

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**May 2, 2013**

**1:00 PM**

**Modified Agenda**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)*  
*Mayor-Commissioner Pro-Tem Lauren Poe (At Large)*  
*Commissioner Thomas Hawkins (At Large)*  
*Commissioner Yvonne Hinson-Rawls (District 1)*  
*Commissioner Todd Chase (District 2)*  
*Commissioner Susan Bottcher (District 3)*  
*Commissioner Randy Wells (District 4)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

**CALL TO ORDER****AGENDA STATEMENT**

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

**ROLL CALL****INVOCATION**

Prophet George Young

**CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS****GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS**

[121005.](#)

**CORENE MATYAS V. CITY OF GAINESVILLE, A MUNICIPAL CORPORATION, REGIONAL TRANSIT AUTHORITY AND BRUCE WARREN WAGNER; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-1375 (B)**

*Explanation: On April 4, 2013, the City was served with a Summons and Complaint filed by Corene Matyas in the Circuit Court. The Plaintiff alleges that on December 6, 2010, she was struck by a bicycle after exiting a RTS bus at or near 2900 NW 39th Avenue. Plaintiff claims to have suffered serious physical and psychological injuries, pain and suffering, disability, handicap, disfigurement, inconvenience, loss of capacity for enjoyment of life, expense of hospitalization, medical and other care and treatment, loss of ability to earn money, wage loss and/or aggravation of a previously existing condition. Plaintiff is seeking damages in excess of \$15,000.00.*

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Corene Matyas v. City of Gainesville, a Municipal Corporation, Regional Transit Authority and Bruce Warren Wagner; Eighth Judicial Circuit, Case No. 2013-CA-1375.

[121005\\_Corene Matyas Consent\\_20130502.pdf](#)

[121006.](#)

**BRYAN E. HUNT V. NORTH FLORIDA REGIONAL MEDICAL CENTER, INC., ALACHUA COUNTY FIRE AND RESCUE, AND GAINESVILLE POLICE DEPARTMENT; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-1545 (B)**

*Explanation:* On April 4, 2013, the City was served with a Summons and Complaint filed by Bryan Hunt in the Circuit Court. The Plaintiff alleges that he is a victim of false imprisonment which occurred during an examination pursuant to a Baker Act on April 2, 2009. Plaintiff is seeking compensatory damages and costs.

**RECOMMENDATION**

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available to represent the City in the case styled Bryan E. Hunt v. North Florida Regional Medical Center, Inc., Alachua County Fire and Rescue, and Gainesville Police Department; Eighth Judicial Circuit, Case No. 2013-CA-1545.

[121006\\_Bryan Hunt Consent\\_20130502.pdf](#)

[121024.](#)

**ELIZABETH TINLEY COLLINS V. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2013-CA-1326 (B)**

*Explanation:* On April 9, 2013, the City was served with a Summons and Complaint filed by Elizabeth Tinley Collins in the Circuit Court. Elizabeth Tinley Collins alleges that she was involved in an automobile accident with a RTS bus on September 16, 2010 at or near the intersection of NE Waldo Road and NE 8th Avenue. Plaintiff claims to have suffered bodily injury, medical and related expenses (past and future, incurred in seeking a cure for her injuries), pain and suffering, loss of capacity to lead and enjoy a normal life, mental anguish, loss of income or diminution of earning or earning capacity, physical impairment, inconvenience, permanent injury within a reasonable degree of medical probability, disfigurement and scarring, and aggravation of an existing disease or physical defect. Plaintiff is seeking damages in excess of \$15,000.00.

**RECOMMENDATION**

The City Commission authorize the City Attorney to represent the City in the case styled Elizabeth Tinley Collins v. City of Gainesville; Eighth Judicial

*Circuit, Case No. 2013-CA-1326.*

[121024 Elizabeth Tinley Collins Consent 20130502.pdf](#)

## CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[121056.](#)

2014 Election (B)

**RECOMMENDATION**

*The City Commission schedule the 2014 Election for March 11 and April 8 (if needed).*

[121056 calendar 20130502.pdf](#)

[121057.](#)

Swearing-In Meeting - May 23, 2013 (NB)

**RECOMMENDATION**

*The City Commission schedule a meeting for the Swearing-In and Election of Mayor Pro Tem.*

## EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

## COMMITTEE REPORTS, CONSENT AGENDA ITEMS

## RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

[110211.](#)

**Fourth of July - City Fireworks (B)**

**This item is an update to a referral from the Recreation, Cultural Affairs and Public Works Committee, regarding City funding for fireworks for the Fourth of July in the City of Gainesville.**

*Explanation: On July 7, 2011, the City Commission referred the issue of funding the Fourth of July fireworks in Gainesville to the Recreation, Cultural Affairs and Public Works Committee (RCAPW) for review. This item was last discussed at the April 2, 2013 RCAPW meeting. The Committee received an update on this issue and voted that it be removed from the RCAPW referral list.*

**RECOMMENDATION**

*The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.*

**Legislative History**

7/7/11	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
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10/10/11	Recreation, Cultural Affairs and Public Works Committee	Discussed
5/14/12	Recreation, Cultural Affairs and Public Works Committee	Discussed
4/4/13	City Commission	Approved as Recommended

[110211A\\_2010 Fireworks Budget\\_20111010.pdf](#)

[110211B\\_Presentation\\_20111010.pdf](#)

[110211\\_Report\\_20120822.pdf](#)

[110211\\_2012 FINAL REPORT\\_20130402.pdf](#)

[120211-MOD\\_Final Report\\_20130404.pdf](#)

[110211\\_Minutes\\_20130502.pdf](#)

[110876](#)

**Policy Review of Public Property Not Being Used for Public Purposes (B)**

**This item is a referral from the City Commission for a policy review of public property not being used for public purposes. The focus of the Committee's efforts has been addressed in the Real Property Policies that are recommended for City Commission approval.**

*Explanation: On March 15, 2012, the City Commission referred the issue of Policy Review of Public Property not Being Used for Public Purposes to the Recreation, Cultural Affairs and Public Works Committee (RCAPW) for review. Discussion of this item led to the Committee review and recommendation for approval of real property policies scheduled for adoption by the City Commission on April 18, 2013. This item was last discussed at the April 2, 2013 RCAPW meeting. The Committee received an update on this issue and voted that it be removed from the RCAPW referral list.*

**RECOMMENDATION**

*The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.*

**Legislative History**

3/15/12	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
3/7/13	City Commission	Approved as Recommended

[110876 Real Estate Policies Draft 20120702.pdf](#)

[110876 Real Estate Policies 20130128.pdf](#)

[110876 Real Estate Policies 20130307.pdf](#)

[110876 Minutes 20130502.pdf](#)

[120296.](#)

### **Bid/Proposal Process for the Operation and/or Maintenance of Ironwood Golf Course (B)**

**This item involves an update to the City Commission on the bid/proposal process for operation and/or maintenance of Ironwood Golf Course and Commission consideration of the possible inclusion of an option for the sale of the golf course.**

*Explanation: On August 16, 2012, the City Commission referred the issue of including a sale option in the Bid/Proposal Process for the Operation and/or Maintenance of Ironwood Golf Course to the Recreation, Cultural Affairs and Public Works Committee (RCAPW) for review. This item was last discussed at the April 2, 2013 RCAPW meeting. The Committee received an update on this issue and voted that it be removed from the RCAPW referral list.*

#### **RECOMMENDATION**

*The City Commission remove this item from the Recreation, Cultural Affairs and Public Works Committee (RCAPW) referral list.*

#### **Legislative History**

8/16/12	City Commission	Referred to the Recreation, Cultural Affairs and Public Works Committee
9/24/12	Recreation, Cultural Affairs and Public Works Committee	Approved as shown above (See Motion)
10/22/12	Recreation, Cultural Affairs and Public Works Committee	Approved by Consensus
2/7/13	City Commission	Approved as Recommended

[120296 Vendor Report 20120924.pdf](#)

[120296 Minutes 20130502.pdf](#)

## **PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**

## **PUBLIC SAFETY COMMITTEE, CONSENT**

[110933.](#)

### **Special Events - Expanded Premises Permitting (NB)**

*Explanation: This item ties in with Item #120347 (Special Event Permits for Bars). On*

March 21, 2013, the City Commission directed the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance to expand the extension of premises Citywide and allow up to four Special Event Permits per year providing extension of premises for alcohol above and beyond UF Football Home games; and 2) authorize the Plan Board Petition and first reading of the ordinance to occur at the same meeting.

