

TO: City Plan Board

Item Number: 7

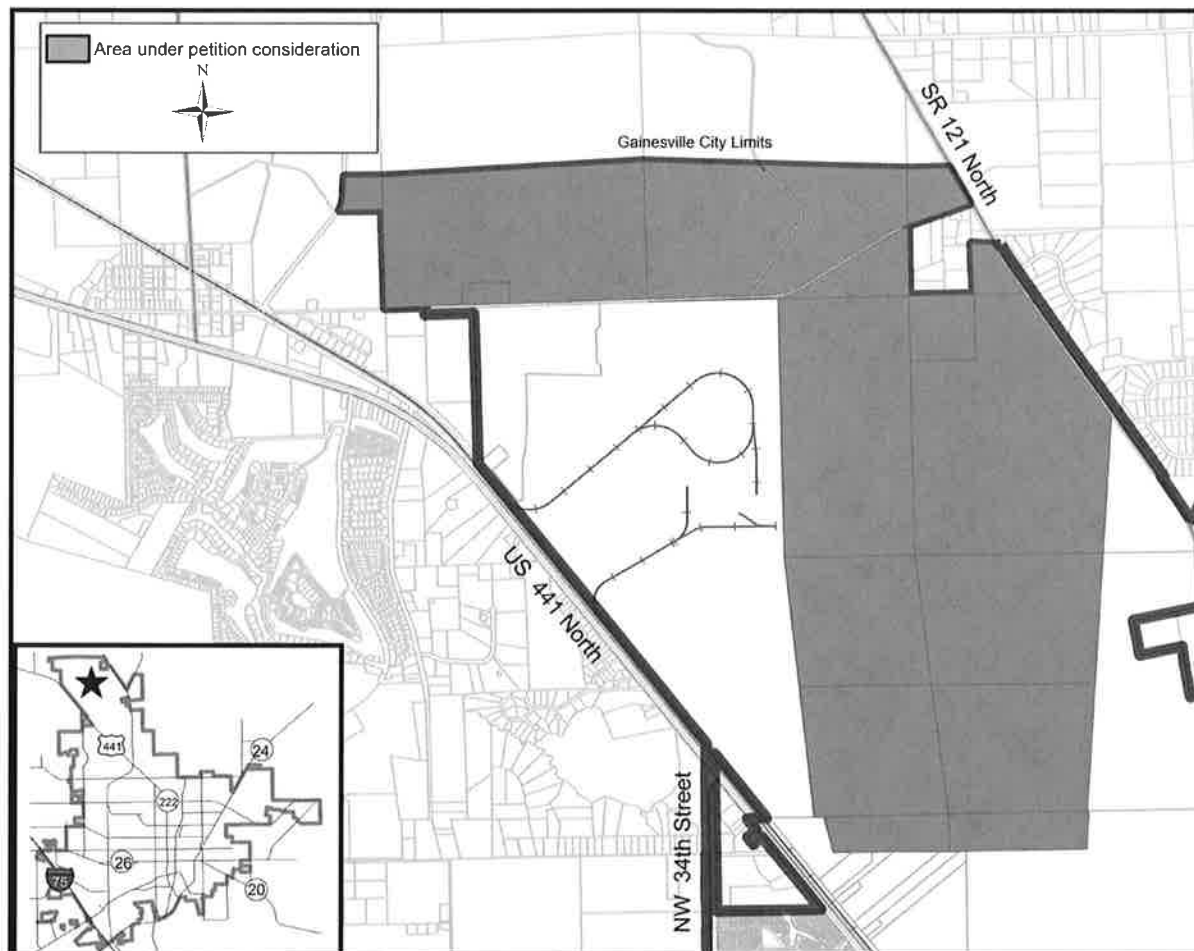
FROM: Planning & Development Services Department Staff

DATE: September 25,
2014

SUBJECT: Petition PB-14-74 ZON. City of Gainesville. Rezone property from Alachua County Agriculture district (A) to City of Gainesville Public services and operations district (PS). Generally located north and east of the GRU Deerhaven Power Plant and 2,800 feet north of NW 128th Lane; in the 9300 block of US 441; and bounded on the east by the portion of SR 121 generally located between the 11900 and 13100 blocks. Related to PB-14-73 LUC.

