

City of Gainesville

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



Meeting Agenda

January 19, 2012

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

CALL TO ORDER

AGENDA STATEMENT

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

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

110385.

Rental Rehabilitation Grant and City Loan to KBR Investments (NB)

This item involves a request for the City Commission to consider the approval of loan financing for the rehabilitation of a rental housing project to provide affordable housing to very low and low-income tenant households.

Explanation: The Rental Construction Program (RCP) improves the living conditions of very low and low-income families through rehabilitation of substandard rental housing units located within the city limits of the City of Gainesville. In order to receive funding for a project, the owner/developer must follow certain RCP guidelines such as: provide matching funds for the project, rent the units to very low and low-income families, provide annual family income certification information, provide rent levels that are affordable to very low and low-income families as determined by the U.S. Department of Housing and Urban Development (HUD), comply with the Federal Section 8 Housing Quality Standards and City of Gainesville building codes. As with all of the City's housing programs, funding for the RCP is made available to eligible investors on a first-come, first-ready, first-served basis. The RCP is advertised annually and applications are accepted until the funding cycle is determined by the City to be closed.

Mr. Kraus is proposing to renovate an 11-unit apartment building with site improvements (parking lot and fencing) located at 1690-98 NE 16th Avenue. Each unit contains one bedroom and one bathroom. Upon completion, these

rental housing units will be leased to very-low and low-income households. The current approved RCP guidelines allows a maximum forgivable grant award of 50% for eligible project costs, not to exceed \$7,500 for each one-bedroom unit. In addition, a low interest loan is available for up to 25% of eligible project costs. Upon completion of the repairs, the property will provide decent, safe and affordable rental housing. In an effort to maintain the livability of the property, staff will work with KRB Investments and Gainesville Police Department (GPD) to incorporate crime suppression provisions at the site.

HCD staff has completed a financial and construction feasibility of the project. The total cost of the project is estimated to be \$78,000. The Program can provide Mr. Kraus with a \$39,000 Due-on-Sale loan, plus closing costs associated with the project. Mr. Kraus is required to provide a 50% match of the remaining costs of the project in the amount of \$39,000. At this time, Mr. Kraus does not have the full amount of the matching funds required to complete the project. As such, Mr. Kraus is requesting a repayable loan from the City to finance the gap between his cash investment and the total amount of the matching funds required for the project. As a result, Mr. Kraus is requesting for the City to provide a \$20,000 low-interest loan to combine with his \$19,000 cash equity to meet the matching funds requirement as required by the RCP. The overall goal of the RCP is to improve and maintain the stock of housing available to very low and low-income families to provide opportunities for decent, safe and affordable rental housing. If funded, this project will help the City to continue its goals to increase the amount of affordable housing and low cost housing throughout the City.

Fiscal Note: The Investor has cash equity to fund a portion of the rehabilitation (approximately \$19,000). The Housing & Community Development Division has funds available in its HOME Rental Construction Program budget to fund the project and to provide the \$20,000 loan to Mr. Kraus to complete this rental housing project.

RECOMMENDATION

The City Commission: 1) approve the award of a \$39,000 Rental Rehabilitation Due-on-Sale loan; plus soft costs and closing costs associated with the project; 2) approve the \$20,000 loan with a 3% interest rate and 10-year term; and 3) authorize the Housing & Community Development Division to execute all necessary grant and loan closing documents, subject to approval by the City Attorney as to form and legality.

Legislative History

10/20/11 City Commission Withdrawn

110385_Draft Loan Commitment_20111020.pdf

110632.

Request to Waive Probationary Period of New City Plan Board Member Peter Johnson (B)

MODIFICATION - Added to the agenda January 17, 2012.

Explanation: Peter Johnson was appointed to the City Plan Board by the City Commission on November 17, 2011 (Legistar No. 110501). Based on the pertinent background described in his application, and on his six years of service on the Gainesville Alachua County Regional Airport Authority, which included two years as Chair, staff finds that the 60-day probationary period required of new Plan Board members by Sec. 30-353(a) 5a. of the Land Development Code can be waived. Such waiver by the City Commission is allowed by Sec. 30-353(a) 5c., which states that the City Commission may waive the required probationary period for any appointee to the City Plan Board upon good cause shown and entered into the record of the minutes of the City Commission.