**RECOMMENDATION**            The City Commission remove this item from the Public Safety Committee referral list.

**Legislative History**

4/19/12            City Commission            Referred to the Public Safety Committee

[120347.](#)

**Special Event Permits for Bars (B)**

*Explanation: On March 21, 2013 the City Commission directed the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance to expand the extension of premises Citywide and allow up to four Special Event Permits per year providing extension of premises for alcohol above and beyond UF Football Home games; and 2) authorize the Plan Board Petition and first reading of the ordinance to occur at the same meeting.*

**RECOMMENDATION**            The City Commission remove this item from the Public Safety Committee referral list.

**Legislative History**

9/6/12            City Commission            Referred to the Public Safety Committee

2/28/13            Public Safety  
Committee            Discussed

3/21/13            City Commission            Approved as Recommended

[120347\\_PDSSpecialEventsPermitsforBarsMemo\\_20130228](#)

[120347\\_PDSSpecialEventsPermitsforBarsMemo\\_20130321](#)

[120347\\_Minutes\\_20130502.pdf](#)

**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT**

**EQUAL OPPORTUNITY COMMITTEE, CONSENT**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**CHARTER OFFICER UPDATES**

**CLERK OF THE COMMISSION****CITY MANAGER**[120521.](#)**NW 8th Avenue Project (B)**

**This item is to provide a presentation and obtain direction on the NW 8th Avenue Project.**

*Modification*

*Explanation: The FY09-13 Capital Improvement Plan (CIP) included \$3,640,000 for NW 8th Avenue from 4100 block to NW 6th Street. NW 8th Avenue was identified as the top priority major roadway resurfacing need in the Transportation Improvement Plan adopted by the City Commission in 2008. The pavement condition has deteriorated from an average Pavement Condition Index in the 70's to the 50's - 60's; with one section as low as 27. Some segments of the roadway have deteriorated base conditions that will require rehabilitation of the base as well as new pavement surface.*

*Because a pavement management project removes existing striping patterns, it is an opportunity to reconsider lane configuration. Several policies in the City's Comprehensive Plan as well as the MTPO's Regional Transportation Goals encourage development of a multimodal transportation network; in particular the Urban Design Element Policy 3.1.6 states that "In general, physical improvements undertaken by the City shall be designed to encourage travel by transit, foot, bicycle, as well as the car...." In consideration of whether we could achieve these goals/objectives with the NW 8th Avenue project, public input from residents and advisory committees was sought. Staff attended neighborhood meetings and conducted a public meeting specifically to discuss alternative lane configurations along NW 8th Avenue. The City Commission held a public meeting to seek public input in October 2012.*

*Several alternatives have been considered from retaining the current lane configurations through all segments to reallocating existing travel lanes and parking bays to on-street bike lanes. The project is divided into three primary segments; Segment A from NW 40th Drive to NW 34th Street; Segment B from NW 34th Street to NW 23rd Street; and Segment C from NW 23rd Street to NW 6th Street. Each segment has multiple alternatives for consideration. The as-is alternative which is to provide the pavement management work required and to stripe with the current lane configurations is estimated at \$2,535,840.*

*To ensure the NW 8th Avenue and NW 16th Avenue projects do not overlap, the NW 8th Avenue project will not be bid until late summer 2014 or near the completion of the County's project if there are delays.*

*Fiscal Note: Funding in the amount of \$3,200,000 is available in the CIP for*



construction using local option gas tax funds.

**RECOMMENDATION**

The City Commission approve the staff recommendation detailed below:

Segment A, Alternative A1 stripe a 4-lane undivided section as it is currently configured (\$325,220);

Segment B, Alternative B5 modified stripe as 2-lane with wide median and on-street bike lanes (\$823,060 - \$887,720); the median should be striped for a period of time to allow the public and staff to evaluate the impacts of the 2-lane configuration. Staff would bring back to the Commission information to make a final determination with regard to the lane and median configuration.

Segment C, Alternative C3 stripe with on-street bike lanes and limited on-street parking (\$1,581,100).

*Alternative Recommendation A*

The City Commission approve: Segment A & C as noted in the staff recommendation and Segment B, Alternate B5 with the median constructed to a boulevard section during the initial construction (\$2,729,380).

*Alternative Recommendation B*

The City Commission approve: Segment A & C as noted in the staff recommendation and Segment B, Alternate B3 - stripe as 4-lane undivided section as it is currently configured (\$2,782,920).

**Legislative History**

10/30/12 City Commission Completed

[120521\\_Presentation\\_20121030.pdf](#)

[120521\\_Hudson\\_letter\\_20121101.pdf](#)

[120521\\_citizens\\_20121101.pdf](#)

[120521-MOD\\_Presentation\\_20130502.pdf](#)

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR****COMMITTEE REPORTS (PULLED FROM CONSENT)****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****PUBLIC SAFETY COMMITTEE****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION**[120794.](#)**Charter Officers' Annual Performance Evaluations for the Past Fiscal Year Ending September 30, 2012 (NB)**

*Explanation: The City Commission evaluates the Performance of the Charter Officers on an annual basis. This review covers the last fiscal year, ending September 30, 2012. Each Charter Officer has provided a report to the City Commission on the accomplishments of his/her areas of responsibility and other supporting documentation.*

*No updated compensation information is provided at this time because Charter Officer compensation will be reviewed as part of the Citywide pay study currently being performed by Milliman, Inc.*

*Fiscal Note: There is no fiscal impact.*

**RECOMMENDATION**

*The City Commission review the performance of each Charter Officer and establish appropriate pay increases for FY2012.*

**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**[121054.](#)**Internal Audit Awareness Month - May 2, 2013 (B)****RECOMMENDATION**

*Institute of Internal Auditors - North Central Florida Chapter President Lily Reinhart to accept the proclamation.*

[121054\\_Audit\\_20130502.pdf](#)

[121055.](#)**Environmental Community Service Days - May 1-4, 2013 (B)****RECOMMENDATION**

*Cultural Arts Coalition Director NKwanda Jah to accept the proclamation.*

[121055\\_Environmental\\_20130502.pdf](#)

[121068.](#)**Law Day - May 1, 2013 (B)**

*Modification*

**RECOMMENDATION**

*8th Judicial Circuit Bar President Dawn Vallejos Nichols to accept the proclamation.*

[121068\\_LawDay\\_20130502.pdf](#)