Recommendation

Staff recommends approval of Petition PB-14-74 ZON.



Description

This proposed rezoning pertains to an approximately 2,287-acre, City-owned and GRU-managed, undeveloped, commercially forested property surrounding the GRU Deerhaven Generating Station (power plant facilities) at the northern periphery of the City. It is generally located west of State Road 121 and is north and east of the Deerhaven Generating Station (which is immediately east of US 441). (See map on previous page, and see Exhibit B-1 for an aerial photograph of the property and surrounding area.)

The majority of the property was annexed in 2007 (except for two relatively small parcels that were annexed in 2013). The property has an Alachua County zoning designation of Agriculture (and a future land use designation of Alachua County Rural/Agriculture) and is in need of rezoning (and related land use change) to an appropriate City of Gainesville category.

The parcels that comprise the property were incrementally acquired by the City of Gainesville in 2001, 2002, 2003 and 2005. The purchase of the land did not include the underlying timber rights (except for 50.8 acres owned outright), which were retained by Plum Creek Timberlands, L.P. in perpetuity. The City does have the option to purchase the timber rights per the terms of the original contract.

The proposed zoning is Public services and operations (PS) district, which matches that of the abutting 1,061-acre, GRU Deerhaven Generating Station. Please see Table 1 for adjacent uses and land use controls (future land use categories and zoning districts). This petition is related to Petition PB-14-73 LUC, which proposes a land use change from Alachua County Rural/Agriculture (AG) to City of Gainesville Public and Institutional Facilities (PF). See Exhibits B-2 and B-3 for the existing and proposed zoning maps and Exhibit C-1 for the Application.

As stated in the Sec. 30-75 (Public services and operations district) (see Exhibit B-5) the PS district is established for the purpose of identifying and providing suitable locations for the necessary public and private utility and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. The proposed PS zoning allows for public utilities and is an appropriate zoning for GRU Deerhaven power plant operations. GRU has indicated that there are no immediate plans for the use of the property for utilities.

The proposed PS district zoning includes a list of permitted uses for the property, plus a list of standards for future development of the property. These future development standards include a minimum 50-foot building setback from all property lines abutting a property with a different owner. All future development within this property will be subject to the appropriate development review process and to all other applicable regulations in the Land Development Code, including those pertaining to natural and archaeological resources, including regulated surface waters and wetlands.

Because no development is proposed at this time, a preliminary development plan has not been included in the PS zoning application. However, a concept plan ("Public Services Zoning Plan Conceptual Site Map") is included in the application (see last page of Exhibit C-1 – Application)

to illustrate where future development may be located outside of wetland areas. The concept plan submitted as part of this rezoning application is not a development plan for any proposed development activity, but does include the development standards that will apply. At such future time when GRU proposes any development for this property, a preliminary and final development plan will be required.

Permitted Uses

The following uses are allowed in the Public services and operations district zoning ordinance applicable to this property:

1. Electric power generating plants and ancillary systems and buildings as required for steam and combustion turbines, solar photovoltaic arrays, fuel cells, energy storage systems and other technologies as required to produce and manage electric power for retail consumption using fossil and renewable energy sources. Ancillary systems include water treatment and stormwater management, cooling systems, air emission controls, electric substations and transmission facilities, security management, water management and storage facilities, warehousing and maintenance facilities.
2. Green industries that assist in reducing society's reliance on fossil fuels, that would benefit from the availability of waste heat or by-products of power generation, or which may have by-products that are beneficial to the production of electricity. Examples could include but are not limited to: a facility using steam and electricity to produce ethanol from cellulosic materials, whose waste by-products are able to be dewatered and used as a fuel; a facility that would sequester and compress carbon dioxide for a variety of industrial and food-use applications; or a facility to make ice from steam.
3. Fuel and chemical transportation, loading, storage and handling systems as required for power generation or the management of power generation by-products, including rail and truck conveyance, unloading and loading facilities, conveyor belts, pipelines and metering stations.
4. Long-term storage and disposal of power generation by-products.
5. Communications towers and facilities in accordance with the provisions of the wireless communication facilities and antenna regulations of the land development code. Monopole towers shall be permitted in this PS zoning district, and monopole towers must meet the provisions of the wireless communication facilities and antenna regulations of the land development code.
6. Timber planting and harvesting.
7. Wildlife management.
8. Training areas for municipal police and fire agencies.

