

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, July 30, 2007**

**3:00 PM**

**City Hall, Room 16**

## **Community Development Committee**

*Commissioner Scherwin Henry, Chair  
Commissioner Jack Donovan, Member  
Commissioner Craig Lowe, Member*

*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

*The meeting was called to order at 3:05 PM.*

## ROLL CALL

Present: Jack Donovan and Scherwin Henry

Absent: Craig Lowe

## ADOPTION OF THE AGENDA

*The Committee moved Item No. 060910 to the beginning of the agenda.*

## APPROVAL OF MINUTES

### **070157. Minutes of April 10, 2007 (B)**

**RECOMMENDATION** *The Community Development Committee approve the minutes of April 10, 2007.*

**Approved as Recommended**

### **070186. Minutes of June 19, 2007 (B)**

*1) Pg. 6, paragraph 6, line 3, delete the words "that before the Advisory Board starts to recreate the guidelines, that they work with what they have in place and"; 2) Pg 7, correct spelling of "LeeAnn.;" and 3) Pg. 9, paragraph 2, delete and replace with "Commissioner Donovan stated that density is not a good criterion for annexation. He stated that is because, if we wait for density to get to a certain level, say to an "urban" level, growth inappropriate for the City's prosperity and health may already have occurred by the time of annexation. He stated it is better for annexation to occur at the time a developer wants to increase density above a "rural" level. Any "suburban" development should also come under the approval of City land use and zoning regulations."*

**RECOMMENDATION** *The Community Development Committee approve the minutes of June 19, 2007.*

**Recommended for Approval, as amended**

## DISCUSSION OF PENDING REFERRALS

**060854. Healthy City, Healthy Region: An Update - Ten Years Later - January 2007 (B)**

*Continue to next meeting so Commissioner Lowe can participate, and to make this the main item on the agenda.*

**RECOMMENDATION** *The Committee flesh out the six recommendations from the Rusk report.*

**Continued**

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**060987. Transition Policies for Mobile Home Parks (B)**

*Ralph Hilliard, Planning Manager, stated that he needed clarification on the recommendation to obtain information and develop a process that would provide an analysis of the impacts of land use and zoning changes.*

*Commissioner Donovan stated that he believes the recommendation should have been, that staff report on a process that would provide an analysis of the impacts of land use and zoning changes.*

*Erik Bredfeldt, Interim Community Development Director, noted that Commissioner Lowe requested that staff include a range of possible permitted uses and land use classifications as part of their backup when a zoning request came to the City Commission. He suggested that the Committee was asking that there be a better analysis in future cases involving the rezoning of a piece of property used as a mobile home park.*

*Mr. Niblett, Candlelight Estates, stated that the Mayor indicated that she agreed that there was not adequate, suitable affordable housing. He noted that Candlelight Estates is the only mobile home community in the East Gainesville Community Redevelopment Zone. He stated that everybody in the chain of command missed the mark, and the matter would be challenged in court. He stated that all of the mobile home parks in Gainesville were full. He indicated that the issue was whether the people at the mobile home park have long-term adequate and suitable housing.*

*Dr. Harnsberger, citizen, stated that if there is an interest in redeveloping the Candlelight Estate property, the City needed to take clear steps to provide places for mobile home owners, and that those places be on the transportation lines.*

*Chair Henry asked that Ms. Richardson, Housing Division Manager, provide information to the Committee at the next meeting, and for Planning Division staff to provide a land inventory of how much suitable acreage the City has for mobile home parks.*

*Mr. Hilliard stated that, other than the existing designation for mobile home parks, there is no other land designated for that purpose. He indicated that staff could bring back the vacant residential land use inventory to show the location of vacant lands in*

*the community that could possibly be zoned for mobile home parks if the property owner desired.*

*Commissioner Donovan suggested that the Committee separate the issues and deal with them one at a time. He stated that this item is about transition policies for residents of mobile home parks that are being closed, and transition policies for the owners of the mobile home parks, with regards to rights, privileges and obligations.*