[121075.](#)**National Bike Month - May 2013 (B)**

*Modification*

**RECOMMENDATION**

*Gainesville Bicycle Benefits Stephanie Loscalzo, Co-Owner SwiftCycles Gainesville Tim Hayes, 8th Ave Bike & Coffee House Dustin Rivas, and Commuter Cycling Advocates Brett Lackey, Andre Meeker Monica Petrella and Joseph Floyd to accept the proclamation.*

[121075\\_BikeMonth\\_20130502.pdf](#)

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

**PUBLIC HEARINGS**

**RESOLUTIONS- ROLL CALL REQUIRED**

**CLERK'S NOTE: The City Commission waive the Rules to hear File #121023 after File #120901.**

[121023.](#)

**SHADY FOREST PLAT VACATION (B)**

Resolution No. 121023

A Resolution of the City of Gainesville, Florida; approving the vacation of a portion of the Plat of "Shady Forest" recorded in Book 95, Page 255, of the Public Records of Alachua County, Florida, said portion being located north of SW 17th Place, east of the westerly boundary of SW 38th Terrace and west of the easterly boundary of SW 37th Street; providing directions to the Clerk of the Commission; providing for filing of the original hereof; and providing an immediate effective date.

*Modification*

*Explanation: The above-referenced Resolution is related to Petition No. CC-13-04 SUB, also on this agenda. This Resolution to vacate a portion of a plat of Shady Forest has been prepared at the request of the petitioner, pursuant to State law.*

*Section 177.101, Florida Statutes appears to require that plats be vacated by resolution of the governing body of the county where the property is situated. However, if the plat is located within a City, the statutes require the City Commission to adopt a resolution vacating the plat and to forward a certified copy of the resolution to the Board of County Commissioners.*

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

[121023\\_draft\\_resolution\\_20130502.pdf](#)

[121023A\\_MOD\\_20130502.pdf](#)

[121023B\\_MOD\\_20130502.pdf](#)

[121040.](#)

**RESOLUTION ACCEPTING REPORT OF BOARD OF CANVASSERS RUN-OFF ELECTION 2013 (B)**

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, run-off election held April 16, 2013; and providing an immediate effective date.

*Explanation: On April 16, 2013, a run-off election for the election of Mayor was held.*

*The Report of the Board of Canvassers for the City of Gainesville*

showing that Ed Braddy was elected as Mayor, is adopted by this resolution of the City Commission.

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

[121040 Bd of Canvassers Report 20130502.pdf](#)

## ADOPTION READING - ROLL CALL REQUIRED

[120806.](#)

### **LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF 717 & 721 SW 5TH AVENUE (B)**

Ordinance No. 120806; Petition No. PB-12-165 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.62 acres of property generally located at 717 and 721 SW 5th Avenue, as more specifically described in this ordinance, from Residential High-Density (RH) to Urban Mixed-Use 2 (UMU-2) as to two parcels and from undesignated land use to Urban Mixed-Use 2 (UMU-2) as to a parcel of vacated right-of-way; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Modification*

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*This petition/ordinance is a small-scale land use amendment that changes the future land use category of approximately 0.62 acres of property from Residential High-Density (RH) to Urban Mixed-Use 2 (UMU-2) and from undesignated land use to UMU-2. The subject property is generally located at 717 and 721 SW 5th Avenue, and until recently two of the parcels were the location of a vacant church building and parking lot. The third parcel was a right-of-way that was vacated by the City in Ordinance No. 030622 effective March 29, 2004. Related Ordinance No. 120807 will rezone the parcels to UMU-2 and add them to the University Heights area within the UMU-2 zoning district, and related Ordinance No. 120808 will remove the parcels from the University Heights Special Area Plan.*

*Both the existing RH land use category and the proposed UMU-2 land use category allow up to 100 dwelling units per acre for residential development. However, UMU-2 also allows a variety of non-residential uses that will increase the viability of any redevelopment efforts on these properties. The subject properties are located within 1/2 mile of the main campus, and are located within a few hundred feet of the Innovation Square area. Redevelopment of the site into multiple-family dwelling units, retail, and/or service and office/research uses allowable under the*

*provisions of the UMU-2 land use category would be supportive of the overall redevelopment goals in the Comprehensive Plan.*

*After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and by a vote of 5-0, recommended approval of this petition.*

#### **CITY ATTORNEY MEMORANDUM**

*This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.*

*Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption. Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes.*

**RECOMMENDATION**            *The City Commission: (1) approve Petition PB-12-165 LUC and (2) adopt the proposed ordinance.*

[120806A\\_draft ordinance\\_20130502.pdf](#)

[120806B\\_staff report\\_20130502.pdf](#)

[120806C\\_Comp Plan GOPs\\_20130502.pdf](#)

[120806D\\_Supplemental Docs\\_20130502.pdf](#)

[120806E\\_Application\\_Neighborhood wkshop info\\_20130502.pdf](#)

[120806F\\_CPB Minutes\\_20130502.pdf](#)

[120806G\\_Staff ppt\\_20130502.pdf](#)

[120806\\_MOD\\_PRES\\_20130502.pdf](#)

[120616.](#)

#### **PLANNED USE DISTRICT AMENDMENT - UNIVERSITY CORNERS (B)**

Ordinance No. 120616; Petition PB-12-124 PUD

An ordinance of the City of Gainesville, Florida, amending the Future

Land Use Map and the Future Land Use Element of the Comprehensive Plan by overlaying the land use category of "Planned Use District" on certain property with the underlying land use categories of "Mixed-Use Low-Intensity and Mixed-Use Residential" known as "University Corners" generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East, and Northwest 14th Street on the West, as more specifically described in this ordinance; providing development conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Modification*

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance amends the Planned Use District (PUD) land use overlay and implementing land use regulations for certain property known as "University Corners." An associated Planned Development (PD) zoning ordinance (Ordinance No. 120615) is also on this agenda. The subject property totals approximately 4.4 acres and is located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.*

*On May 9, 2005, the City Commission adopted Ordinance No. 040656, which originally overlaid PUD land use with certain implementing land use regulations on the subject property. Subsequently, on May 14, 2007, the City Commission adopted Ordinance No. 060733, which amended the subject property's PUD land use overlay and implementing land use regulations. The recently constructed University United Methodist Church (Petition 78SPL-05DB) was an approved use and considered a phase of development within the original PUD and PD, and remains a part of this PUD ordinance and associated PD ordinance.*

*This PUD ordinance makes several substantive changes to the subject property's PUD land use overlay and implementing land use regulations, as follows:*

- Remove the allowance for an underground parking structure.*
- Increase the maximum allowed building square footage from 665,000 to 950,000.*
- Increase the maximum square footage for the parking structure from 350,000 to 380,000.*
- Increase the maximum number of residential units from 490 to 500.*
- Specify that no more than 250 hotel rooms are allowed.*
- Increase the required usable open space from 31% of the site area to at least 80,000 square feet.*
- Increase the maximum number of building stories from 8 to 10, and the maximum building height from 95 feet to 110 feet.*
- Increase the maximum height of the parking garage from 95 feet to*

110 feet. (Note: The corresponding petition that the City Commission approved on January 3, 2013, also included an amendment to increase the number of stories for the parking garage from 9 to 10; however, subsequent to petition approval, the applicant has requested that the provisions regarding parking garage stories be removed to allow the potential to develop the parking garage with 11 stories while maintaining a maximum height of 110 feet.)