Mr. Johnson was an active participant in the City Plan Board meeting on December 5, 2011, and has had the benefit of attending the City Plan Board Orientation and Review Meeting that was held on December 12, 2011. The Staff Liaison to the City Plan Board discussed this staff request for waiver of the probationary period with Mr. Johnson, who supports the request. This request is important to ensure a quorum for City Plan Board meetings.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - Waive the 60-day probationary period for new Plan Board Member Peter Johnson, based on his qualifications from previous service on the Gainesville Alachua County Regional Airport Authority, in accord with Sec. 30-353(a) 5c. of the Land Development Code.

110632A_Appointment Letter_20120119.pdf

110632B_New CPB Members_20120119.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110627.

Contract for Financial Advisor Services (NB)

Staff recommends establishing a contract with Public Financial Management, Inc. for the Utility's financial advisor services.

Explanation: GRU employs the services of a financial advisor to assist in developing and implementing strategies to meet the Utility's long-term capital financing needs. The financial advisor supports staff in evaluating financial options, helps with technical aspects of designing financing arrangements and instruments, and aids in representing the Utility's interest in financial market dealings. Due to the significance of information provided by a financial advisor, it is imperative that GRU receive information from the most experienced and knowledgeable public utility financial advisory firm.

Public Financial Management, Inc. (PFM) has served as GRU's financial advisor since 2006, after being selected as a result of an extensive, competitive evaluation process. The current contract with PFM will expire in April. Given the current economic environment, PFM's knowledge and experience with the

complexity of GRU's structure, the upcoming financial planning and potential bond issues, and PFM's solid past performance, staff believes that it is in GRU's best interest to retain PFM's services for the extensive resources they offer.

PFM is recognized as one of the top financial advisory firms in the country. The firm has provided the Utility with excellent professional support, advising GRU on the past five bond issues, of which the past three bond issues occurred during periods of market upheaval, uncertainty, and a new landscape for municipal utility issuers. Additionally, PFM has been able to provide specialized support and advice on GRU's successful Build America Bonds issuance.

A proposed monthly retainer fee of \$5000 per month is competitive in the industry. Other fees for bond, investment, and project expenses are paid based on established rates and the project requirements on an as-needed basis.

Fiscal Note: Funds for these services are available in the FY 2012 GRU budget and will be requested in future fiscal years, subject to final appropriation of funds for each year of the contract.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a five year contract with Public Financial Management, Inc., a specified source, for financial advisory services, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders to Public Financial Management in amounts not exceeding budgeted amounts for these services for each year of the contract, subject to final appropriation of funds for each year of the contract.

CITY ATTORNEY, CONSENT AGENDA ITEMS

110611.

RICHARD AYCOX VS. CITY OF GAINESVILLE, NORTHERN DISTRICT OF FLORIDA CASE NO.: 10-CV-00051-SPM-GRJ (B)

Explanation: On December 19, 2011, the City of Gainesville was served with a Summons and Complaint. The Plaintiff, a former Transit Operator for the Regional Transit System, alleges that that he was retaliated against for reporting alleged City policy violations by other City employees.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel to represent the City in the case styled Richard Aycox vs. the City of Gainesville; Northern District of Florida Case No.: 10-cv-00051-SPM-GRJ

110611_Richard Aycox_20120119.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS****COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****100668.****Vehicle Parking in Multi-Family Residential Zoning Districts within the University Context Area (B)**

This item was referred by the City Commission to the Community Development Committee to review the issue of vehicle parking conditions on private property located in Multi-Family residential zoning districts.

Explanation: The City of Gainesville regulates vehicle parking on private property located in Single-Family zoning districts within the University Context Area or a residential parking overlay district as provided in section 30-56.1 of the City of Gainesville Code of Ordinances. Section 30-56 provides regulation for parking including: dimensions of the parking area; allowable ground cover and proper landscaping; amount of the property that can be used for parking; and driveway plan approval requirements. The ideal result is to create well maintained and clearly defined parking areas that do not diminish the aesthetic value of the community.

Currently no such regulation exists in Multi-Family residential zoning districts within the University Context Area or residential parking overlay districts. In the University Context Area, Multi-Family districts are immediately adjacent to Single-Family districts which are subject to vehicle parking regulations. In this regard there may be properties that are similar in appearance but due to the difference in zoning, may have a dramatically different parking situation.

