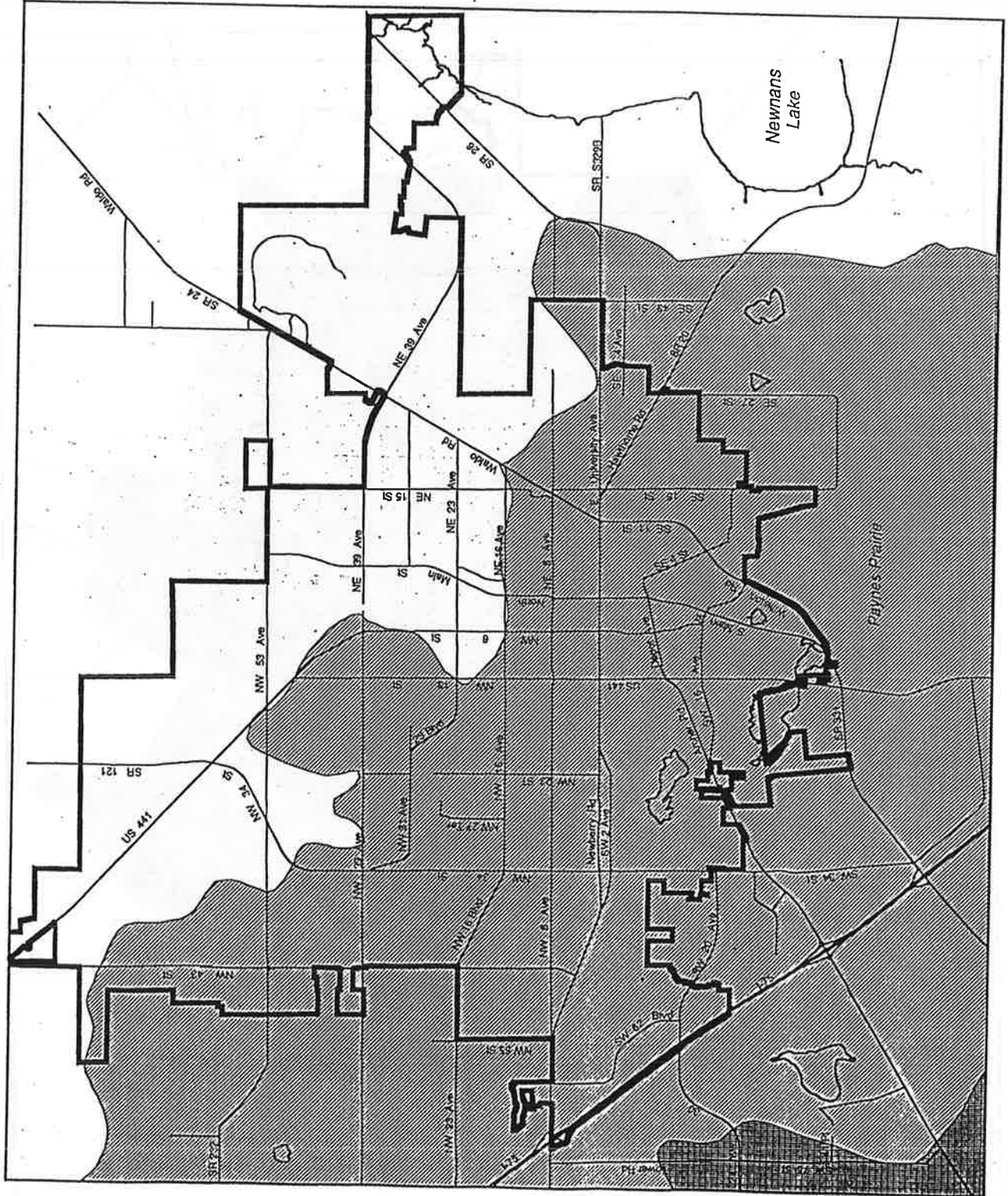
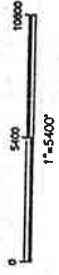


Gainesville City Limits

Source: Alachua County Environmental Protection Department, 1995

**City of Gainesville
Gainesville, Florida**

Prepared by the
Department of Community Development
July 28, 1999





Map 7

WASTEWATER FACILITIES

Existing Geographic Service Area

Legend

-  Gainesville Regional Utilities Wastewater Service Area
-  University of Florida Wastewater Service Area