9. Outdoor storage, as defined in the Land Development Code and in accordance with the requirements for specially regulated uses in the Land Development Code.
10. Any accessory uses customarily and clearly incidental to any permitted principal use.

Development Standards

1. The subject property shall maintain a minimum 50-foot building setback from all property lines abutting a property with a different owner. No setback is required along property lines where adjacent properties are owned by the City of Gainesville and maintained by Gainesville Regional Utilities.
2. Development plan review shall be required for all future site improvements and any development activity according to criteria outlined in the City of Gainesville Land Development Code.
3. All future development activity shall occur in compliance with the applicable development standards and dimensional requirements as indicated in the applicable sections of the Land Development Code.
4. Any future development activity shall be directed away from environmentally sensitive areas to the greatest extent possible. In addition, all development in and around these environmentally sensitive areas shall comply with the natural and archaeological resource protection standards and wetlands and surface water protection standards outlined in the Land Development Code.
5. Existing internal roads may continue to be utilized and improved for non-public use.
6. A 100-foot landscape buffer shall be applied along the common property line between the subject property and the Plum Creek PUD.
7. Upon submission of the first application for a non-exempt development activity on the GRU Deerhaven planning parcel, GRU may submit a proposal for alternate compliance to meet the provisions of the natural and archeological resources section of the Land Development Code. The alternate compliance proposal shall meet all the requirements as specified in the Land Development Code and may include a phased approach as it pertains to the implementation of conservation management areas (CMA's).

Key Issues

- City zoning is required to be placed on land that has been annexed from unincorporated Alachua County.
- The proposed PS zoning will allow the property to be used for GRU facilities.
- The City's ownership of the land does not include the timber rights that underlie nearly all of the property.

- Regulated environmental and natural resources (e.g., extensive wetlands) are present on this large public property, and much of the property is within a regulated Strategic Ecosystem unit (Hague Flatwoods).

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

The proposed rezoning to Public services and operations district (PS) is fully consistent with the related, proposed Public and Institutional Facilities (PF) land use, and is consistent with Future Land Use Objective 3.3, Policy 3.3.1, Objective 4.1 and Policy 4.4.1, below. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies.

Future Land Use Element

Objective 3.3 Provide adequate land for utility facilities.

Policy 3.3.1 The City shall coordinate with public and private utilities to ensure that adequate land is available for utility facilities.

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Public and Institutional Facilities

This category identifies lands used for: administrative, operational, and utility governmental functions; private utilities; cemeteries; and public-private partnerships or other legal arrangements where the land title is vested in a government and the use(s) serves a public purpose. Maximum lot coverage in this category shall not exceed 80 percent, except in urban core areas where lot coverage is not limited.

2. Conformance with the Land Development Code

At the development plan stage, any proposed development will be required to meet the requirements that will be specified in the adopting PS ordinance and will be required to meet all applicable requirements of the Land Development Code.

3. Changed Conditions

The major changed conditions of this undeveloped City-owned property are the annexations in 2007 (Ordinance No. 060731) and 2013 (Ordinance Nos. 130341 and 130342). These changes require bringing the parcels under City land use and zoning regulations.

4. Compatibility

The proposed Public services and operations (PS) zoning district for this undeveloped public utilities property at the northern edge of the City is compatible with the surrounding area and its various land uses. See Table 1 on Page 11 of this staff report for a tabular summary of adjacent existing uses and adjacent land use and zoning categories. See Exhibit B-1 for the aerial photograph, and Exhibits B-2 and B-3 for maps of the existing and proposed zoning for the property and surrounding area.