*Mr. Bredfeldt stated that he believed the Committee was searching for transition policy statements that would encompass finance, land use and zoning, and a number of other issues. He indicated that if that were what the Committee wished, staff would gather information and bring it to the Committee for discussion. He stated that at the next City Commission meeting, Buck Bay would be discussed.*

*Mr. Hilliard stated that a Plan Board workshop on affordable housing would be held sometime in August. He indicated that, after the workshop, the Plan Board's recommendations would be forwarded to the City Commission. He noted that when the issue of transition policies for mobile home parks was referred to the Committee, it was for the financial program, and that has already been set up and approved by the City Commission.*

*Ms. Easters, citizen, stated there is no place for mobile home residents to go because there are no mobile home parks in the City.*

*Chair Henry stated that SHIP funds could only be spent within the City limits. He noted that staff had checked with the County, but the County has no dollars that they contribute to the program.*

*Commissioner Donovan asked about property owner's obligations with regard to the regulations. He asked if the City could deny projects unless there was other comparably priced housing in the City.*

*Mr. Hilliard stated that, when a mobile home park property owner closed down a park, and gave a six-month notice, the City is completely out of it. He noted that the owner did have to pay into a trust fund for mobile home relocation.*

*Nicole Smith, Assistant City Attorney, stated that when a mobile home park owner wished to close down a park, they could give a six-month notice and do so. If they choose to close the park and leave the land vacant, the City has no role in that whatsoever. She noted that if the owner was seeking a rezoning or some other type of official City action that would allow the property to be used for some other purpose, then the City Commission could deny it or let it go forward if they find that adequate suitable housing is available.*

*Commissioner Donovan asked how long after the eviction notice and the six-month period did the land have to stay vacant.*

*Ms. Smith stated that under case law, there were some mobile home park residents that sued because they said the developer, in bad faith, gave a six-month notice and said they would leave the land vacant, but a month later came back for a rezoning. The courts ruled that the property could sit vacant, but there needed to be a period of*

time before it could be reused. She noted that, presumably, a developer could close a park, let it sit vacant for a month or a year, or however long before they come back in for a rezoning, and at that point, the City Commission would still have to consider the adequate suitable replacement housing.

**RECOMMENDATION** Staff to report back on: 1) transition policy statements which will encompass finance, land use and zoning, and a number of other issues; 2) Ms. Richardson provide information to the Committee on the transition policy for mobile home parks; 3) Planning Division staff to provide a land inventory to find out how much suitable acreage the City has for mobile home parks throughout the community that could be zoned for mobile home parks, and address the comment addressed on page 2 of the report made by Commissioner Lowe; 4) description of the process for the transition policy, including an impact analysis; 5) a report on a case-by-case basis if there is a mobile home what will be the permitted uses.

#### **Approved as Recommended**

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#### **060910.**

#### **Temporary Signage at Car Dealerships (B)**

*Jim Garrett, Code Enforcement Manager, stated that the Code Enforcement Division enforced the provisions of Section 30-316 of the Land Development Code, specifically "prohibited signs". He noted that some of those signs prohibited by Section 30-316 include banners, snipe signs, portable signs such as "A frames", sandwich signs, inflatable signs, or off-premise signs. He provided an explanation of the current enforcement level, which includes four ten-hour workdays, and providing an opportunity to work on Saturdays. He estimated that about 100-150 signs are taken off the right-of-way. He stated that at this point in time, the ordinance didn't allow any flexibility.*

*Chair Henry inquired about banners being placed on buildings for a certain amount of time (example, check cashing, etc).*

*Mr. Hilliard stated that a business would have to cover up their existing wall-mounted signage during the time of the sale. He noted that the Code only allowed a certain amount square footage for wall-mounted signage.*

*Chair Henry asked about enforcing the pole/string flags, balloon signage at the car dealerships.*

*Mr. Garrett stated that when staff had an opportunity, they go out and enforce the sign regulations.*

*Mr. Hilliard stated that the City had hired a consultant to look at the Sign Code for*