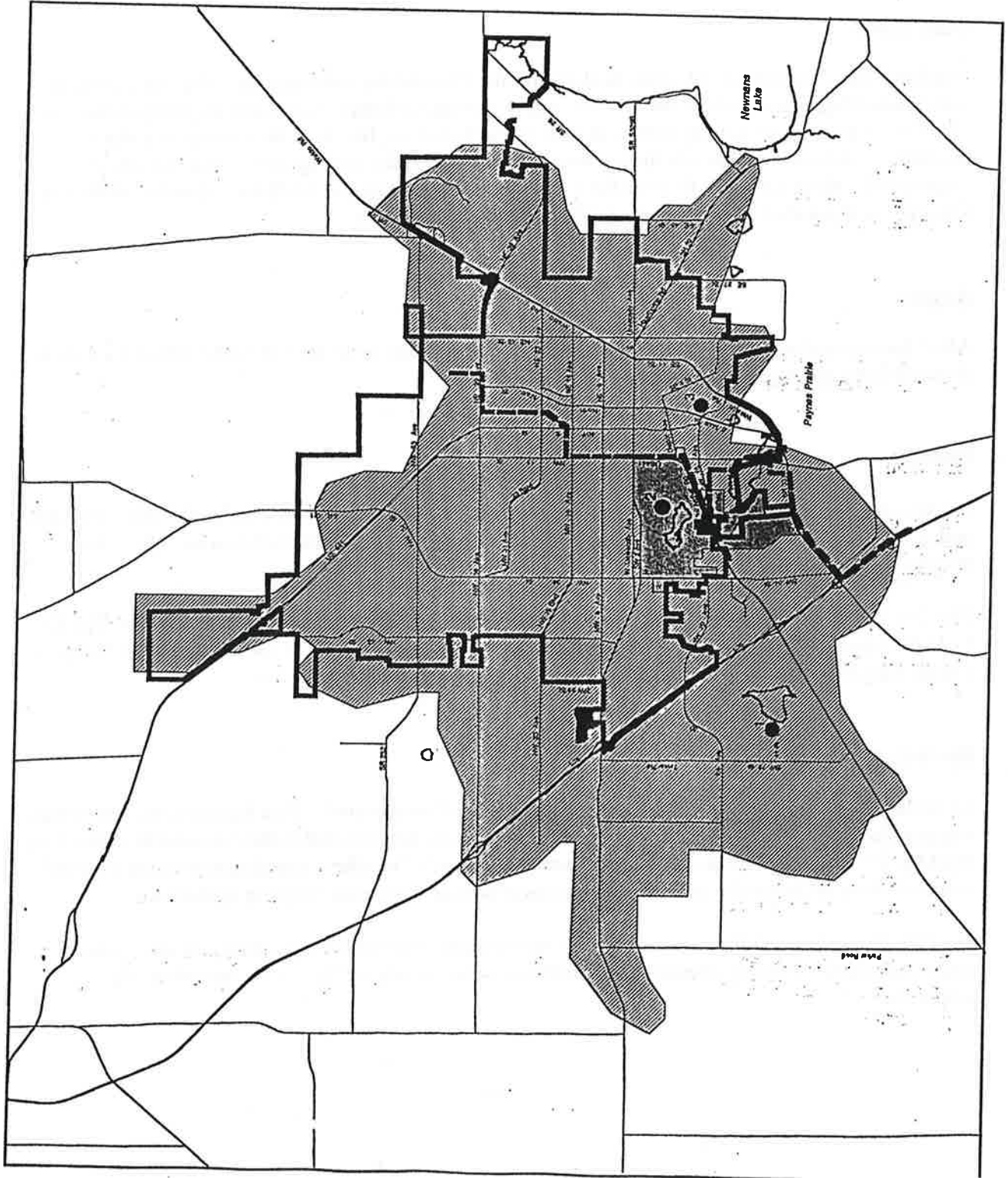
 Gainesville Regional Utilities Treatment Plant Service Boundary. Main Street Plant serves east of the boundary line. Kanapaha Plant serves west of boundary line

-  1 Gainesville Regional Utilities Kanapaha Wastewater Treatment Plant
-  2 University of Florida Wastewater Treatment Plant
-  3 Gainesville Regional Utilities Main Street Wastewater Treatment Plant

Source:
Gainesville Regional Utilities,
Strategic Planning
Department, July, 1997

**City of Gainesville
Gainesville, Florida**

Prepared by the
Department of Community Development
April, 1999



Stormwater

The City's Public Works Department provides stormwater management. Studies within the annexed area are needed to address any existing deficiencies within drainage basins. Map 8 (from the Alachua County Comprehensive Plan Drainage Element) identifies no recurrent drainage problems or proposed drainage improvement projects in the area annexed by the City. The City will apply the goals, objectives and policies of the Stormwater Management Element to the annexed areas.

Solid Waste

Alachua County provides solid waste facilities for the City and the entire county. The City contracts with Waste Management of Central Florida, Inc. to provide residential waste and recycling collection services for all areas within city limits. Boone Waste Industries, Inc. is under contract to collect residential yard waste within city limits. Non-single-family residential property owners contract separately for these services. Refer to the City's Solid Waste Data and Analysis Report for additional information about the future needs for solid waste disposal capacity.

Airport

All of the annexed area falls outside of the 65 LDN airport noise contour. See Map 9 (from the City's Aviation Data and Analysis Report).

Housing

The housing in the annexed area is of standard condition. The City will apply the goals, objectives and policies of the Housing Element to ensure that all housing units in the annexed area meet the City's Minimum Housing Code.

The City Building Inspections Department enforces building and fire codes within city limits. The City Code Enforcement Division of the Department of Community Development enforces codes relating to zoning, housing, vehicles, hazardous lands, and special sales within city limits.

Recreation

Recreation level of service standards were adopted in the Comprehensive Plan based on the 1989 urban area population and facilities. The areas annexed by the City are included in the Gainesville Urban Area. See Map 10 (from the Recreation Data and Analysis Report). Therefore, population from the annexed areas will have no impact on the recreation levels of service during the planning time frame.

The City Recreation and Parks Department provides organized recreation programs for county-wide youth and adults. This Department also maintains city parks, city rights-of-way, and other city properties.