5. Impacts on Affordable Housing

The proposed Public services and operations district zoning does not allow residential development, so it will have no impact on the supply of affordable housing in Gainesville.

Transportation

The property is located within Zone E of the Gainesville Transportation Mobility Program Area (TMPA). The City rescinded transportation concurrency with the adoption of its updated Comprehensive Plan. Therefore, development within Zone E is not required to meet level of service (LOS) standards for concurrency, but is required to comply with Policy 10.1.11 of the Transportation Mobility Element (see Exhibit A-1 - Comprehensive Plan GOPs).

At the time of development plan review, this property will be subject to the TMPA Zone E requirements of Transportation Mobility Element Policy 10.1.11. Various transportation mobility requirements listed in Policy 10.1.11 must be met by the developer for any development or redevelopment within Zone E. The developer is also required to provide any transportation modifications that are site-related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals. No development activity is proposed at this time, but any future development will require a detailed traffic analysis. Nonetheless, the applicant provided trip generation estimates (Exhibit C-1, page 17 of the Justification Report) based on 100 employees, and calculated that 65 AM Peak Hour trips and 408 Average Daily Total trips would be generated by future utility development within the property.

The property is adjacent to State Road 121 (two-lane, undivided highway) on the east and NW 128th Lane which bisects the entire northern part of the property (and is unpaved except for the segment west of the site of the Alachua County Public Works Department). It is adjacent at its northwest corner to NW 59th Drive (local two-lane road), and has indirect access by local or/and County roads to US 441 to the west. This property is not currently served by RTS.

Environmental Impacts and Constraints

It should be noted that although this is a large property, the extensive wetlands that have been preliminarily identified and are generally depicted on the concept plan ("Public Services Zoning Plan Conceptual Site Map") (see last page of the Land Use Change & Rezoning Justification Report in Exhibit C-1 – Application) will limit the amount of development of this property. In

addition, the presence of other regulated natural resources will further limit the amount of development.

The comments below are from a September 9, 2014 memorandum provided by the City's Environmental Coordinator:

The subject petitions for a proposed change in land use and zoning for sixteen (16) annexed parcels (2,287 acres) adjoining the existing Deerhaven Power Generating Station on the north and east, have been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code Section 30-300 *Regulated surface waters and wetlands*, or Section 30-310.2 *Regulation of natural and archaeological resources*. The petition proposes a land use change from Alachua County Rural/Agriculture to City of Gainesville Public and Institutional Facilities (PF) land use designation, and rezoning from Alachua County Agriculture to City of Gainesville Public Services and Operations (PS) district. These contiguous properties (referred to as the Deerhaven Annex, or just Annex) were acquired by the City of Gainesville between 2001 and 2005 to provide buffer and potential expansion area for the existing GRU generating facilities. The proposed land use and zoning designations are the same which exist for the adjacent Deerhaven Generating Station property. Proposed permitted uses which would be allowed on the Annex property are specified in the zoning petition (PB-14-74 ZON) and on its "Public Services Zoning Plan – Conceptual Site Map," dated September 15, 2014. These consist of a broad range of utility and public service facilities, including utilities for power generation, ancillary storage and transportation, training, communication, and other types of outdoor storage, including regulated hazardous materials. Also permitted would be timber planting, harvesting, and wildlife management.

The petition and conceptual site map propose a list of development standards that would be applicable to the Annex area. These include the requirement for a minimum 50-foot building setback from adjacent properties, a 100-foot landscape buffer along the east and southeast boundary with the Plum Creek PUD, and generally that all future development activity shall be reviewed and approved in compliance with the City Land Development Code. Specifically, Standard 4 requires that any future development activity shall be directed away from environmentally sensitive areas to the greatest extent possible, and that all development in and around these environmentally sensitive areas shall comply with the natural and archaeological resource protection standards and the wetlands protection standards outlined in the land development code. Standard 5 specifies that existing internal roads may continue to be utilized and improved for non-public use.