This item was discussed by the Community Development Committee on April 26, 2011, July 26, 2011, and August 23, 2011. On August 23, 2011, the Community Development Committee approved draft regulations for vehicle parking in Multi-Family residential zoning districts within the University Context Area which are provided as backup. These regulations and provisions will apply to any property that is in a RMF-5, RMF-6, RMF-7, RMF-8, RH-1, RH-2, UMU-1, UMU-2, RMU, OR, or O zoning district and is located within the University Context Area. The provisions will only apply to properties that never required a development plan approval by the City of Gainesville or Alachua County, or those properties which are exempt from the development approval process or the development pre-dates such requirements.

Fiscal Note: None

RECOMMENDATION

The Community Development Committee to the City Commission: 1) receive the recommended regulation

for vehicle parking in Multi-Family residential zoning districts within the University Context Area and 2) direct staff to submit a petition to the Plan Board.

Legislative History

2/17/11	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
4/26/11	Community Development Committee	Approved as shown above (See Motion)
7/26/11	Community Development Committee	Approved as shown above (See Motion)
8/23/11	Community Development Committee	No Action Taken

100668_PPT from Chair_20110426.pdf
 100668A_Memo to CDC_20110726.pdf
 100668B_Map_20110726.pdf
 100668_Draft Regulations_20110823.pdf
 100668_Draft Regulations_20120119.pdf

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

EQUAL OPPORTUNITY COMMITTEE

110436.

Promise Neighborhood Initiative (B)

MODIFICATION - Remove from the agenda.

Explanation: The Gainesville children support services agencies have partnered to set priorities, plan strategically, and track/trend key indicators. With their backing, the UF Family Data Center is seeking support to develop a Children/Families Report Card, and has requested the City, County and School Board each fund 1/3 of the \$40,000.00 cost for an amount of \$13,000.00.

RECOMMENDATION

The City Commission 1) hear a presentation from the UF Family Data Center and 2) take action deemed appropriate.

Legislative History

11/8/11 Equal Opportunity Committee Approved as Recommended

110436_PPT_20120119.pdf

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

110617.

Children's Alliance Celebration Day - January 28, 2012 (B)

RECOMMENDATION

Alachua County Children's Alliance Chair Shawn Salamida to accept the proclamation.

110617_Children'sAlliance_20120119.pdf

110618.

Children's Week - January 29 - February 4, 2012 (B)

RECOMMENDATION

Early Learning Coalition of Alachua County CEO Gordon Tremaine to accept the proclamation.

110618_Children'sWeek_20120119.pdf

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

ADOPTION READING-ROLL CALL REQUIRED

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

100897.

REZONING - PLANNED DEVELOPMENT (B)

Ordinance No. 100897, Petition No. PB-11-08 PDV

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance; by amending the Zoning Map Atlas to change the zoning districts from "General business district (BUS)", "Automotive-oriented business district (BA)", "Mixed use low intensity district (MU-1)" and "Residential low density district (RMF-5)" to "Planned Development (PD)" on certain property located at 303 Northwest 13th Street, 1249 and 1227 Northwest 4th Avenue commonly referred to as "Gainesville Mixed-Use on NW 13th Street PD"; adopting a development plan report and development plan maps; providing conditions, restrictions and regulations; providing for enforcement; providing a severability clause; and providing an effective date.

MODIFICATION - New ppt. submitted from the applicant.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance is a request for a rezoning to change the zoning districts of certain property from "General business district (BUS)", "Automotive-oriented business district (BA)", "Mixed use low intensity district (MU-1)" and "Residential low density district (RMF-5)" to "Planned Development (PD)". The property includes three parcels that total approximately 1.53 acres in size. The parcel at 303 N.W. 13th Street is approximately .03 acres in size, has BA zoning and is the site of a vacant car wash. The parcel located at 1249 N.W. 4th Avenue is approximately 0.9-acres in size, has BUS and MU-1 zoning and is the site of a bookstore, an Army National Guard recruitment office, and a place of religious assembly. The parcel located at 1227 N.W. 4th Avenue is approximately .03 acres in size, has RMF-5 zoning, is within the University Heights Historic District - North and is the site of a single-family dwelling unit that is considered a contributing structure to the historical character of the district. All three of the parcels that comprise the 1.53-acre property are located within the Traditional City Special Area Plan area, as well as the Fifth

Avenue/Pleasant Street Community Redevelopment Area.