- Remove the requirement for remediation of onsite contamination, since this occurred with the construction of the first phase.
- Remove the prohibition on commercial uses fronting either Northwest 14th Street or Northwest 3rd Avenue.
- Specify that any development on site shall meet all relevant transportation mobility policies as provided in the City's Comprehensive Plan.

The PUD land use category is an overlay that was created to allow the consideration of unique, innovative or narrowly construed land use proposals that are specifically found to be compatible with the character of the surrounding land uses. Staff finds that this request meets the criteria for approval of a land use amendment: consistency with the Comprehensive Plan; compatibility with surrounding land uses; environmental impacts and constraints; support for urban infill and/or redevelopment; impacts on affordable housing; impacts on the transportation system; availability of facilities and services; and need for the additional acreage in the proposed future land use category.

After public notice was published in the Gainesville Sun on November 15, 2012, the City Plan Board held a public hearing on December 3, 2012, and by a vote of 6-0, recommended approval of the petition with staff conditions and a revision to include the adjacent church. After public notice was published in the Gainesville Sun on December 18, 2012, the City Commission held a public hearing on January 3, 2013, and approved the petition by a vote of 6-0.

#### CITY ATTORNEY MEMORANDUM

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

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

#### RECOMMENDATION

The City Commission adopt the proposed ordinance.



Legislative History

1/3/13 City Commission Approved (Petition)

[120616A staff report 20130103.pdf](#)

[120616B Comp Plan GOPs 201300103.pdf](#)

[120616C Application Neighborhood info 20130103.pdf](#)

[120616D Proposed revisions to PUD Ordinance 20130103.pdf](#)

[120616E staff ppt 20130103.pdf](#)

[120616F CPB minutes 20130103.pdf](#)

[120616 MOD University Corners Presentation 20130103.pdf](#)

[120616A draft ordinance 20130502.pdf](#)

[120616A mod draft ordinance 20130502.pdf](#)

[120616 and 120615 MODpresentation20130502.pdf](#)

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

[090878.](#)

**TEXT CHANGE - LANDSCAPE AND TREE MANAGEMENT (B)**

Ordinance No. 090878, Petition No. PB-10-7-TCH

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances and the Land Development Code relating to landscape and tree management; by amending Sec. 30-23 Definitions; by amending Article VII. Development Review Process (Division 2. Subdivisions and Street Vacation and Division 4. Planned Development District); by amending Article VIII. Environmental Management (Division 1. Generally, Division 2. Landscape and Tree Management, Stormwater Management and Water/Wastewater Connection Policy, and Division 4. Relief and Enforcement); by amending Appendix A. Special Area Plans (for College Park, Traditional City, Central Corridors and University Heights); by amending Chapter 2. Administration (Division 12. Tree Board of Appeals and Division 13. Tree Advisory Board); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

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

*The duties of the Tree Advisory Board (TAB) include to "clarify tree regulations that exist in the city's codes," "advise all departments of the city on tree issues," and help "develop the goals and objectives for the city's comprehensive plan with respect to trees." Over recent years, the TAB observed that existing Land Development Code requirements are outdated and, in some instances, do not reflect best arboricultural practices. In addition, the TAB recognized a need to improve the*

*protection of the City's most valuable high-quality heritage trees through the development and construction process. In addition, new shade trees have been allocated insufficient space during the development plan process. This has been particularly true in overlay districts such as College Park, where buildings are required to be constructed close to the street, and where existing underground utility lines are often in conflict with proposed street trees. This combination of factors has worked against required shade trees - often they do not survive once planted and in some cases have not been planted. The TAB proposed many amendments to the Land Development Code in order to address these and other issues related to landscaping and tree preservation.*

*The proposed text amendments to the Land Development Code and the City Code of Ordinances have been prepared by and undergone extensive review and revision by the TAB, the Gainesville Community Redevelopment Agency, the City Public Works Department, the City Planning Department, Gainesville Regional Utilities, and stakeholders in the development community. The primary goals of the amendments include:*

*\* Bring requirements for tree protection, tree planting, and invasive exotic plant control into alignment with the practices that yield the best results based on scientific research.*

*\* Provide sufficient protection for heritage trees in all zoning classes (including financial mitigation under certain circumstances).*

*\* Create sufficient space for new shade trees so that they can grow to maturity without disrupting buildings, sidewalks, streets or other public infrastructure.*

*\* Emphasize that street buffer trees, Gainesville Regional Utilities line separation requirements, and Public Works clear zone safety requirements are all equally important, so that future development allows sufficient space for all three.*

*\* Diminish Gainesville's vulnerability to Southern Pine Beetle epidemics through post-development spacing of certain trees in order to diminish the insects' capacity for rapid and relentless population increase.*

*\* Update the Gainesville Approved Tree list that was first assembled by the TAB in 1976 and last revised in 2000.*

*\* Clarify the role of the Tree Advisory Board and the Tree Appeals Board.*

*The proposed amendments will serve to protect the City's urban forest while implementing the goals and policies of the Comprehensive Plan regarding landscaping and tree protection. The proposed amendments are consistent with the Comprehensive Plan.*

On February 25, 2010, the Plan Board heard the petition and received comments from the public. The Plan Board, by a vote of 4-0, with minor text clarifications. On May 6, 2010, the City Commission heard the petition and, by a vote of 7-0, approved the petition with amendments. City staff worked extensively to prepare a draft ordinance and released same for review and comment in March 2011. Several public stakeholders expressed concern with and interest in revising the draft ordinance. As a result, in July 2011, the Gainesville Community Redevelopment Agency (CRA) directed CRA staff to hire a consultant to review the draft ordinance and coordinate a stakeholder review process. On March 19, 2012, a revised draft was presented to the CRA board by the CRA staff and consultant. On May 30, 2012, City Planning staff provided the revised draft to stakeholders, and on June 4, 2012, the Tree Advisory Board reviewed and approved the draft with further revisions.

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two readings.*

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

#### Legislative History

5/6/10            City Commission            Approved (Petition), as amended

[090878\\_cpb recommendations\\_20100506.pdf](#)

[090878A\\_staff report\\_20100506.pdf](#)

[090878B\\_tree advisory bd application\\_20100506.pdf](#)

[090878C\\_summary of proposed code changes\\_20100506.pdf](#)

[090878D\\_proposed code changes to landscape\\_20100506.pdf](#)

[090878E\\_gville approved tree list\\_20100506.pdf](#)

[090878F\\_100225 cpb minutes draft\\_20100506.pdf](#)

[090878G\\_petitioner ppt\\_20100506.PDF](#)

[090878\\_draft ordinance\\_20130502.pdf](#)

[090878A\\_staff ppt\\_20130502.pdf](#)

[120615.](#)

#### **PLANNED DEVELOPMENT AMENDMENT - UNIVERSITY CORNERS (B)**

Ordinance No. 120615; Petition PB-12-125 PDA

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning to "Planned Development District" (PD) certain property known as "University Corners" generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East, and Northwest 14th Street

on the West, as more specifically described in this ordinance; adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

*Modification*

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance amends the approved Planned Development District (PD) zoning for the proposed mixed-use development known as University Corners. An associated ordinance (Ordinance No. 120616) amending the Planned Use District (PUD) land use category for the subject property is also on this agenda. The subject property is approximately 4.4 acres and is located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.*

*On May 23, 2005, the City Commission adopted Ordinance No. 040657, which originally rezoned the subject property to Planned Development District (PD). Subsequently, on June 12, 2007, the City Commission adopted Ordinance No. 060734, which amended the subject property's Planned Development zoning. The recently constructed University United Methodist Church (Petition 78SPL-05DB) was an approved use and considered a phase of development within the original PUD and PD, and remains a part of this PD ordinance and associated PUD ordinance.*

