

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## **Meeting Agenda - Final**

**August 16, 2018**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

***Mayor Lauren Poe (At Large)***

***Commissioner Helen Warren (At Large)***

***Commissioner Gail Johnson (At Large)***

***Commissioner Gigi Simmons (District 1)***

***Commissioner Harvey Ward (District 2)***

***Commissioner David Arreola (District 3)***

***Mayor-Commissioner Pro Tem Adrian Hayes-Santos (District 4)***

***If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.***

**1:00pm - CALL TO ORDER - Afternoon Session****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****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[180242.](#)**Joint City Commission - Gainesville Housing Authority Special Meeting (NB)****RECOMMENDATION**

*The City Commission approve a joint City Commission/GHA special meeting on September 18, 2018 at 5:30 pm.*

[180266.](#)**City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of August 2, 2018 (3)*

[180266A August 2 Minutes 20180816.pdf](#)

[180266B August 2 Minutes 20180816.pdf](#)

[180266C August 2 Minutes 20180816.pdf](#)

[180228.](#)**Request to Approve and Authorize an Easement to AT&T (B)**

**AT&T easement associated with the South Main Street project.**

*Explanation: On December 19, 2007, the City of Gainesville granted a Utility Easement to AT&T Corporation. That easement is located on the*

southwest corner of Depot Park, adjacent to South Main Street. During the South Main Street renovations it became necessary to relocate the front fence of the easement area to the east for installation of the sidewalk. AT&T has agreed to release the original Easement, recorded in Book 3732, and page 1258 of the Public Records of Alachua County, Florida, in exchange for a new Easement of the same area. Staff recommends approval and authorization of the new Easement.

*Fiscal Note:* County recording fees not to exceed \$50. The funding for this expense will be encumbered from the CRA CPUH account # W752.

**RECOMMENDATION**

The City Commission: 1) approve the grant of the Utility Easement to AT&T Corporation and; 2) authorize the Mayor to execute the Utility Easement, subject to the approval of the City Attorney as to form and legality

[180228A AT&T 2007 Utility Easement 20180816.pdf](#)

[180228B AT&T 2018 Easement 20180816.pdf](#)

[180228C AT&T Release of Easement 20180816.pdf](#)

## ADOPTION OF REGULAR AGENDA

**GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

**BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.**

[171046.](#)

### Appointment to the Utility Advisory Board (B)

*MODIFICATION - ADDITIONAL BACK-UP*

**RECOMMENDATION**

The City Commission interview and appoint a member to the Utility Advisory Board.

**Legislative History**

5/3/18	City Commission	Withdrawn
6/21/18	City Commission	Approved, as shown above

[171046 Appointment to UAB 20180503.pdf](#)

[171046 Appointment to UAB 20180621.pdf](#)

[171046 UABCurrentMembers 20180621.pdf](#)

[171046 MOD\\_UABMembersApplicants 20180621.pdf](#)

[171046 Appointment to UAB 20180816.pdf](#)

[171046 amended "NEW" UABOrdinance170808 20180816.pdf](#)

[180261.](#)**Appointments to the Gainesville Human Rights Board, Historic Preservation Board, Development Review Board, Gainesville/Alachua County Regional Airport Authority and Historic Preservation Board Student Seat (B)**

MODIFICATION - ADDITIONAL BACK-UP

**RECOMMENDATION**

*The City Commission interview and appointment members to the Gainesville Human Rights Board, Historic Preservation Board, Development Review Board, Gainesville/Alachua County Regional Airport Authority and Historic Preservation Board Student Seat.*

[180261\\_HRB Appointments\\_20180816.pdf](#)

[180261\\_HP B Appointments\\_20180816.pdf](#)

[180261\\_DRB Appointments\\_20180816.pdf](#)

[180261\\_GACRAA Appointments\\_20180816.pdf](#)

[180261\\_HP B Student Appointments\\_20180816.pdf](#)

[180230.](#)**Heartwood Internet (B)**

MODIFICATION - CHANGED TEXT FILE LANGUAGE

*Explanation: The Heartwood neighborhood is one of the two major community initiatives in the Eastside Redevelopment District for the Gainesville CRA. The development includes new construction of 34-single family homes on the former Kennedy Homes site in East Gainesville. Community stakeholders worked with the CRA on the naming, design and planning for this initiative and the project has been much anticipated by the community and the CRA and its Boards.*