Gainesville Code Section 30-310(c) requires the review of an application for a land use map amendment and rezoning to determine whether the proposed uses and development may impact a regulated natural or archaeological resource, and if so, whether the proposed development complies with the Land Development Code with respect to these environmental resources. A Basic level of resource review is required for a future land use amendment and/or rezoning, based on a resources assessment which covers a planning parcel study area of all contiguous properties under single ownership. The petition includes a recent *Natural Areas Resource Assessment* performed by Ecosystem Research Corporation (ERC) which describes the environmental characteristics of the planning parcel, consisting of both the subject 2,287-acre

Annex area and the adjoining 1,058-acre Deerhaven Station properties. A 2008 ERC *Environmental Resources Assessment* for the GRU-Deerhaven Annexation parcels provides considerable supplemental information for the Annex land which is the subject of these petitions. These combined assessments include reports and maps of all pertinent information regarding the presence and approximate extent of regulated resources, to the level required for Basic review.

The subject property is situated in one of the highest topographic positions in Alachua County, and is the source of headwater drainage to Rocky Creek and the Santa Fe River to the north, and to the stream-to-sink basins of Turkey Creek to the south and Cellon Creek to the west. The terrain, soils, and surficial geology combine to form a physiography of poorly drained flatwoods, the most common ecosystem found on the coastal plain of Florida. Through aerial photography dating back to 1937, the assessment documents a historical progression in the land cover of the subject property and surrounding areas from naturally occurring fire-adapted pineland communities and mixed pine/hardwood wetlands and herbaceous marshlands, to the commercially managed and drained pine plantations which exist on the site today. The natural community quality of the upland and wetland forests and remnant herbaceous sites on the property today are mostly poor, due to the impact of several decades of short rotation industrial silviculture, pine plantation management, and wetland harvests, conducted under timber rights which were reserved in perpetuity by the previous owner, Plum Creek Timberlands, L.P.

Strategic Ecosystem

The assessment confirms that the majority of the planning parcel study area, including most of the Annex area, falls within a regulated Strategic Ecosystem unit (Hague Flatwoods). The large, approximately 3,300-acre publicly owned land encompassed by the GRU Station and Annex, is significant not only in dominating (along with Plum Creek) the core land area within the Hague Flatwoods Strategic Ecosystem, but also for linking surrounding strategic ecosystems through functional habitat corridors. To the southwest, the protected habitats of San Felasco Hammock, Sanchez Prairie, and Blues Creek, and the wildlife of their unique karst stream to sink basins and calcareous forest communities are critically dependent on linkage through the Hague Flatwoods Strategic Ecosystem for habitat corridor connection with Rocky Creek and Buck Bay, and thereby regionally with the major north Florida riverine systems of the Santa Fe/Suwannee River and the St. Johns River, respectively. Without preservation and restoration of this particular linkage, which is already fragmented and significantly compromised by land use along the US Highway 441 corridor, the genetic and ecological habitat requirements of healthy wildlife populations of this otherwise isolated San Felasco natural area will be jeopardized and diminished through geographic isolation.

Listed Species

Field observations made in the petitioner's assessment studies for the subject Annex area, as well as for the GRU Station property, indicate the occurrence of several listed species across the site, particularly, listed wading birds which utilize the extensive man-made and natural surface waters found on the site, such as stormwater ponds, ditches, ponded wetlands and seasonally flooded depressional flats. Well drained habitat suitable for the listed gopher tortoise and associated commensal species is sparse in the study area, although a few observations of tortoise burrows were made in the assessments. Other listed amphibian and reptile species associated with

wetlands or the limited tortoise habitat, and herbaceous plants of pine flatwoods have been observed or would be expected to occur. Documented occurrences based on ground survey are not normally verified at this level of review, but the information available confirms that several listed species will be found when systematic field based survey is performed, especially within the surface waters and wetland systems of the property.