*constitutional issues, and to make it compliant with the rules. He stated that whatever kind of sign allowed at a business, all other businesses would be permitted to do the same. He explained that there could not be special rules for auto dealers.*

*Chair Henry suggested that businesses be permitted to obtain a permit to advertise for a specified amount of time, and once that elapses, the sign would have to be taken down or the business cited.*

*Commissioner Donovan inquired about a statement of purpose in the Sign Ordinance and the distinction between signage and advertising. He indicated that he defined signage as being essentially a location identifier, whereas advertising is a mechanism for providing special sales, reminding people of the variety of services businesses provide, special events, etc. He noted that the ordinance did not refer to anything besides signage and didn't address advertising. He indicated that the banned (banners, balloons) fall into categories that could be temporary, as most of it is drive-by advertising. He noted that, if the City did not have provisions for that, then there were other mechanisms for advertising. He asked about the impact of special advertising signs, as opposed to other kinds of advertising. He suggested that it might be possible to make some allowances for advertising, as opposed to locational signage. He noted that the City might be ok with Main Street, but on other City streets, there would be an issue of uniformity and compatibility.*

*Commissioner Donovan asked if there was some temporary signage that could be allowed in a uniform way that would be compatible with different building and land uses.*

*Ms. Smith stated that the City has hired a consultant to review the entire Sign Code and it will be going to the City Commission in the future to have a complete discussion of the code on a comprehensive level. She stated that the consultant is looking into what are the legitimate time, place, and manner restrictions of certain types of signage.*

*Mr. Hilliard explained that there was a statement of purpose for the Sign Code in Section 30-315, and he read that statement of purpose into the record. Mr. Hilliard stated that there were also definitions of signage in the Code, which included advertising. He noted that many cities across the country regulated signs for advertising, however it was difficult to distinguish between advertising and informational signs. He explained that temporary signage was permitted in the City, but in the past the City Commission and a group of concerned citizens wanted to change the code. He indicated that staff could develop some proposals if temporary signage was to be covered.*

*Mr. Garrett stated that if the City Commission approved temporary signage as zoning specific, then enforcement would be easy. The Code Enforcement Officer could drive by and inspect the expiration date on the sign permit. He also suggest that if the City is going to look at off-premise signs, that the Gainesville Board of Realtors be in on the discussions.*

*Mr. Patel, auto dealer, stated that the dealerships are being fined because they are on Main Street, whereas other businesses aren't being fined because of their location.*

*There was a consensus from the dealers that they need to advertise, and to possibly have a permit issued for a few days for special events and sales.*

*Chair Henry stated that the City needs to maintain the design standards that are in place, but possibly put in some allowances that would continue to allow auto dealerships to have a vibrant business.*

*Chair Henry asked Code Enforcement staff to provide some statistics on the businesses who are being cited at the next meeting.*

*Mr. Hilliard stated that the sign consultant would come before the City Commission in the next 30 days, to receive direction. Then it will be either January or February before any changes would go to the City Commission for adoption. He noted that the City would have to go through the process, get the ordinance revised (add something for temporary signage), and to advertise so that everyone can make comments before the Commission votes.*

*Dr. Harnsberger stated that, during the interim period, in order to preserve the integrity of the City, the City should find out how well the auto dealers are complying with existing laws.*

*Commissioner Donovan stated that the City was not sending out a signal today that anything should be changed in the way the Sign Ordinance is being enforced.*

*Dr. Goldstein, citizen, stated that he participated in the original development of the Sign Ordinance years ago when he was on the Commission. He noted that you can't make special rules for special people, so the City Commission should be prepared for discussion. He suggested that if the City Commission chose to allow temporary signs, it would have the look of an industry town.*

*Mr. Patel stated that small businesses are the backbone of the City. Small businesses generate most of the money in the City.*

*Chair Henry stated that the Committee had heard all the concerns and would review the matter to determine a course of action. He suggested that there would not be wholesale changes because the original ordinance was developed for a specific purpose. He indicated that the Commission would take the concerns of businesses into consideration. He suggested that if businesses had any ideas or comments, to call the Community Development Department.*