*At its June 19, 2017 meeting, the Gainesville CRA Board approved for the CRA to act as “developer” to build all the related infrastructure needed for the neighborhood. There was a request from the Board to pursue providing GRUCom internet service to the entire neighborhood and CRA Staff agreed to look into the costs to provide this for Heartwood.*

*GRUCom and the CRA began discussions to provide internet service to the Heartwood development in April of 2017. GRUCom subsequently provided a pricing proposal with four service options, including both bulk and retail arrangements for service in July of 2017. Subsequently the Broadband Connectivity Subcommittee (BCS) requested to discuss the proposals at their meeting on July 23rd, and the CRA requested, and was provided a refreshed quote for service for that meeting.*

*GRUCom’s current business model provides options for a bulk subscription arrangement, commonly referred to as “GATOR NET” (with site connection costs included in ongoing monthly charges paid by the HOA or property management company on behalf of the entire*

community) or a retail subscription arrangement, commonly referred to as "GRUNet" (with the developer paying for upfront connection costs allowing each individual unit owner/tenant elect to subscribe and pays an individual monthly charge only for their service). Under either types of subscription arrangement, GRUCom provides two site-preparation options. First, GRUCom conducts all advance site preparation work for an additional fee (known as a "turn-key" site prep arrangement), which in the quote to CRA is \$ 96,540. The other is one where the developer conducts all advance site preparation work per GRUCom specifications at no charge by/to GRUCom (known as a "build-to-order" site prep arrangement), which in the quote to CRA is \$63,091.

Each of the four proposals are structured for GRUCom to fully recover the connection costs (external labor and materials) of its installation work, either through a direct charge (seldom chosen), or through the contracted monthly rates (for any costs above those not absorbed in make-ready work by the developer) over a certain term with an additional component in the rate for ongoing operating costs.

After discussion of the cost components and pricing methodology of the proposal, the Broadband Connectivity Subcommittee requested the item be referred to the City Commission to discuss directing GRUCom to pilot a residential GIGABIT internet service program for the Heartwood development.

The available internet speed choices vary between GATOR NET (50Mb, 100Mb or 1000Mbps "GIGABIT", the speed is selected by the HOA or property management company and uniformly provided throughout the development) and GRUNet (currently only available as a 50Mbps service due to various system limitations).

There are currently around fifty GATOR NET developments and six GRUNet developments operating under similar cost recovery arrangements throughout the GRUCom service area. Generally, GRUCom is prohibited from providing connections or service below cost per Section 710(2) of the City of Gainesville Bond Covenants. Section 710(2) provides that "No free service or service otherwise than in accordance with the established rates, fees, and charges shall be furnished by the System, which rates, fees and charges shall not permit the granting of preferential rates, fees or charges among the users of the same class of customers." CRA Staff is currently overseeing the \$2.5M site construction contract of the Heartwood neighborhood and within that project, is working with the various communications providers (GRUCom, Cox, ATT) on the installation of sufficient conduit necessary to facilitate internet services providers. The CRA's goal is to find the most cost-efficient way to implement that doesn't place a financial burden on the end buyers. The neighborhood will bring a mix of affordable and market rate housing and CRA's focus continues to be on creating an affordable housing product with amenities that assist potential buyers in keeping their monthly bills to a minimum.

The infrastructure work at Heartwood will be completed by the end of the calendar year with construction of new homes following in early 2019.

*Fiscal Note:* GRUCom structured its GRUNet proposals to either recover the connection costs through an upfront charge of either \$63,091 with developer assistance on site prep and \$96,540 for a turn-key connection.

*GatorNet was structured to recover the connection charges over the length of the developer contract (24 to 80 months).*

**RECOMMENDATION**

*The Broadband Subcommittee requests that the City Commission discuss the concept of a Pilot Internet Plan for Heartwood;*

*Staff recommends that the City Commission discuss the fiscal impact and funding sources for recovery of GRUCom's expenses to provide GRUNet or GATOR NET internet service to the CRA as the developer in the Heartwood development.*

**Legislative History**

8/2/18 City Commission Striken From the Agenda

[180230\\_spreadsheet\\_20180802](#)

[180264.](#)

**Active Shooting Training (NB)**

**RECOMMENDATION**

*The City Commission approve an Active Shooter Training Workshop on September 19, 2018 at 1:30pm.*

[180227.](#)

**City Parking Lot # 10 - Contract Status (B)**

**This item involves a request for direction from the City Commission regarding the contract for City Parking Lot # 10.**

*Explanation: Staff released a Request for Proposals (RFP) for Lot #10 on September 20, 2017 and received three (3) proposals of which two (2) were invited to participate in final oral presentations which were held in December, 2017.*

*Staff evaluators found both final proposals strong and substantive in their own right as each pursued the goals of the RFP albeit in a different manner. Staff recommended the following ranking:*

- 1) EDA Engineers-Surveyors-Planners, Inc.
- 2) Concept Construction Inc., a subsidiary of Concept Companies, Inc.