Floridan Aquifer High Recharge Areas

The petition area is located within a regulated Floridan Aquifer High Recharge Area, which are land areas within stream-to-sink basins where the Floridan aquifer system is vulnerable or highly vulnerable. The proposed land use and zoning would allow new facilities and development that may involve handling or storing of hazardous materials. Pursuant to the Land Development Code, these facilities shall be prohibited unless the materials, in the quantity and/or solution stored or the conditions under which it is to be stored, do not pose a hazard to human health or the environment. If permitted, such facilities shall be subject to the general requirements, siting prohibitions, storage facility standards, secondary containment, and monitoring requirements contained in Alachua County's Hazardous Materials Management Code.

Conclusions

Regulated environmental and natural resources are present on this large public property, and join or closely associate with adjacent undeveloped lands in an ecologically functional landscape context. The headwaters of several watersheds radiate out from the GRU Generating Station and Annex lands, which places this property in a unique position to link regional natural areas which have been identified at the state level as basic elements of Florida's natural environments which form the framework for sustaining ecological systems and biological diversity into the future. The requirements for compliance with City of Gainesville Land Development Code *Regulated surface waters and wetlands* and *Regulation of natural and archaeological resources* provide a basis and an expectation for ensuring that an integrated conservation plan (Conservation Management Area) will be created when development activity occurs, which will meet the functional goals of preserving, restoring, and managing a natural habitat corridor(s) which can provide the watershed and regional ecological linkages described above. The corridor(s) would be built around the extensive existing pattern of wetlands (1,200 acres) of the property, and include associated wetland buffers and other linking uplands which will extend to adjacent lands at key locations for potential continuation offsite.

While the proposed permitted uses of the subject property include heavy industrial development and associated infrastructure, and other uses which could significantly impact the natural environment and resources of the site, the requirement for the protection of a strategically designed and managed Conservation Management Area, along with an extensive system of wetlands all across the site, will dictate the extent and location of future development sites, and ultimately allow compatibility and balance between what might otherwise be conflicting land use goals. Any development proposal petition initiated on either the GRU Station or the Annex land subsequent to this land use and zoning change will be required to create the Conservation Management Area, which will specifically define and provide for implementation of the environmental and natural resource protections described above, subject to the Reserved Timber and hunting lease rights retained on the Annex land by Plum Creek Timberlands, L.P., as

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provided per the terms of Special Warranty Deeds (Official Records Book 2400, Page 1034, and Official Records Book 2579, Page 5). In addition, each new development/facility involved with handling or storing of hazardous materials, which is proposed in the subject Annex area, will be required to comply with the specific requirements of the Land Development Code before the proposed facility is allowed.

Respectfully submitted,



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Prepared by:



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Table 1**Adjacent Existing Uses**

North	timberlands
South	FDOT facility; Alachua County Public Works Dept.; GRU Deerhaven Generating Station; sawmill and lumber business (Griffis Lumber); undeveloped Plum Creek property
East	rural residential; agriculture; SR 121; undeveloped Plum Creek property
West	GRU Deerhaven Power Plant; UF Dairy Research Unit

Adjacent Zoning and Land Use and Zoning

	Land Use Category	Zoning Category
North	Alachua County Rural/Agriculture	Alachua County Agriculture
South	Alachua County Rural Employment Center; Industrial; Conservation; Single-Family (up to 8 units per acre)	Alachua County Agriculture; General industrial district (I-2); Conservation district
East	Alachua County Rural/Agriculture; Conservation; Single-Family (up to 8 units per acre)	Alachua County Agriculture
West	PF (Public & Institutional Facilities); Alachua County UF Campus Master Plan	PS (Public services & operations district); Alachua County Agriculture;

List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-3 Map: Existing Zoning

Exhibit B-3 Map: Proposed Zoning

Exhibit B-4 Public Notice Signage Affidavit

Exhibit B-5 Sec. 30-75 - Public services and operations district (PS)

Appendix C Application

Exhibit C-1 Application