**RECOMMENDATION** *Staff to provide some statistics on the businesses who are being cited at the next meeting; and to have the consultant and Planning Division report to the City Commission in January 08.*

**Approved as Recommended**

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**050298**

**Update on Informal Negotiations for Modification of Urban Reserve Area (B)**

*Dean Mimms, Chief of Comprehensive Planning, explained that the consultant, after meeting with several municipalities, determined that there was interest in protecting environmentally sensitive areas, especially ecosystems in the eastern portion of the County. He stated that there was not an interest in joint planning for the unincorporated areas. He noted that there was a consensus for an interlocal agreement, but no consensus as to the details of that interlocal agreement. A consultant was hired to meet with County staff, and they have developed a revised approach to look at inter-governmental coordination for the County Comprehensive Plan amendment for eastern Alachua County. The County would send a complete application to their reviewing staff, and to a senior official at the affected local government for their comments. Those comments would be part of the County staff report.*

**RECOMMENDATION** *Community Development Committee to the City Commission - Remove this item from the referral list.*

**Approved as Recommended**

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**060285.**

**Student Behavior Tracking (B)**

*Staff reported that the City has not had a response to the letters that went out to the University of Florida or Santa Fe Community College.*

*Nora Kilroy, Assistant Dean/Director of Off Campus Life, stated that it might be best to send the letter to the person who supervises the University of Florida Judicial office.*

*Mr. Bredfeldt stated that he would recommend tracking down who is moving forward on the letters, and to leave it on the referral list, and report back with a response.*

**RECOMMENDATION** *Staff to report back on moving forward with the letters that were sent out to the University of Florida and Santa Fe Community College.*

**Approved as Recommended**

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**060666.**

**Building Height, Number of Stories and Special Use Permits (NB)**

*Mr. Hilliard stated that at the last City Commission meeting, the Commission asked staff to report back with information on regulation of building heights.*

*Dr. Goldstein stated that this item is still on the Committee's agenda, until the Committee releases it. He stated that citizens had spent a great deal of time working with the City Commission on building height limits adjacent to the University of Florida. He noted that the citizens recommended a limit of five stories, and now they*



*are informed that staff needed to modify that, and it seemed that the citizens were left out of the process.*

*Mr. Hilliard stated that staff's recommendation is available for the public to review. He indicated that staff was recommending that the item be removed from the referral list because it should have been removed when the City Commission sent it to the City Plan Board.*

*Dr. Goldstein stated that the proposal is a major change that negates all the work that the Committee has done in the past.*

*Commissioner Donovan asked Dr. Goldstein if staff's proposal to the City Commission was a procedural issue that the Committee should be dealing with.*

*Dr. Goldstein cited concerns with the method used. He indicated that for staff to develop a proposal instigated by private development was unacceptable.*

*Mr. Hilliard explained that the earlier recommendation from the Committee was to allow five stories by right, and six stories by Planned Development. He noted that the City Plan Board didn't agree with the Committee's recommendation, and changed it to six stories with no exceptions. The City Plan Board recommendation went to the City Commission, and at that meeting, the Commission debated the issue and sent the matter back to staff to work out a compromise with the developer.*

*Dr. Goldstein stated that the fact that the developer did not show up at today's present meeting should not remove the right of the Committee to make a recommendation, and he would hope that the Committee stays with their earlier proposal.*

*Commissioner Donovan questioned the City Commission process concerning development. He noted that developers were permitted a significant amount of time to make their case, but the neighborhood interests did not.*

*Chair Henry recommended continuing the item until there is dialog at the City Commission level regarding the process by which the Committee's recommendation was circumvented.*

**RECOMMENDATION** *The Community Development Committee express to the City Commission at the August 13th meeting, that the process was circumvented, and that the item should go back to the Community Development Committee for a full discussion before going to the City Commission.*

**Approved as Recommended**

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**NEXT MEETING DATE**

*August 23, 2007, 1:30 PM.*

## ADJOURNMENT

*The meeting adjourned at 5:40 PM.*