DRAINAGE

Problem Areas & Proposed Improvement Projects

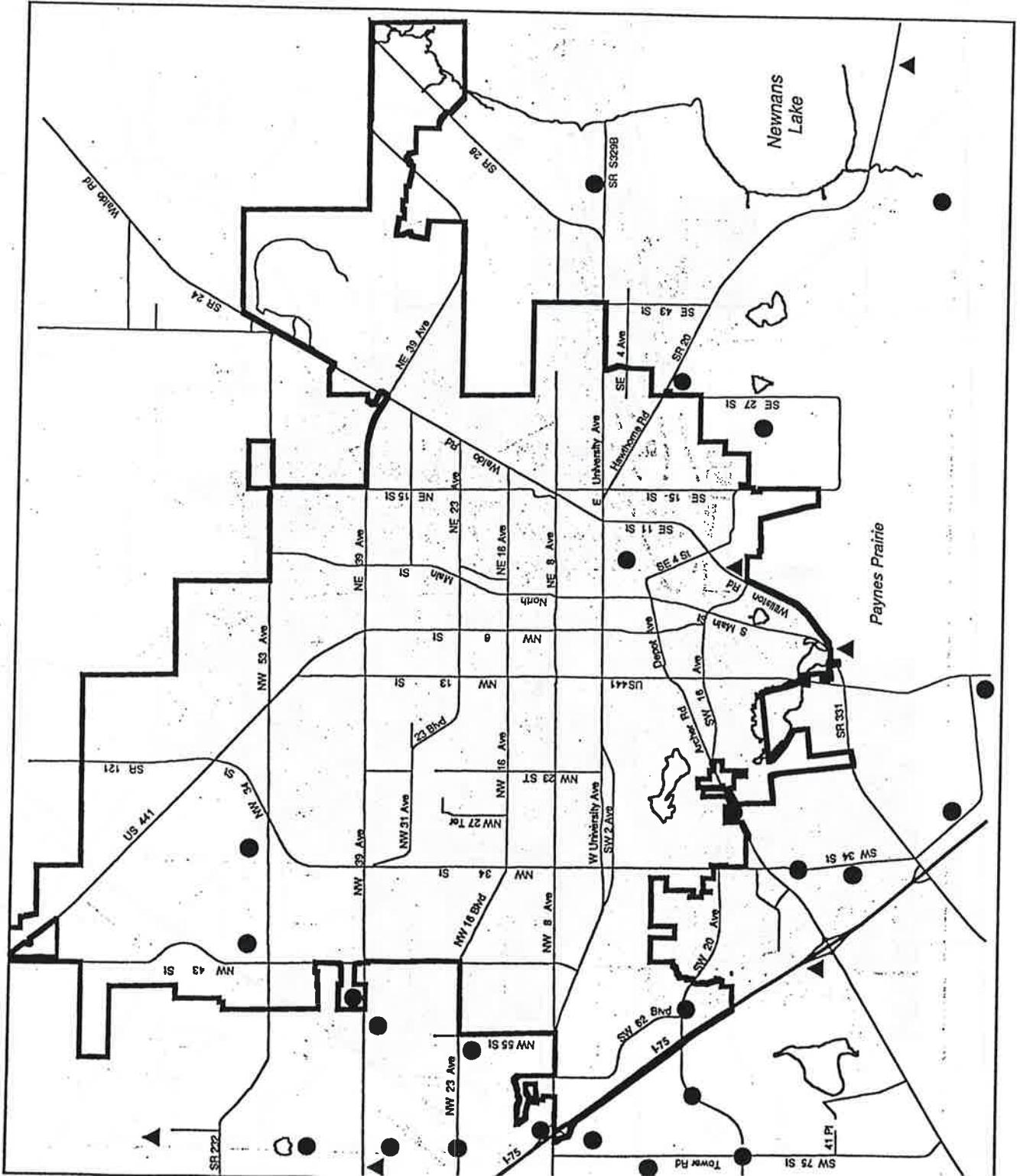
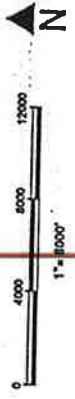
Legend

- Recurrent Drainage Problem Area
- ▲ Proposed Drainage Improvement Project

Source: "Figure 2. Locations of Problem Areas and Proposed Capital Improvement Projects,"
Law Environmental Inc.,
Alachua County, Florida

City of Gainesville, Florida
Gainesville, Florida

Prepared by the
Department of Community Development
October 1999



AIRPORT NOISE ZONE

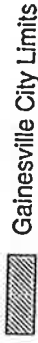
Gainesville Regional Airport

Legend



Decibel Contours for Airport Noise

- Subzone A (75 Ldn)
- Subzone B (70 Ldn)
- Subzone C (65 Ldn)