*This ordinance proposes to make several substantive changes to the subject property's PD zoning, as follows:*

- Increase the maximum number of building stories from 8 to 10, and the maximum building height from 95 feet to 110 feet.*
- Increase the maximum height of the parking garage from 95 feet to 110 feet. (Note: The corresponding petition that the City Commission approved on January 3, 2013, also included an amendment to increase the number of stories for the parking garage from 9 to 10; however, subsequent to petition approval, the applicant has requested that the provisions regarding parking garage stories be removed to allow the potential to develop the parking garage with 11 stories while maintaining a maximum height of 110 feet.)*
- Decrease the brick and stone materials used on the first floor retail along University Avenue and 13th Street, while increasing the amount of glazing in these areas.*
- Decrease the required amount of glazing on the upper floors of the South Block and the North Block facing 13th Street.*
- Specify that a brick veneer may be used in lieu of structural brick.*
- Specify that the tower features and top floor will have sloped metal roofs.*
- Increase the required usable open space from 31% of the site area to at least 80,000 square feet.*
- Remove requirements related to Development of Regional Impact*

*(DRI) thresholds.*

- Remove the requirement for remediation of onsite contamination, since this occurred with the construction of the first phase.*
- Clarify that the project will be developed in one phase.*
- Reduce the maximum amount of allowed non-residential uses from 115,000 square feet to 100,000 square feet (not including the hotel).*
- Increase the maximum allowed building square footage from 665,000 to 950,000.*
- Increase the maximum square footage for the parking garage from 350,000 to 380,000.*
- Increase the maximum number of residential units from 490 to 500.*
- Specify that no more than 250 hotel rooms are allowed.*

*The purpose of the proposed rezoning is to enable the applicant to construct a mixed-use redevelopment project that would include multi-family residential, a hotel, and non-residential uses including retail, restaurant, and offices. The PD Report outlines the specific permitted uses within the development. The PD report also outlines the maximum allowed amounts for each type of use and defines a few basic zoning standards, such as maximum building coverage. A basic layout for the site is shown in the PD Maps, which shows the proposed buildings as well as vehicular and pedestrian circulation areas. The map distinguishes the locations of the proposed hotel from the general commercial and residential areas and also shows the location of the parking structure. Development standards are listed on the PD Maps, including the types and amounts of allowed uses, maximum building heights, building coverage, and minimum open space. Building elevations are also provided for the public street frontages and of the interior frontages along NW 2nd Avenue to show the design, colors and materials of the buildings.*

*After public notice was published in the Gainesville Sun on November 15, 2012, the City Plan Board held a public hearing on December 3, 2012, and by a vote of 6-0, recommended approval of the petition with certain revisions. After public notice was published in the Gainesville Sun on December 18, 2012, the City Commission held a public hearing on January 3, 2013, and approved the petition by a vote of 6-0.*

#### **CITY ATTORNEY MEMORANDUM**

*This ordinance requires two hearings and, following adoption, shall become effective upon the amendment to the City of Gainesville Comprehensive Plan becoming effective as provided by associated Ordinance No. 120616.*

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

#### **Legislative History**

1/3/13            City Commission            Approved (Petition), as amended

[120615\\_MOD University Corners Presentation\\_20130103.pdf](#)  
[120615\\_quasi-judicial form\\_20130103.pdf](#)  
[120615A\\_staff report\\_20130103.pdf](#)  
[120615B\\_Application Neighborhood info\\_20130103.pdf](#)  
[120615C\\_Proposed revisions to PD Ordinance\\_20130103.pdf](#)  
[120615D\\_Revised PD report\\_20130103.pdf](#)  
[120615E\\_Revised PD Maps\\_20130103.pdf](#)  
[120615F\\_Building Floor Plans\\_20130103.pdf](#)  
[120615G\\_Color Building elevations\\_20130103.pdf](#)  
[120615H\\_staff ppt\\_20130103.pdf](#)  
[120615I\\_CPB minutes\\_20130103.pdf](#)  
[120615A\\_draft ordinance\\_20130502.pdf](#)  
[120615A\\_mod\\_draft ordinance\\_20130502.pdf](#)  
[120616 and 120615\\_MODpresentation20130502.pdf](#)

[120789.](#)

#### **TEXT CHANGE - SCOOTER SALES - UMU-2 ZONING (B)**

Ordinance No.120789; Petition No. PB-12-169 TCH  
An ordinance of the City of Gainesville, Florida, amending the Land Development Code related to scooter sales; by adding a new definition to Section 30-23 Definitions and by adding scooter sales to the list of permitted uses by right in Section 30-65.2 Urban mixed-use district 2 (UMU-2); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*On November 15, 2012, the City Commission asked staff to initiate a change to the Land Development Code to allow retail motorized scooter sales in the UMU-2 zoning district and other districts as staff and/or the City Plan Board may recommend. This petition/ordinance proposes to allow scooter sales as a use by right in the UMU-2 zoning district on the condition that the use is contained within an enclosed building and any space devoted to scooter servicing as an accessory use may not exceed 45% of the gross floor area of the building. Staff also developed a definition for "scooter" to distinguish scooter sales from motorcycle sales based on engine displacement, primarily because of the different impacts they could have on an area (mainly noise). Staff views this petition as an interim solution because this issue will be more fully addressed in the ongoing Form Based Code update.*

*The sale of scooters within the City of Gainesville is primarily marketed towards students. The number of motorcycle and scooter decals on the University of Florida campus increased from 700 in the year 2000 to a peak of 4000 in 2009, with a current average of approximately 3600 decals per year. Therefore, it is reasonable to allow scooter sales and services closer to where the end users are located. The Land Development Code currently allows scooter sales only in those zoning districts that allow motorcycle sales, BA (Automotive Oriented Business District) and I-1 (Limited Industrial District), although a few shops are located elsewhere as a nonconforming use.*

*Public notice was published in the Gainesville Sun on January 8, 2013. On January 24, 2013, the City Plan Board held a public hearing and, by a vote of 6-0, recommended approval of the petition with revisions.*

#### CITY ATTORNEY MEMORANDUM

*This ordinance requires two hearings.*

**RECOMMENDATION**            *The City Commission (1) approve petition PB-12-169 TCH and (2) adopt the proposed ordinance.*

[120789A draft ordinance 20130502.pdf](#)

[120789B staff report 20130502.pdf](#)

[120789C Proposed Amendment 20130502.pdf](#)

[120789D CPB minutes 20130502.pdf](#)

#### [120807](#)

#### **REZONING AND TEXT CHANGE - APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED IN THE VICINITY OF 717 & 721 SW 5TH AVENUE - TO URBAN MIXED-USE DISTRICT 2 (UMU-2) & ADDING SAID PROPERTY TO THE UNIVERSITY HEIGHTS AREA WITHIN THE UMU-2 ZONING DISTRICT. (B)**

Ordinance No. 120807; Petition No. PB-12-166 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 0.62 acres of property generally located at 717 and 721 SW 5th Street, as more specifically described in this ordinance, from Residential high density district (RH-1) to Urban mixed-use district 2 (UMU-2) as to two parcels and from unzoned right-of-way to Urban mixed-use 2 (UMU-2) as to one parcel; adding the approximately 0.62 acres of property to the University Heights area as designated within Section 30-65.2 - Urban mixed-use district 2 (UMU-2) of the City of Gainesville Land Development Code by adopting the following amended figures: Figure 1.0 District Boundary Map -