The purpose of the proposed rezoning (and related land use amendment) is to enable the applicant to construct a mixed-use redevelopment project that would include retail, office and multiple-family residential uses. Specifically, the planned development is proposed for 168 dwelling units, up to 26,000 square feet of commercial retail, and between 5,000 and 20,000 square feet of offices. The list of permitted uses is a subset of the uses currently permitted in the UMU-2 zoning district, omitting certain uses such as rooming houses, day care facilities, limited automotive services, and drive-throughs. The uses will be located within an eight-story building on N.W. 13th Street that will transition eastward to a lower maximum height of 60 feet and then to a small surface parking area. The development will utilize a parking garage that will be accessed from entrances on NW 3rd and 4th Avenues. Solid waste collection and freight access will be contained within the garage. A proposed masonry wall will be constructed on the east end of the development that will screen the surface parking from the street and adjacent properties.

Further details of the proposed PD are shown on the PD Layout Plan Map and described in the PD Report, both of which are made a part of this ordinance.

Public notice was published in the Gainesville Sun on March 8, 2011. On March 24, 2011, the City Plan Board heard the petition and by a vote of 6-0, recommended the City Commission approve the petition, with amendments to the conditions. The City Commission heard the petition on May 5, 2011, and by a vote of 5-0, approved the petition with changes to the PD conditions.

A related petition (PB-11-20 PUD) and ordinance (No. 100896) propose to overlay the land use category of "Planned Use District (PUD)" on this property.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on January 19, 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. 100896 becomes effective as provided therein.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/5/11	City Commission	Approved (Petition) with changes to PD conditions (5 - 0 - 2 Absent)
1/5/12	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

100897_cpb conditions_20110505.pdf
100897A_staff report_20110505.pdf
100897B_append A_20110505.pdf
100897C_append B_20110505.pdf
100897D_append C_20110505.pdf
100897E_citizen letter_20110505.pdf
100897F_cpb minutes_20110505.pdf
100897G_staff ppt_20110505.pdf
100896_100897_MOD_APPLICANT_PPT_20110505.pdf
100897A_draft ordinance_20120105.pdf
100896&100897_MOD_ppt_Applicant CHW_CC1_120105.pdf
100897_MOD__Applicant CHW_CC2_120119.pdf

110505.

VOLUNTARY ANNEXATION – EASTSIDE PROPERTIES (B)

Ordinance No. 110505

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93, 347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area located generally in an area comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, and 10889-003-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000, as more particularly described in the ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an effective date.

Explanation: The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On November 19, 2009, at a regular City Commission meeting, the City Commission received and accepted the petitions for annexation, and determined that the petitions bore the signatures of the owners of the properties that is the subject of this annexation. On July 7, 2011 and July 21, 2011, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

Subsequent to the City Commission's acceptance of the petitions, property

owners of the southern segment of the proposed area for annexation withdrew their petitions. Therefore, at this time, the City is only pursuing annexation of four parcels owned by Demetree Metro at Forest Creek LLC.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be January 19, 2012. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

1/5/12 City Commission Adopted on First Reading, as revised (Ordinance) (7 - 0)
 110505_Draft Ordinance_20120105.pdf
 110505-1_20120119.txt
 110505_REVISIED Draft Ordinance_20120119.pdf

110168.

COMPREHENSIVE PLAN AMENDMENT – HISTORIC PRESERVATION ELEMENT (B)

Ordinance No. 110168; Petition No. PB-11-6 CPA

An ordinance amending the City of Gainesville Comprehensive Plan Historic Preservation Element by updating and amending Objectives and Policies as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 6-1 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139) effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St.

Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

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

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

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

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

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

Other new policies (Policies 1.4.5, 1.4.6, and 1.4.7) focused on the coordination of the historic districts and the City's public spaces of streets and traffic circulation, sidewalks and utility improvements while maintaining the historic character of the historic districts and limiting traffic impacts.

The Plan Board discussed the Historic Preservation Element at their March 24,

2011 meeting and recommended a change to Policy 1.3.9.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the State Land Planning Agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to amend the ordinance to more closely conform to the new state law.

Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.