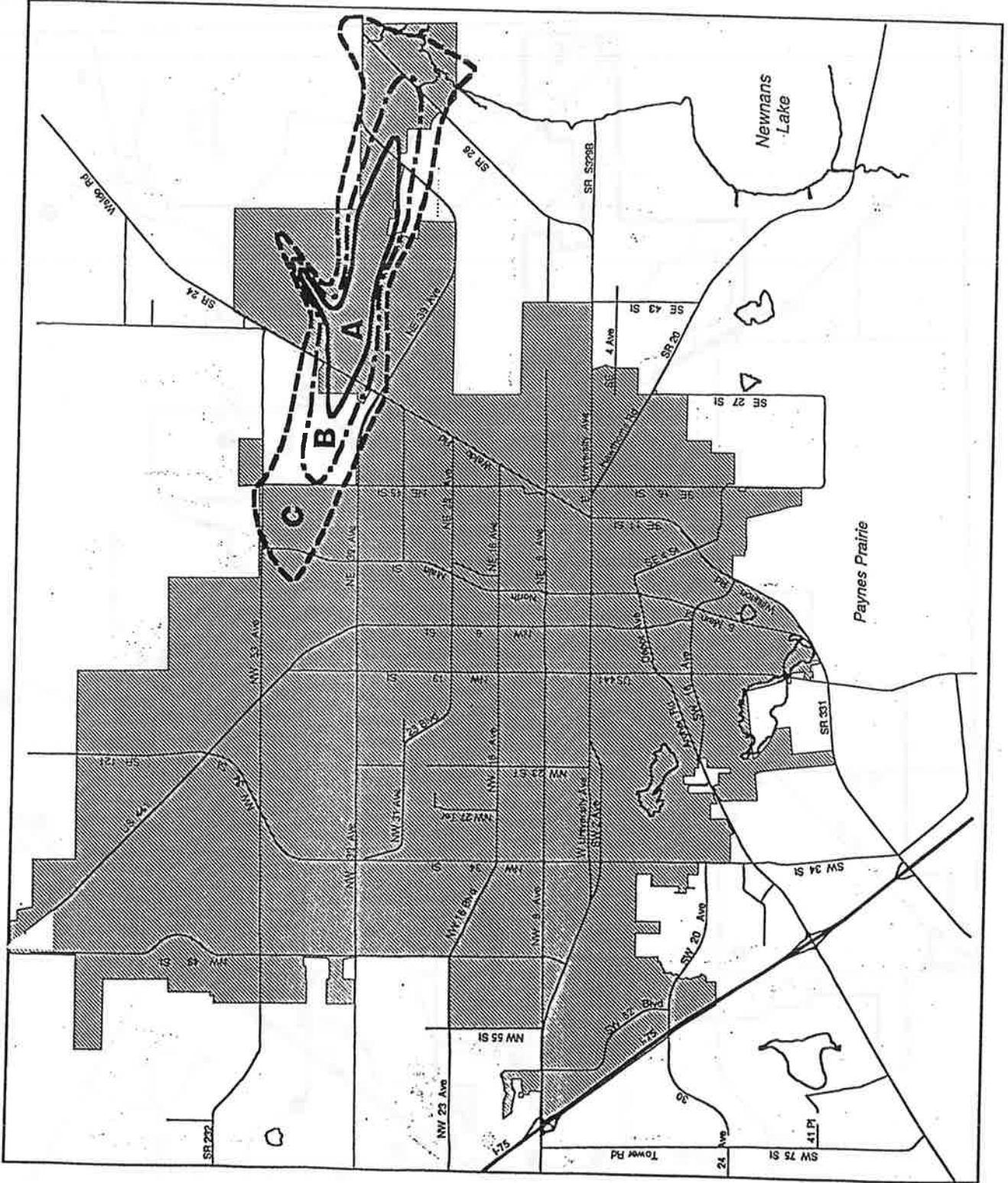


Gainesville City Limits

Source: CH2MHILL, Drawing 4,
Gainesville Regional Airport Master Plan

City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
October 1999



QUADRANTS

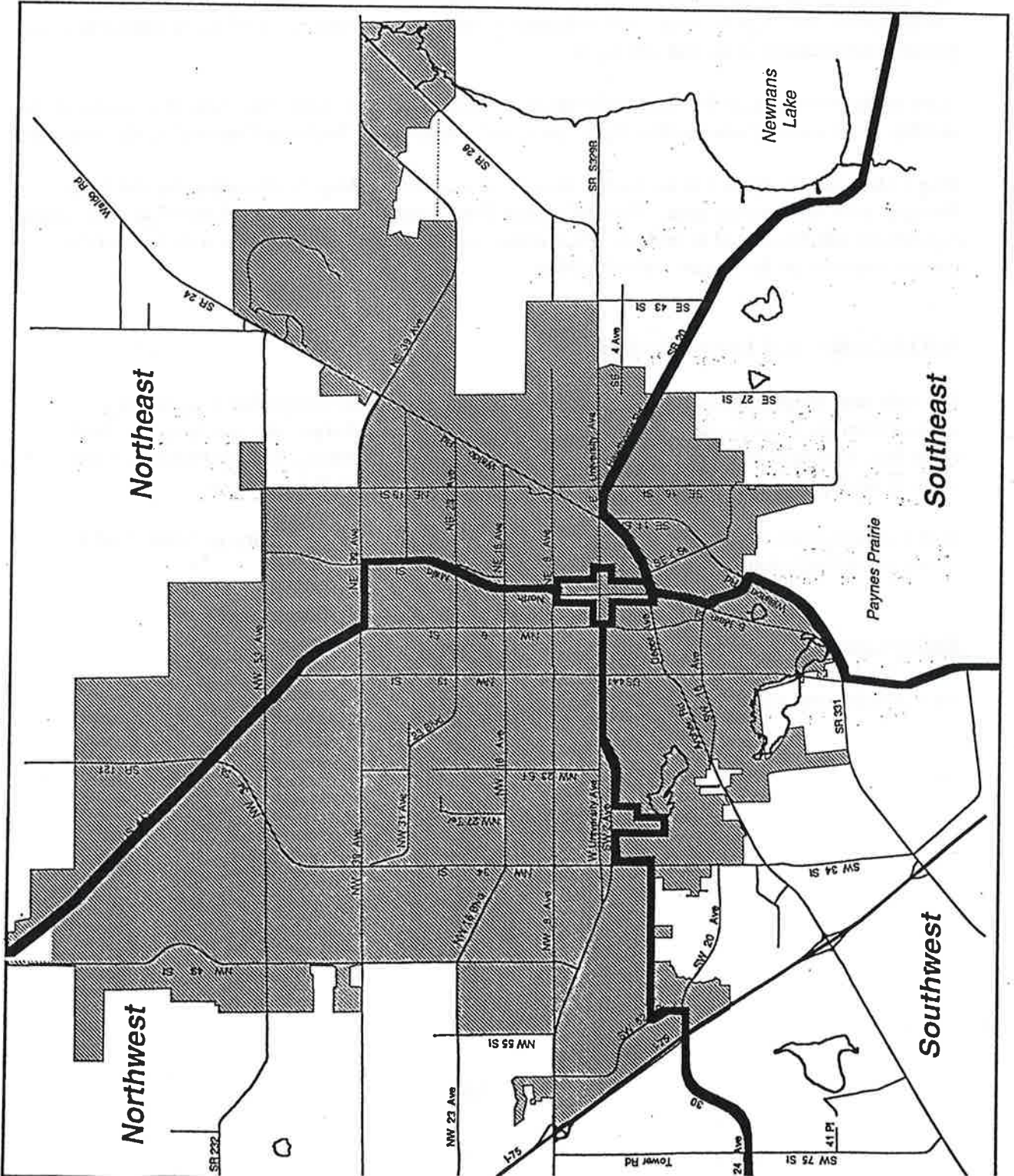
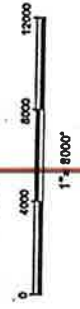
City of Gainesville