*The purchase price offered for Lot #10 by EDA Engineers-Surveyors-Planners, Inc. is \$2,340,000 which is based upon the latest market appraisal. The second ranked proposal offered a purchase price of \$750,000 based upon comparable sales in the area.*

*On January 18, 2018, the City Commission directed staff to enter into*

*contract negotiations with EDA Engineers-Surveyors-Planners, Inc. and 1+1=3 of Gainesville, LLC for development of City Parking Lot #10 into a mixed use hotel and restaurant use.*

*Since receiving that direction, staff has negotiated and reviewed several iterations of a proposed contract with the project developer whose features at this juncture are as follows:*

- 1) Purchase price of \$2,340,000 (the latest market appraisal)*
- 2) Due diligence period is 120 days of contract execution, all deposits are not refundable.*
- 3) Parking to be procured by developer relative to SW Parking Garage*
- 4) Development of 120-140 room full service hotel with 2 restaurants and meeting space*
- 5) City provides environmental indemnity and funds in escrow for potential remediation of previously undisclosed environmental condition*

#### *Unresolved Issues*

*1) Issue - City remediation to provide a clean site. Contract Purchaser - Escrow to 40% of Purchase Price or \$936,000 as reimbursement if contamination issue arises. Staff Recommendation - Provide indemnity and escrow to 10% of Purchase Price or \$234,000 as reimbursement if contamination issue arises. Position Statement - Indemnity and escrow provide tools that be utilized if contamination issues arise that are over and above that which has been disclosed by numerous reports, design plans, and documents on file with various public institutions.*

*2) Issue - Participate in Storm water Management Solution. Contract Purchaser - Guarantee storm water capacity for the project. Staff Recommendation - Do not participate in provision of storm water capacity. Position Statement - The City does not normally participate in private storm water improvements in this manner.*

*3) Issue - Participate in Utility Connection Fees . Contract Purchaser - City will pay for making utility connections. Staff Recommendation - Do not participate in making utility connections. Position Statement - Utilities are available to the site based upon a preliminary analysis however connection fees are not normally provided by the City and are required of the private developer.*

*4) Issue - Relocate existing RTS Bus Stop. Contract Purchaser - Remove bus shelter on 2nd Avenue. Staff Recommendation - Review feasibility of moving bus stop. Position Statement - This bus stop is important to Later Gator service and its location was based upon GPD recommendation.*

*Staff seeks City Commission input on these remaining unresolved issues in order to conclude contract negotiations.*

*The total cost to construct this project is reported as \$26 million dollars and construction and operational economic impacts regarding Output, Earnings, Employment, and Taxes are reported in an economic development analysis submitted as part of the RFP process and attached as back-up.*

*Fiscal Note: The purchase price offered for Lot #10 by EDA Engineers-Surveyors-Planners, Inc. is \$2,340,000 which is based upon the latest market appraisal.*

**RECOMMENDATION**      *The City Commission: 1) hear a presentation from staff; 2) provide appropriate direction.*

[180227\\_A Lot #10 Contract Back-Up\\_20180816.pdf](#)

[180227\\_B Lot #10 PPT\\_20180816.pdf](#)

[180227\\_C Unresolved issues outlined in the EDA submission\\_20180816](#)

[180227\\_D Lot 10 Purchase Agreement\\_20180816.pdf](#)

## [180208.](#)

### **Transit Services Agreements with Alachua County Board of County Commissioners (B)**

**This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement and the Route 75 Transit Services Agreement for FY19. Both Agreements are between the City of Gainesville Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC).**

*Explanation: The Agreement between the Regional Transit System (RTS) and the Alachua County Board of County Commissioners (BoCC) for RTS to provide base level public transit services to residents and visitors in the surrounding urbanized area expires on September 30, 2018. The City and County have negotiated a new Agreement for the period of October 1, 2018 through September 30, 2019, for base level transit services, subject to funding and written consent of both parties.*

*The Agreement between the RTS and the BoCC for RTS to provide public transit services to residents and visitors on Route 75 will expire on September 30, 2018. The City and County have negotiated a new Agreement for the period of October 1, 2018 through September 30, 2019, for Route 75 transit service, subject to funding and written consent of both parties.*

*In FY17, the County expanded service on several routes including Saturday service on Routes 1, 75, and 711; Holiday service on Routes 10, 43, and 75; and Sunday service for Route 75. These services were*



continued in the FY18 agreements, and will be continued in the FY19 agreements. The negotiated service rate was \$64.88 per hour in FY18 and will be \$66.82 per hour in FY19, with the exception of the Holiday Service which will remain at \$139.40 per hour.