University Heights, Figure 2.0 Street Types - University Heights, Figure 2.1 Proposed Local Streets - University Heights, and Figure 3.0 Height Limits - University Heights; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Modification*

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*This petition/ordinance rezones approximately 0.62 acres of property generally located at 717 and 721 SW 5th Street from Residential high density district (RH-1) and unzoned right-of-way to Urban mixed-use district 2 (UMU-2), and adds the subject property to the University Heights area as designated within the UMU-2 zoning district by updating the associated University Heights maps. Related Ordinance No. 120806 will change the future land use category of the property to Urban mixed-use 2 (UMU-2), and related Ordinance No. 120808 will remove the property from the University Heights Special Area Plan.*

*The existing RH-1 zoning allows up to 20 dwelling units per acre by right and up to 43 units per acre by using density bonus points. The proposed UMU-2 zoning allows up to 100 dwelling units per acre for residential development. UMU-2 also allows for a variety of non-residential uses, which increases the viability of any redevelopment efforts on these properties. This proposed rezoning is consistent with the Comprehensive Plan and promotes infill development. Both parcels are previously developed properties that are being served by existing public facilities (including potable water, wastewater, transit, solid waste, public roads, recreation, and public schools). A major component of UMU-2 is the orientation of structures to the street and the multi-modal character of the area. This type of development may encourage further redevelopment in this core area of the city because of the proximity to the University of Florida, the Santa Fe College downtown campus, and the Innovation Square area.*

*After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and by a vote of 5-0, recommended approval of this petition.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance requires two readings. This ordinance shall become effective immediately upon adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120806 becomes effective as provided therein.*

**RECOMMENDATION**

*The City Commission: (1) approve Petition PB-12-166 ZON and (2) adopt the proposed ordinance.*



[120807A\\_draft ordinance\\_20130502.pdf](#)  
[120807B\\_staff report\\_20130502.pdf](#)  
[120807C\\_Comp Plan GOPs\\_20130502.pdf](#)  
[120807D\\_Land Development Code\\_20130502.pdf](#)  
[120807E\\_Supplemental Docs\\_20130502.pdf](#)  
[120807F\\_Application\\_Neighborhd workshop info\\_20130502.pdf](#)  
[120807G\\_CPB minutes\\_20130502.pdf](#)  
[120807H\\_staff ppt\\_20130502.pdf](#)  
[120807\\_MOD PRES\\_20130502.pdf](#)

[120808.](#)

**REZONING AND TEXT CHANGE - AMENDING THE ZONING MAP ATLAS TO REMOVE APPROXIMATELY 0.62 ACRES OF PROPERTY GENERALLY LOCATED AT 717 AND 721 SW 5TH AVENUE FROM THE SPECIAL AREA PLAN FOR UNIVERSITY HEIGHTS AND DELETING AND REPLACING THE FIGURE TITLED "LAND USE AND BUILDING TYPE MATRIX" IN THE SPECIAL AREA PLAN TO REFLECT THE REMOVAL OF THE PROPERTY (B)**

Ordinance No. 120808; Petition No. PB-12-171 TCH

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by removing the Special Area Plan for University Heights overlay zoning district from approximately 0.62 acres of property generally located at 717 and 721 SW 5th Avenue; amending Appendix A., Section 6. - Special Area Plan for University Heights in the Land Development Code by deleting and replacing the figure titled "Land Use and Building Type Matrix" to reflect the removal of the property described above; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Modification*

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT*

*This petition/ordinance rezones property located at 717 and 721 SW 5th Avenue by removing the University Heights Special Area Plan (SAP) overlay zoning district from the property and by deleting and replacing the figure titled "Land Use and Building Type Matrix" in the Land Development Code Appendix A., Section 6. - Special Area Plan for University Heights to reflect the removal.*

*This amendment is necessitated by the concurrent small-scale land use and rezoning ordinances (Ordinance Nos. 120806 and 120807). As a*

result of these ordinances, the properties will have UMU-2 land use and will be rezoned to the University Heights area within the UMU-2 zoning district. Removing the properties from the University Heights SAP is necessary to avoid conflicts between the provisions in the SAP and the UMU-2 zoning district.

After public notice was published in the Gainesville Sun on January 8, 2013, the City Plan Board held a public hearing on January 24, 2013, and by a vote of 5-0, recommended approval of this petition.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and shall become effective immediately upon adoption.

**RECOMMENDATION**            *The City Commission: (1) approve Petition PB-12-171 TCH and (2) adopt the proposed ordinance.*

[120808A\\_draft ordinance\\_20130502.pdf](#)

[120808B\\_staff report\\_20130502.pdf](#)

[120808C\\_Existing University Heights SAP Land Use Bldg Matrix\\_20130502.pdf](#)

[120808D\\_Proposed Univeristy Heights SAP Land Use Bldg Matrix\\_20130502.p](#)

[120808E\\_Application for University Heights SAP Amendment\\_20130502.pdf](#)

[120808F\\_CPB minutes\\_20130502pdf.pdf](#)

[120808G\\_staff ppt\\_20130502.pdf](#)

[120808\\_MOD\\_PRES\\_20130502.pdf](#)

## ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[100629.](#)

### REAL PROPERTY POLICIES (B)

Ordinance No. 100629

An ordinance of the City of Gainesville, Florida, amending the City Code of Ordinances, relating to real property; by amending Section 2-435 to change the point in time at which an appraisal must be obtained by the City; by deleting in its entirety existing Section 2-436 concerning sale of land obtained by the City through foreclosure; by creating a new Section 2-436 which provides for acquisition and disposition of real property in accordance with the City's adopted Real Property Policies; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: PUBLIC WORKS DEPARTMENT STAFF REPORT*

*This ordinance is related to Resolution #100630, adopting policies for the City's acquisition and disposition of real property. This ordinance*

*amends existing City Code to require that the Real Property Policies be followed when acquiring and disposing of real property.*

*In addition, this ordinance revises existing City Code concerning the point at which an appraisal is obtained for property valued at \$100,000 or more. Current Code requires the City to obtain an appraisal prior to signing a contract. This requires the expenditure of significant funds before the City has any written assurance that the Seller will actually sell the property. Staff recommends a better practice is to allow City staff to negotiate and sign a contract with the Seller, contingent on obtaining an appraisal prior to Commission approval. This ordinance will allow for that practice.*

*This ordinance also deletes an obsolete portion of City Code regarding sale of land obtained by the City by virtue of foreclosure for delinquent taxes and/or special assessments. Pursuant to state law, these proceedings are now handled through the tax certificate process by the County Tax Collector. In the event any property escheats to the City by virtue of such proceedings, the City will dispose of such property in accordance with these policies.*

#### **CITY ATTORNEY MEMORANDUM**

*This ordinance requires two readings.*

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

[100629 draft ordinance 20130418.pdf](#)

#### **110873.**

#### **PORTABLE STORAGE UNITS AND ROLL-OFFS - TEXT CHANGE (B)**

Ordinance No. 110873; Petition No. PB-12-13 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code by adding regulations to allow portable storage units and roll-offs as a temporary use in residential zoning districts; by adding new definitions to Section 30-23 Definitions; by creating Section 30-121 Temporary portable storage units and roll-offs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

*This ordinance is the result of a referral from the City Commission to the Community Development Committee in response to neighborhood concerns about the use of portable storage units and other temporary storage facilities in residential zoning districts. Currently, the Land Development Code does not specifically regulate the temporary use of*

portable storage units and roll-offs. The intent of this ordinance is to address the concerns that have been raised by regulating portable storage units and roll-offs as a temporary use in residential zoning districts. Accordingly, this ordinance regulates the placement of portable storage units and roll-offs on residential properties, requires a "Proof of Delivery Certificate" to be affixed to such facilities, provides a time limit with exceptions, and provides certain other regulations.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the petition with an amendment regarding a time extension for natural disasters. On May 17, 2012, the City Commission, by a vote of 7-0, approved the petition as amended by staff.