RECOMMENDATION

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

Legislative History

8/4/11 City Commission Approved (Petition), as amended (5 - 1 - 1 Absent)

10/6/11 City Commission Adopted (Ordinance) on Transmittal Hearing (6 - 1)

110168A_staff report_20110804.pdf

110168B_append A_HP GOP's_20110804.pdf

110168C_append B_updated maps_20110804.pdf

110168D_HP data & analysis_20110804.pdf

110168E_append C_application_20110804.pdf

110168F_cpb minutes_20110804.pdf

110168G_staff ppt_20110804.pdf

110170.

**COMPREHENSIVE PLAN AMENDMENT – CULTURAL AFFAIRS
ELEMENT (B)**

Ordinance No. 110170; Petition No. PB-11-5 CPA

An ordinance amending the City of Gainesville Comprehensive Plan Cultural Affairs Element by updating and amending the Objectives and Policies as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139) effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St. Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

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

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

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

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

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

The remaining objectives and policies have been restructured and combined. Public notice was published in the Gainesville Sun on February 8, 2011. The Plan Board held a public hearing on February 24, 2011 and recommended approval with a 7-0 vote.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to amend the ordinance to more closely conform to the new state law.

Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.

RECOMMENDATION

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

Legislative History

8/4/11 City Commission Approved (Petition) (6 - 0 - 1 Absent)
10/6/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)
110170A_ staff report_20110804.pdf
110170B_ cultural affairs GOPs_20110804.pdf
110170C_ cultural affairs D&A report_20110804.pdf
110170D_application_20110804.pdf
110170E_cpb minutes_20110804.pdf
110170F_staff ppt_20110804.pdf
110170_draft ordinance_20111006.pdf

110171.**COMPREHENSIVE PLAN AMENDMENT – SOLID WASTE ELEMENT (B)****Ordinance No. 110171; Petition No. PB-11-77 CPA**

An ordinance amending the City of Gainesville Comprehensive Plan Solid Waste Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139 effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St. Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

This petition amends the City of Gainesville Comprehensive Plan Solid Waste Element for the updated Comprehensive Plan.

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

the EAR on October 21, 2010. On December 27, 2010, the Florida Department of Community Affairs determined that the City's adopted EAR was sufficient.

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

Major amendments to the goals, objectives and policies include an amended Objective 1.1 that revises the waste diversion rate to 75 percent to match the target established by the State of Florida. For Policy 1.1.5, the date and percentage target of participation in the recycling program was raised. An amended set out rate is proposed for Policy 1.1.8. Finally, Policy 1.5.1 is updated to show that the "Interlocal Agreement for Solid Waste Services Between Alachua County and The City of Gainesville, Florida", is in effect until December 31, 2018.

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

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

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

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to

amend the ordinance to more closely conform to the new state law. Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.

RECOMMENDATION

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

Legislative History

8/4/11 City Commission Approved (Petition) (6 - 0 - 1 Absent)
10/6/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

110171A_staff report_20110804.pdf
110171B_append A_solid waste GOPs_20110804.pdf
110171C_append B_addendum_20110804.pdf
110171D_append C_updated maps_20110804.pdf
110171E_append D_interlocal agreement_20110804.pdf
110171F_append E_application_20110804.pdf
110171G_cpb minutes_20110804.pdf
110171H_staff ppt_20110804.pdf
110171_draft ordinance_20111006.pdf

110172.**COMPREHENSIVE PLAN AMENDMENT – STORMWATER MANAGEMENT ELEMENT (B)****Ordinance No. 110172; Petition No. PB-11-76 CPA**

An ordinance amending the City of Gainesville Comprehensive Plan Stormwater Management Element by updating and amending certain Policies as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139 effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St. Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse

impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

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

The proposed, revised Stormwater Management Element includes goals, objectives and policies that are the result of the old Evaluation and Appraisal Report (EAR) process. The Plan Board reviewed the element and provided comments at their May 12, 2010 workshop. A progress report on Stormwater Management was heard by the City Commission on June 3, 2010. The Plan Board held a public hearing on the EAR on September 15, 2010, and the City Commission transmitted (adopted) the EAR on October 21, 2010. On December 27, 2010, the Florida Department of Community Affairs determined that the City's adopted EAR was sufficient.

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

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

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

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

Public notice was published in the Gainesville Sun on June 6, 2011. The Plan

Board held a public hearing on June 23, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to amend the ordinance to more closely conform to the new state law.

Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.