The amount of the FY18 Base Level Transit Services Agreement was \$422,273 (an increase of \$11,925 for FY19). The amount of the FY18 Route 75 Transit Services Agreement was \$573,165 (an increase of \$16,753 for FY19). The total increase for both Agreements in FY19 is \$28,678.

*Fiscal Note:* For the Base Level Transit Services Agreement RTS will receive \$434,198 in revenue from the County in quarterly payments. For the Route 75 Transit Services Agreement RTS will receive \$589,918 of revenue from the County in quarterly payments.

**RECOMMENDATION**

The City Commission: 1) authorize the City Manager or his designee to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2018 through September 30, 2019, subject to approval by the City Attorney as to form and legality; and 2) authorize the City Manager or his designee to execute the Route 75 Transit Services Agreement with Alachua County Board of County Commissioners (BoCC) for the period of October 1, 2018 through September 30, 2019, subject to approval by the City Attorney as to form and legality.

[180208A\\_Draft Base Level Agreement\\_20180816.pdf](#)

[180208B\\_Draft Route 75 Agreement\\_20180816.pdf](#)

[160739.](#)

**Additional Grant Funding to Retrofit the Martin Luther King Jr. as an Emergency Shelter (B)**

**This is a request for the City Commission to accept additional grant funds from the State of Florida Division of Emergency Management Hurricane Shelter Retrofit Program.**

*Explanation:* In 2017 this project item was passed by the City Commission authorizing the City Manager to accept grant funds from the FY2017 State of Florida Division of Emergency Management Hurricane Shelter Retrofit Project program.

The Martin Luther King, Jr. building was constructed in 1995 and therefore meets the advanced building codes required post-Hurricane Andrew. The Florida Division of Emergency Management (FDEM)

*informed staff that the building could qualify for this FDEM grant-funded retrofit program.*

*The FDEM awarded the City reimbursement funding up to \$200,000 to complete the retrofit. The first phase provided funding up to \$15,000 to: conduct an engineering study to determine the feasibility of retrofitting to current hurricane shelter standards, as well as wind design and load path standards; to write an appropriate Scope of Work; and to estimate the cost to complete the needed work. The second phase funding provided up to \$185,000 for installation of window, door, louver, or other opening protection measures (or other types of minor structural projects), and for protection, wiring, and switching for buildings where generators may be used temporarily. The project must meet current hurricane shelter selection guidelines upon completion of the grant*

*Scope of work, and be on the inventory for public shelter space for fifteen (15) years.*

*The scope, design, construction documents, and Guaranteed Maximum Price (GMP) proposal have been completed by a local Construction Manager and Professional Consultants. The status of the four elements of the Grant work are as follows:*

*\* Exterior Fenestration Protection: Design and construction detailing for appropriate opening protectives has been completed by a structural engineer.*

*\* Structural Review of Roof and Load-Path Systems: Complete. Existing construction is adequate and in compliance with grant requirements.*

*\* Construction of Hurricane Protection Enclosures: Design, construction detailing, and technical specifications for protection of existing openings, essential electrical equipment, and an emergency generator set is complete.*

*\* Removal of Trees or Other Hazardous Landscaping Features. Complete. No hazards from existing trees or other landscape features are a threat to the shelter building.*

*The approved grant funds for \$200,000 are not sufficient to complete the project as designed and priced in the Guaranteed Maximum Price (GMP) proposal. Staff requested additional grant funds in the amount of \$60,196 from the Florida Division of Emergency Management Hurricane Shelter Retrofit Program, and the request was approved.*

*This grant will not allow the purchase of the Emergency Generator equipment itself, only the provisions for connecting and utilizing locally obtained equipment.*

*Fiscal Note: No additional cost to the City. There are no matching fund requirements. The only potential cost to the City may be associated with the purchase and installation of the generator equipment itself which is currently*