Legend

- Quadrant Boundaries
- ▨ City of Gainesville

City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
October 1999



Capital Improvements

No capital improvements are foreseen to be needed for the annexed area.

Development Suitability of Vacant and Undeveloped Land

This section analyzes the development potential of vacant and undeveloped land in the annexation area. The analysis is based on locations of floodplains, creeks, lakes, wetlands, wellfield management zones, groundwater recharge areas and soil types.

None of the annexed area falls within the secondary and tertiary wellfield management zones as shown on Map 11 (from the Conservation, Open Space and Groundwater Recharge Data and Analysis Report).

Map 11A shows the lakes and wetlands within the annexed area. Map 12 illustrates the 100-Year Floodplain for the annexed area. The City's Land Development Regulations and the State's associated regulations will be utilized to protect critical areas. Some of these areas have been designated for conservation use on the Future Land Use Map.

Soil Limitations and Erosion Problems

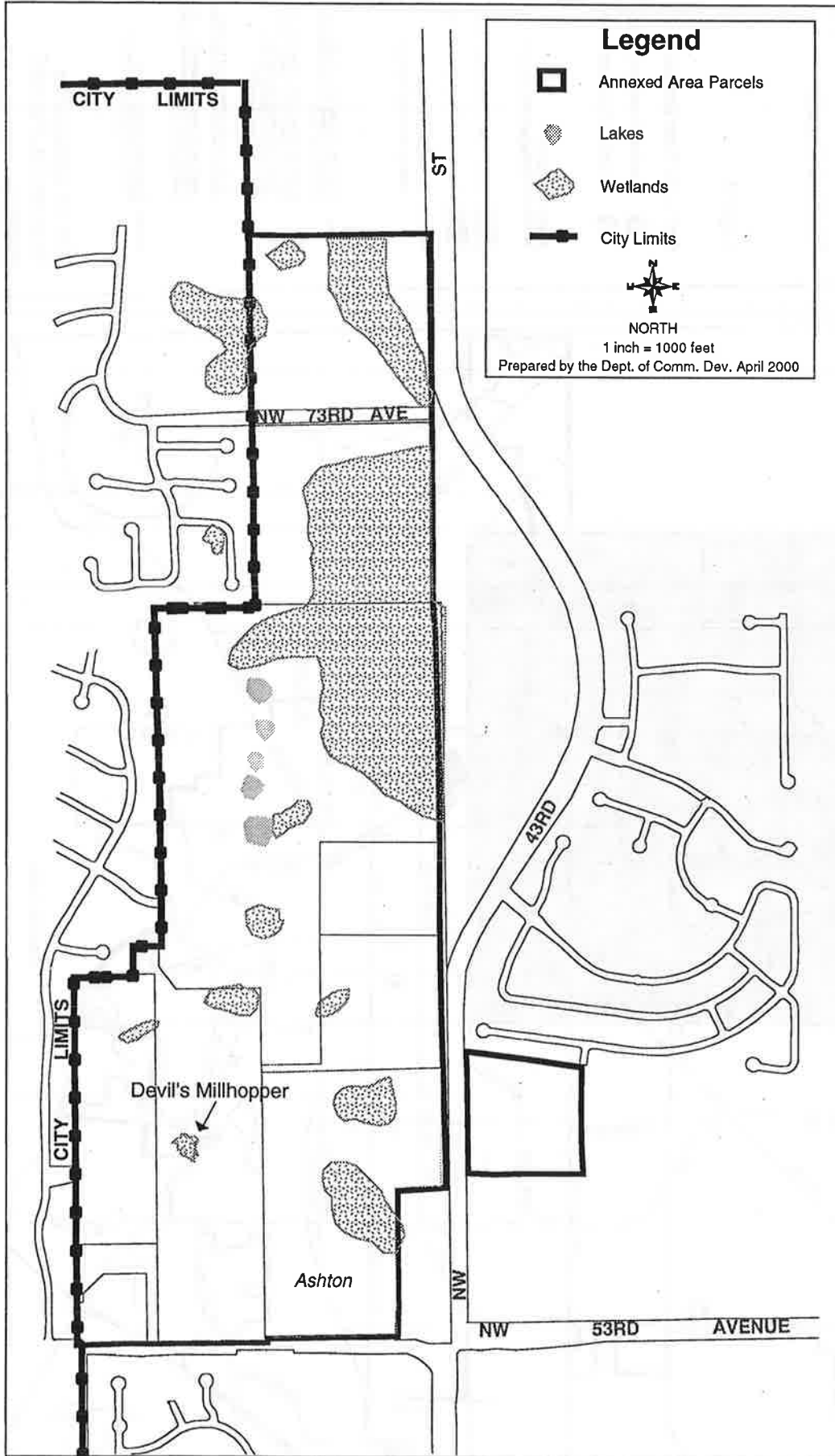
The soils map series indicate soil limitations on development for the annexation area, and is derived from the Conservation, Open Space and Groundwater Recharge Data and Analysis. Soil types were classified into two categories -- Areas of Soil Limitations and Erosion Problem Areas -- based on their impact on development. Map 13 shows Areas of Soil Limitations.