RECOMMENDATION

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

Legislative History

8/4/11 City Commission Approved (Petition) (6 - 0 - 1 Absent)

10/6/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

110172A_staff report_20110804.pdf

110172B_append A_stormwater GOPs_20110804.pdf

110172C_append B_addendum_20110804.pdf

110172D_append C_updated maps_20110804.pdf

110172E_append D_interlocal agreement_20110804.pdf

110172F_append E_application_20110804.pdf

110172G_cpb minutes_20110804.pdf

110172H_staff ppt_20110804.pdf

110172_draft ordinance_20111006.pdf

110173.

**COMPREHENSIVE PLAN AMENDMENT – PUBLIC SCHOOLS
FACILITIES ELEMENT (B)**

Ordinance No.110173; Petition No. PB-11-31 CPA

An ordinance amending the City of Gainesville Comprehensive Plan Public Schools Facilities Element by updating and amending the Objectives and Policies of Goals 2 and 3 as more specifically set forth in this Ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139) effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St. Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

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

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

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

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

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

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

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

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to amend the ordinance to more closely conform to the new state law. Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.

RECOMMENDATION

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

Legislative History

8/4/11 City Commission Approved (Petition) (5 - 0 - 2 Absent)
10/6/11 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

110173A_staff report_20110804.pdf
110173B_append A_exhibit A-1_20110804.pdf
110173C_append B_exhibit B-1_20110804.pdf
110173D_append C_application_20110804.pdf
110173E_cpb minutes_20110804.pdf
110173F_staff ppt_20110804.pdf
110173_draft ordinance_20111006.pdf

110174.**COMPREHENSIVE PLAN AMENDMENT – INTERGOVERNMENTAL COORDINATION ELEMENT (B)****Ordinance No.110174; Petition No. PB-11-62 CPA**

An ordinance amending the City of Gainesville Comprehensive Plan Intergovernmental Coordination Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

On October 6, 2011, the City Commission approved this ordinance by a vote of 7-0 and transmitted this ordinance as part of the Amendment No. 11-2 package to the State Land Planning Agency.

In accordance with the new growth management statutory law (House Bill 7207), now Chapter Law 2011-139) effective June 2, 2011, the North Central Florida Regional Planning Council issued a report dated October 27, 2011, stating that there are no adverse impacts to regional resources and facilities, and no adverse extrajurisdictional impacts as a result of amendments. The St. Johns River Water Management District issued a letter dated October 31, 2011, stating that they have no comments because no adverse impacts to state resources and facilities were identified. The Florida Department of Education issued a letter dated November 9, 2011, stating that there are no adverse

impacts on public school facilities or compliance with statutes for implementation of school concurrency, therefore they offer no comment. The Florida Department of Economic Opportunity issued a letter dated November 16, 2011, stating that they have identified no comment related to important state resources and facilities that will be adversely impacted.

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

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

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

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

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

The Plan Board on May 26, 2011 heard a staff presentation on proposed amendments to the ICE, provided comments to staff, and continued the petition to the June 23, 2011 Plan Board meeting. The Plan Board in its May 26, 2011

review of Petition PB-11-62 CPA expressed no interest in eliminating public school concurrency or the Public Schools Facilities Element. However, the Plan Board's motion on June 23rd included a recommendation that staff continue discussions with the School Board and other local governments regarding school concurrency.

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

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

In accordance with the new state growth management law (HB7207, now Chapter Law 2011-139) if the City fails to hold the second reading within 180 days of the receipt of agency comments, the amendment shall be deemed withdrawn.

This ordinance, if adopted on second reading, will be transmitted to the State Land Planning Agency and any other agencies that provided written comments to the City. The Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on 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 this plan amendment has become effective.

Due to changes in state law during the last legislative session, it is advisable to amend the ordinance to more closely conform to the new state law.

Additionally, the City Commission very recently adopted an ordinance changing the name of the City's Comprehensive Plan.

RECOMMENDATION

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

Legislative History

8/4/11	City Commission	Approved (Petition) (6 - 0 - 1 Absent)
10/6/11	City Commission	Adopted (Ordinance) on Transmittal Hearing (7 - 0)

110174A_staff report_20110804.pdf
110174B_append A_amended ICE_20110804.pdf
110174C_append B_exhibit B-1 - B-3_20110804.pdf
110174D_append C_application_20110804.pdf
110174E_cpb minutes_20110804.pdf
110174F_staff ppt_20110804.pdf
110174_draft ordinance_20111006.pdf

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

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