While this ordinance was being drafted, it was brought to the attention of city staff that licensed commercial parcel delivery services use portable storage units for making seasonal deliveries in accordance with Section 316.2126, Florida Statutes. As a result, staff has included specific regulations for this temporary seasonal use.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

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

#### Legislative History

5/3/12            City Commission            Continued (Petition)  
5/17/12           City Commission            Approved (Petition) as amended by staff

[110873A staff report 20120503.pdf](#)

[110873B CDC backup documents to CCOM 20120503.pdf](#)

[110873C cpb minutes 20120503.pdf](#)

[110873D staff ppt 20120503.pdf](#)

[110873A staff report 20120517.pdf](#)

[110873B CDC backup documents to CCOM 20120517.pdf](#)

[110873C cpb minutes 20120517.pdf](#)

[110873D staff ppt 20120517.pdf](#)

[110873 MOD additional back-up 20120517.pdf](#)

[110873A draft ordinance 20130418.pdf](#)

## PLAN BOARD PETITIONS

[120908.](#)

### Unpaved Off-Street Parking and Access Regulations for the College

## Park and University Heights Special Area Plans (B)

**PB-12-19 TCH. City of Gainesville. Amend the Land Development Code Appendix A, Section 3 Special Area Plan for College Park and Section 6 Special Area Plan for University Heights to regulate existing non-hard-surfaced off-street parking and access to parking areas.**

*Explanation: This petition is a referral to the City Plan Board from the City Commission (Legislative Matter No. 100668) as approved on January 19, 2012. This item was originally referred to the Community Development Committee (CDC) by the City Commission and discussed at the April 26, 2011, July 26, 2011, and August 23, 2011 CDC meetings. At the August 23 meeting, the item, with proposed regulations, was referred to the City Commission for approval. The agenda item, meeting minutes, and backup material from all those meetings are included in the backup material.*

*The original referral from the CDC and City Commission proposed to regulate driveway access and parking areas for all properties in the University of Florida Context Area that never required a development plan approval by the City of Gainesville or Alachua County, or those properties that were exempt from the development approval process or for developments that pre-dated such requirements. Specifically, properties zoned RMF-5, RMF-6, RMF-7, RMF-8, RH-1, RH-2, UMU-1, UMU-2, RMU, OR, and OF were proposed for regulation.*

*Planning and Development Services Department staff reviewed options for regulating the parking problems discussed at the Community Development Committee. Using the original proposal, 6,177 properties would have been impacted. The staff's findings were that the vast majority of the access and parking area problems were in the College Park and University Heights Special Area Plan areas. As a result, staff revised the original proposal to regulate the parking problems in only those special area plan areas. This is consistent with the redevelopment, aesthetic, and reduction of blight goals in those areas and will reduce the dilution of enforcement of regulations that would occur if the broader area were being regulated.*

*Planning and Development Services staff presented this petition and the proposed regulations at the April 26, 2012 Plan Board meeting. The Plan Board voted 4-1 to continue Petition PB-12-19 TCH in order to obtain more input from the College Park/University Heights (CP/UH) CRA Advisory Board and from the Public Works Department concerning the parking decal program and requirements for paved parking.*

*Staff held a stakeholder meeting on May 21, 2012 to solicit further input regarding the proposed regulations. Topics of discussion included: the number of impacted parcels; the need to address on street parking in tandem with the proposed regulations; the decal parking regulations and fee structure; materials used for coverage of unpaved parking areas;*

*how the University of Florida properties (sorority houses) will be coordinated with this effort; and timing of regulations as related to when leases are signed.*

*Consistent with the Plan Board's direction, this item was heard by the CP/UH Redevelopment Advisory Board on June 6, 2012. The Board heard input from interested parties and questioned staff regarding the proposed regulations. At the conclusion of the discussion, a motion was approved unanimously that: "the CP/UH Board recommends the CRA Board recommend to the Plan Board to table this topic until the CP/UH Board can review, discuss and make a recommendation back to the Plan Board on this topic."*

*A second stakeholder meeting was held on January 7, 2013 to discuss the proposed regulations as amended based on input from the prior stakeholder meeting, the CP/UH Board meeting, and ongoing discussion with the City's Public Works Department.*

*Planning staff returned to the CP/UH Redevelopment Advisory Board and presented the proposed regulations on February 6, 2013. The Board heard the staff presentation, heard board member comments and took comments from the public. The Board made a motion to the CRA Board that: "the CRA recommend to the City Plan Board to move forward with the Parking Access and Unpaved Parking regulations." At the February 18, 2013 Community Redevelopment Agency Board meeting, the Board approved the motion recommending that the Plan Board move forward with the proposed regulations.*

*Proposed Regulations:*

*The proposed regulations can be broken down into four areas of focus. These include: Applicability and Exemptions; Access and the Parking Plan; Borders and Parking Area Coverage Materials; and Administration.*

*Applicability and Exemptions:*

*The proposed regulations are only applicable to properties that contain unpaved parking areas and are located within the boundaries of either the College Park or University Heights Special Area Plans. Properties with an approved development plan from the City of Gainesville are not subject to these regulations. The regulations also include the ability for a property to receive an exemption based on a number of criteria or in the case of a hardship due to a unique constraint of the property.*

*Access and the Parking Plan:*

*The proposed regulations require that any parking area must be accessed via a legal driveway connection. Non-existent or substandard driveway access connections to parking areas can result in automobiles unlawfully driving over the curb to reach a parking space (LDC Sec. 26-51) which results in damage to curbs, sidewalks, and landscaping and decreased pedestrian, bicycle, and vehicular safety.*

*The proposed regulations require a parking plan, in addition to a legal*

driveway connection. The plan consists of a sketch of the property which clearly depicts the proposed parking areas, how the parking area will be accessed from the driveway connection, and the types and distribution of the parking area borders and coverage materials.

*Borders and Parking Area Coverage Materials:*

The proposed regulations stipulate that all regulated unpaved parking areas be delineated with borders and that the parking area is adequately covered with approved materials. The borders and coverage materials are intended to improve the aesthetics of the unpaved parking areas consistent with the intent of the Special Area Plans and to reduce damage to vegetated groundcover and root systems. The borders must contain the coverage materials onsite to reduce the run-off of materials into the stormwater system. Smaller parking areas (1-4 spaces) may opt to use mulch, wood chips, or leaves. Larger areas (more than 5 spaces) are limited to gravel or pavers.

*Administration:*

The proposed regulations will be administered by the Code Enforcement Division. The Division currently administers the off-street parking regulations for single-family zoned parcels located in the context area and staff anticipates the administration of the proposed regulations will closely mirror the single-family parking program format.

The proposed regulations contain a prohibition on leased parking within the regulated parking areas except as allowed by Land Development Code (LDC) Sec. 30-329(i). Leased parking facilities that do not conform to LDC Sec. 30-329(i), are prohibited citywide and the proposed regulations are consistent with the existing prohibition.