Map 14 illustrates that there are no areas within the annexed area where erosion problems lead to development limitations.

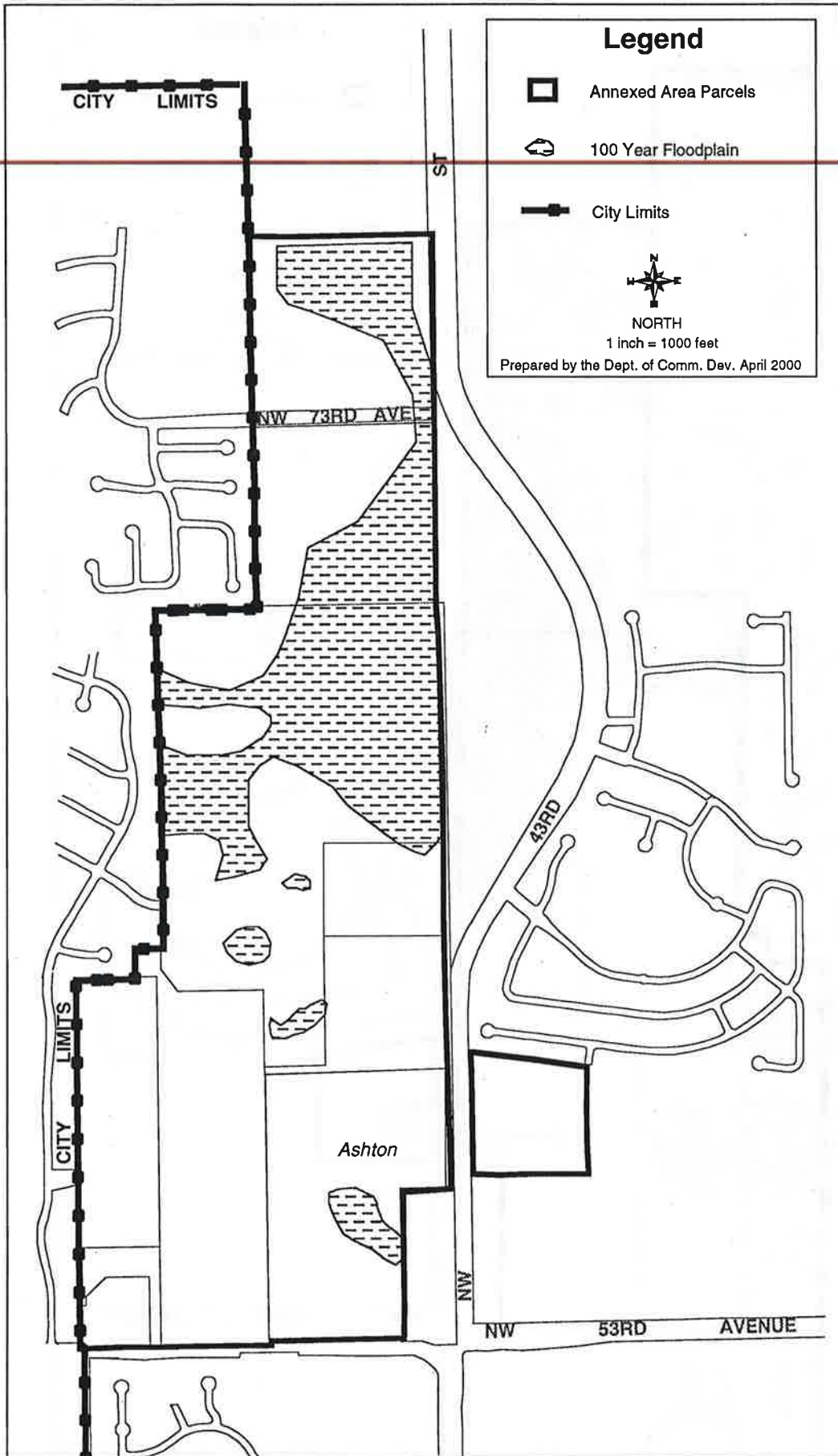
Redevelopment

No redevelopment needs are foreseen for the annexed area.