The proposed regulations will not affect game day parking or parking on major university-related event days.

Public notice was published in the Gainesville Sun on February 12, 2013. The Plan Board held a public hearing on February 28, 2013. At the hearing, the proposed regulations were discussed by the board and interested stakeholders. At the conclusion of the public comment portion of the hearing, the Plan Board approved the staff recommendations with an amendment to allow pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces.

*Fiscal Note: None.*

**RECOMMENDATION**

City Plan Board to City Commission - The City Commission approve Petition PB-12-19 TCH with the inclusion of pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces; provide a 12-month compliance period from the date of final ordinance adoption; and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.

*Plan Board vote 6-0.*

*Staff to City Commission - The City Commission approve Petition PB-12-19 TCH with the inclusion of pine straw as a permitted parking area coverage material for parking areas with 1-4 spaces; provide a 12-month compliance period from the date of final ordinance adoption; and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.*

*Staff to the Plan Board - Approve Petition PB-12-19 TCH; with a 12-month compliance period from the date of final ordinance adoption and direct the Code Enforcement Division to hold workshop(s) to explain to impacted property owners how to comply with the new regulations.*

**Legislative History**

4/4/13 City Commission Continued (Petition)

[120908A\\_ Staff and Plan Board Recommended Changes\\_20130404.pdf](#)

[120908B\\_ Staff report\\_20130404.pdf](#)

[120908C\\_ CDC Background Materials.20130404.pdf](#)

[120908D\\_ SAP District College Park SAP University Heights SAP\\_20130404.p](#)

[120908E\\_ Map 1 College Park SAP\\_20130404.pdf](#)

[120908F\\_ Map 2 University Heights SPA\\_20130404.pdf](#)

[120908G\\_ Application\\_20130404.pdf](#)

[120908H\\_ CPB Minutes draft\\_20130404.pdf](#)

[120908I\\_ staff ppt\\_20130404.pdf](#)

[121031](#)

**Gainesville Correctional Institute Rezoning (B)**

**Petition-13-15 ZON. City of Gainesville, agent for State of Florida. Amend the PS (Public services and operations districts) zoning to allow additional public service type uses for property located at 2845 NE 39th Avenue.**

*Explanation: The purpose of this petition is to provide the appropriate zoning designation to implement the PF (Public Facilities) land use on the properties included in this petition. The petition includes a portion of parcels: 8191-000-000 and 8197-000-000. The parcels are owned by State of Florida. The property had been used as the Gainesville Correctional Institute (GCI) which housed over 300 minimum to medium security inmates, on the 30.85 acres. The site consists of several buildings with space for office use, a medical clinic, dormitories, library,*



food service, multi-purpose rooms and a Chapel.

The GCI closed in March of 2012, and the City of Gainesville is working with the State of Florida to acquire the property to be used as a multi-faceted services center for the community. On December 6, 2012 the City Commission authorized staff to act as agent for the property and to initiate a zoning petition.

Section 30-75 of the land development code requires that the specific uses permitted on the properties be specified as part of the ordinance which places the PS zoning classification on the properties. Currently the property is only designated for use by the State. This petition would amend the zoning to allow uses that will serve the entire Gainesville community as well as specifically provide services for the homeless.

The Plan Board reviewed the petition and recommends approval. Plan Board vote 6-0.

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to the City Commission- Approve the petition with staff conditions and without a preliminary development order.*

*Staff to the City Plan Board - Approve the petition with conditions and without a preliminary development order.*

[121031A\\_staff report\\_20130502.pdf](#)

[121031B\\_GCI Building Indentification\\_20130502.pdf](#)

[121031C\\_Maps\\_Existing Land Use\\_Zoning\\_20130502.pdf](#)

[121031D\\_Maps\\_20130502.pdf](#)

[121031E\\_RTS Route 25\\_20130502.pdf](#)

[121031F\\_Conditions\\_20130502.pdf](#)

[121031G\\_Neighborhood Workshop info\\_zoning application\\_20130502.pdf](#)

[121031H\\_CPB minutes\\_20130502.pdf](#)

[121031I\\_staff ppt\\_20130502.pdf](#)

## DEVELOPMENT REVIEW BOARD PETITIONS

[120901.](#)

Vacation of a portion of the Shady Forest Plat (B)

**Petition CC-13-04 SUB:** Causseaux, Hewett and Walpole, Inc., agent for Garrison SW 17th Avenue LLC. Reversion of subdivided land, Shady Forest, to acreage. Zoned: Urban mixed-use district 2 (UMU-2). Located north of SW 20th Avenue between SW 37th Street and SW 38th Terrace.

*Explanation: On April 18, 2013 the City Commission voted to continue this item to May 2, 2012. This petition is a request to vacate a portion of an older subdivision, Shady Forest, returning it to acreage for future development. The plat originally included 64 lots of which sixteen have been incorporated into other developments, leaving a total of 48 existing lots. This petition is to convert 40 of the 48 remaining lots into acreage. The eight remaining lots are improved with single-family dwellings which are served by dirt roads and will retain formal access to SW 20th Avenue via the existing dirt roads which has a right-of-way width of 30 feet.*

*The Land Development code requires that revision of a subdivision to acreage be processed in accordance with the Florida Statutes, Chapter 177.102. It requires that the City adopt a resolution vacating the plat and forwarding the plat vacation to the Alachua County Commission for adoption of a second resolution vacating the plat at a county level.*

*The petition was reviewed in the context of Florida Statutes Chapter 177.102, the City of Gainesville's Comprehensive Plan and the Land Development Code. The petition is consistent with all of the requirements of FS 177.102. The applicant owns fee simple title to the land; the right of convenient access of the remaining lots is protected; legal notice has been provided; taxes have been paid and the roads to be vacated will not affect the overall transportation network. On February 14, 2013 the Development Review Board approved the petition with conditions listed in the staff report.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Development Review Board to City Commission: -  
the City Commission approve Petition CC-13-04  
SUB and adopt the resolution approving the  
vacation of a portion of the Shady Forest Plat*

*Planning Staff to Development Review Board -  
approve Petition CC-13-04 SUB*

[120901\\_draft\\_resolution\\_20130418.pdf](#)  
[120901A\\_Staff\\_Report\\_20130418.pdf](#)  
[120901B\\_Existing\\_Shady\\_Forest\\_Subdivision\\_20130418.pdf](#)  
[120901C\\_Florida\\_Statues\\_and\\_LDC\\_reference\\_20130418.pdf](#)  
[120901D\\_TRC\\_Comments\\_20130418.pdf](#)  
[120901E\\_Application\\_&\\_Supporting\\_Docs\\_20130418.pdf](#)  
[120901F\\_DRB\\_minutes\\_20130418.pdf](#)  
[120901G\\_staff\\_ppt\\_20130418.pdf](#)  
[120901A\\_Staff\\_Report\\_20130502.pdf](#)  
[120901B\\_Existing\\_Shady\\_Forest\\_Subdivision\\_20130502.pdf](#)  
[120901C\\_Florida\\_Statues\\_and\\_LDC\\_reference\\_20130502.pdf](#)  
[120901D\\_TRC\\_Comments\\_20130502.pdf](#)  
[120901E\\_Application\\_&\\_Supporting\\_Docs\\_20130502.pdf](#)  
[120901F\\_DRB\\_minutes\\_20130502.pdf](#)  
[120901G\\_staff\\_ppt\\_5-2-13\\_20130502.pdf](#)

## **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)**