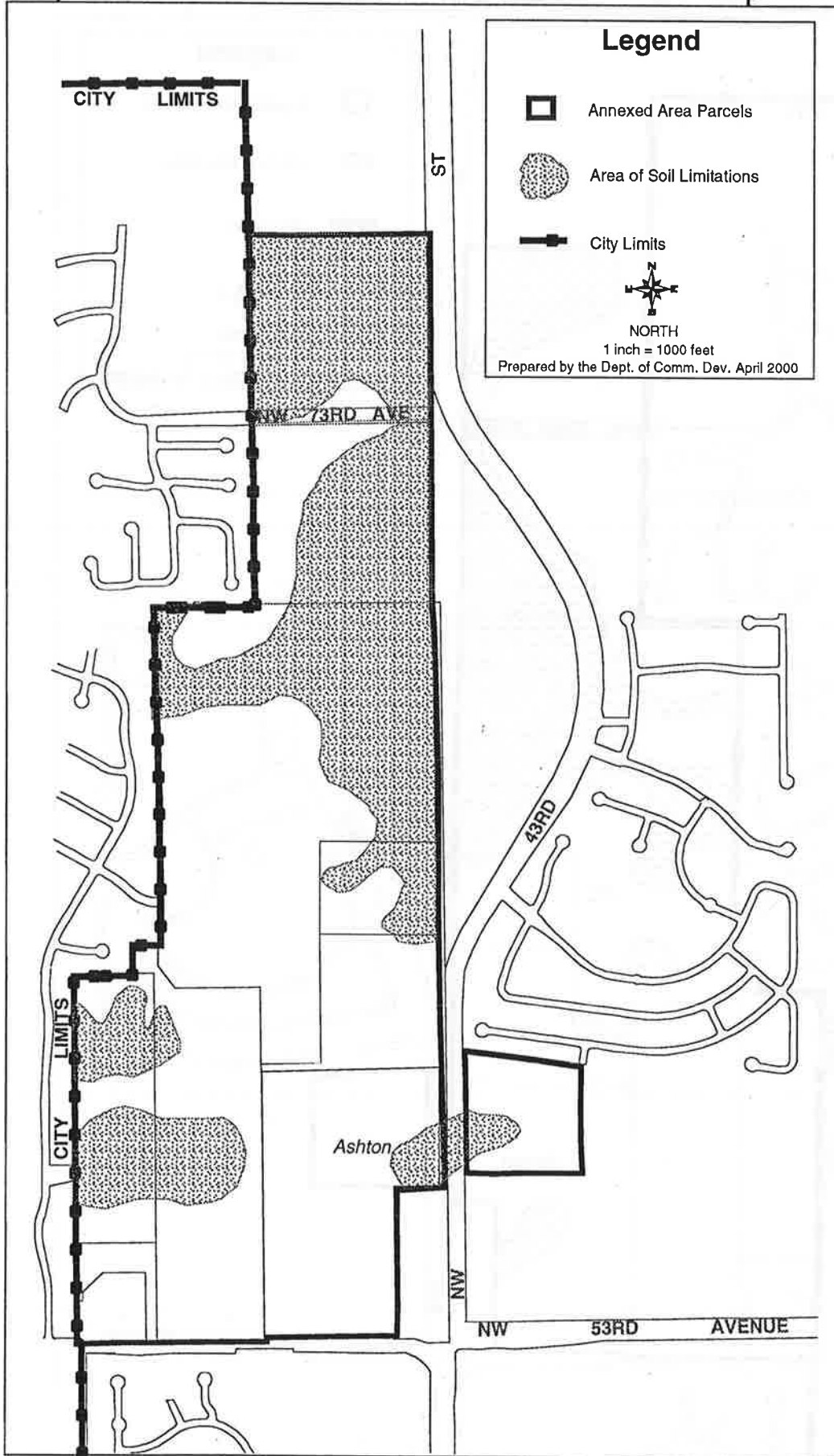
Map 11A • Environmentally Significant Natural Areas



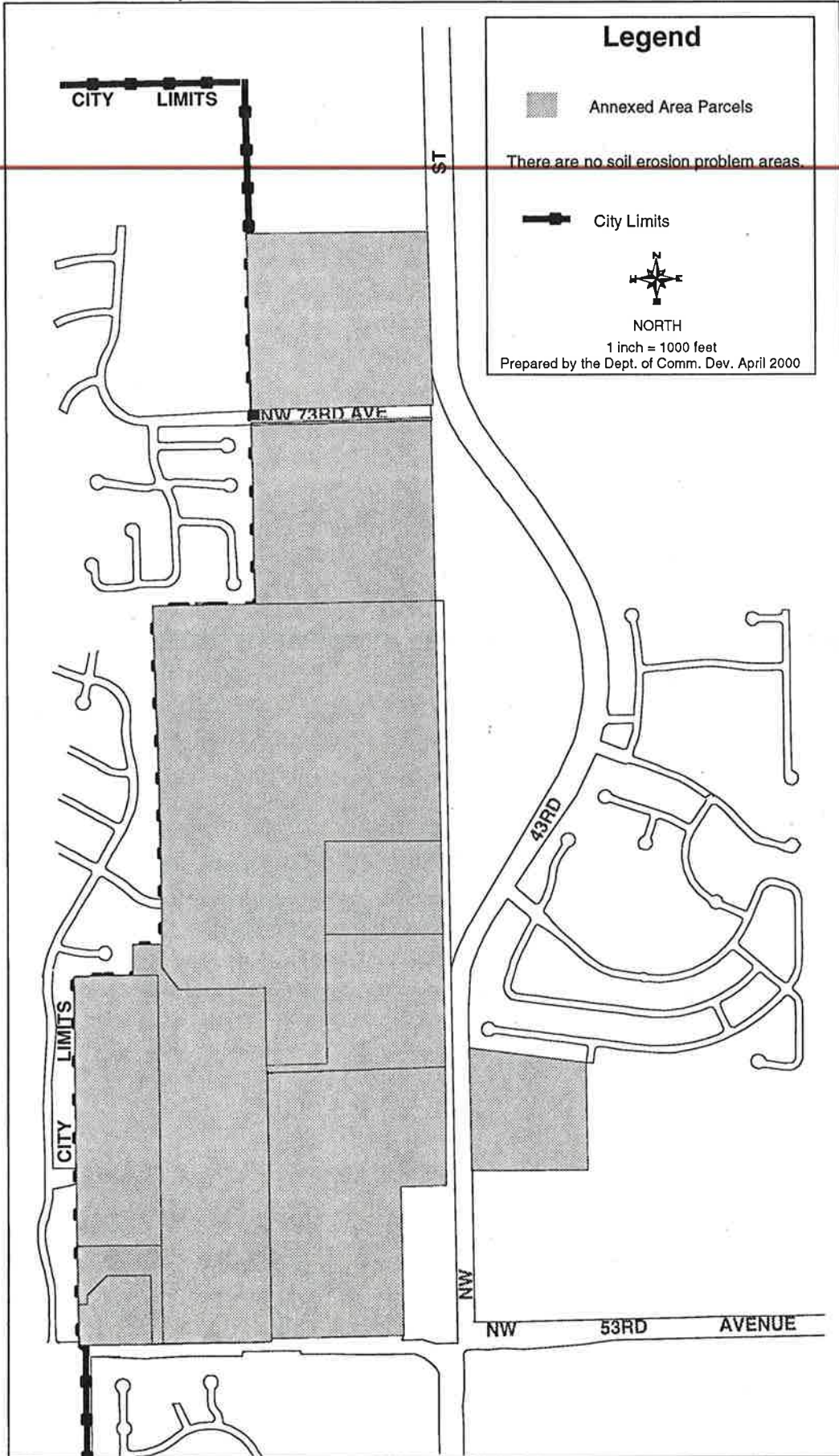
Map 12 • 100 Year Floodplain Map



Map 13 • Soil Limitations for Urban Development



Map 14 • Erosion Problem Areas



CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Registration Form

Name: (please print) 2000 APR 10 AM 10:23 MERL H. & MARTHA E. CRAWFORD

Address: 7643 NW 47th WAY - GAINESVILLE, FL.

Telephone Number: 352-379-5862

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 149ZON-99 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: Merle Crawford

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the ORDINANCE ADOPTION/PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 149ZON-99 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

Quasi-Judicial Registration Form

Name: (please print) Thomas R. Kerkhoff

Address: 4923 NW 69th Place

Telephone Number: 336-7294

Please indicate whether you are for or against this petition: FOR ___ or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES ___ or NO (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 149ZON-99 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the ORDINANCE ADOPTION/PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 149ZON-99 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

2000 APR 10 AM 10:13
CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Registration Form

Name: (please print) Harold P & Helen B Kaulfoss

Address: 4737 N.W. 76th Road Gainesville FL 32657-1173

Telephone Number: (352) 377-8956

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")



Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 149ZON-99 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the ORDINANCE ADOPTION/PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 149ZON-99 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

2000 APR 10 AM 10:09
CITY OF GAINESVILLE
COMMISSION

CITY OF GAINESVILLE
CITY COMMISSION

2000 APR 11 AM 10:43

Quasi-Judicial Registration Form

Name: (please print) ELOISE C. A. EDWARDS
Address: 4812 N.W. 76th ROAD, GAINESVILLE FL 32653
Telephone Number: 352 271-6484

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 149ZON-99 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: MA

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the ORDINANCE ADOPTION/PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 149ZON-99 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) ELOISE C. A. EDWARDS
Address: 4812 N.W. 76th ROAD GAINESVILLE FL 32653
Signature: Eloise C. A. Edwards
Telephone Number: 352 271-6484

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

990710

Quasi-Judicial Registration Form

CITY OF GAINESVILLE
CITY COMMISSION

Name: (please print) ROBERT P. HASLAGE 2000 APR 11 AM 10:41

Address: 6921 NW 47th Terrace, Gainesville, FL 32653

Telephone Number: 367-4522

Please indicate whether you are for or against this petition: FOR ___ or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES ___ or NO (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 149ZON-99 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the ORDINANCE ADOPTION/PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 149ZON-99 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.