*estimated to be approximately \$95,000. Another option would be to rent a generator unit on an as needed basis which is estimated to be approximately \$25,000 per occurrence. The funding source for these costs would need to be determined.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager (or designee) to apply for, accept, and execute any related documents regarding the FDEM Shelter Retrofit Project additional grant funds, subject to approval by the City Attorney as to form and legality, 2) authorize the City Manager (or designee) to execute the grant agreement between the City of Gainesville and Florida Division of Emergency Management, subject to approval by the City Attorney as to form and legality.*

**Legislative History**

3/2/17 City Commission Approved as Recommended

[160739\\_A\\_MemoRequestingFunds\\_20180816](#)

[160739\\_B\\_ContractModRevisedGrantAmount\\_20180816](#)

[160739\\_C\\_MLK\\_Shelter\\_initial\\_CC\\_agenda\\_200K\\_03022017\\_08072018](#)

[180268.](#)

**Mayor Lauren Poe - Indigenous Peoples' Day (NB)****RECOMMENDATION**

*The City Commission discuss commemorating and recognizing Indigenous Peoples' Day.*

**COMMITTEE DISCUSSION ITEMS - Items placed on the agenda by the Audit & Finance Committee or General Policy Committee or moved from Consent**

**OTHER POLICY DISCUSSION ITEMS - If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs**

**INFORMATIONAL PRESENTATIONS - Items that do not request or require any Commission action. If the Commission does not get to these items, they are continued to the next regular Commission meeting or such other regular or special meeting or workshop, as the Commission directs.**

**4:30 - 5:30pm Dinner Break**

**5:30 - Call to order Evening Session**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

[180263.](#)**Public Education Awareness Month (B)****RECOMMENDATION**

*Ms. Pamela Korithosk, President, Alachua County Council of PTA and Ms. Phyllis Erney, Education Committee Chair, League of Women Voters, to accept proclamation.*

[180263\\_Public Education Awareness Month\\_20180816.pdf](#)

**GENERAL CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

**PUBLIC HEARINGS****RESOLUTIONS - ROLL CALL REQUIRED**[170957.](#)**Most Connected City in America Resolution (B)**

Resolution No. 170957

A Resolution of the City Commission of the City of Gainesville, Florida, making the City of Gainesville the most connected city in America; and providing an effective date.

*Explanation: On April 9, 2018, the Broadband Subcommittee began a discussion about drafting a resolution expressing the goal of making the City of Gainesville the most connected city in America. On June 25, 2018, the City Attorney's Office presented a draft resolution to the Broadband Subcommittee, which was subsequently approved with modifications from Commissioners Hayes-Santos and Ward. This Resolution expresses the City of Gainesville Commission goal to make the City of Gainesville the most connected city in America.*

**RECOMMENDATION**

*The City Commission adopt the proposed Resolution.*

**Legislative History**

8/2/18      City Commission      Withdrawn

[170957\\_draft resolution\\_20180802.pdf](#)

[170957\\_Draft Resolution\\_20180625](#)

**ORDINANCES, 1ST READINGS - ROLL CALL REQUIRED**[170953.](#)**Voluntary Annexation - 0.87 Acres of Property North of West**

**University Avenue and East of NW 75th Street (B)**

Ordinance No. 170953

An ordinance of the City of Gainesville, Florida, annexing approximately 0.87 acres of privately-owned property that is generally located south of NW 4th Boulevard, west of Interstate 75, north of W University Avenue, and east of NW 75th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act, which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."*

*This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 0.87 acres of privately-owned property that is generally located south of NW 4th Boulevard, west of Interstate 75, north of W University Avenue, and east of NW 75th Street. On April 19, 2018, the City Commission received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare this annexation ordinance.*

**CITY ATTORNEY MEMORANDUM**

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

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

**Legislative History**

4/19/18            City Commission            Approved as Recommended

[170953A Petition Mitch Glaeser 20180419](#)

[170953B Glaeser Map 20180419](#)

[170953B Staff PPT 20180816.pdf](#)

[170953A draft ordinance 20180816](#)

## ORDINANCES, 2ND READING - ROLL CALL REQUIRED

[180018.](#)

### **Quasi-Judicial - Amendment to Fletcher Oaks Planned Development Zoning Ordinance (B)**

Ordinance No. 180018

An ordinance of the City of Gainesville, Florida, amending a design requirement for garages in the Planned Development District (PD) Ordinance No. 991267 (as amended by Ordinance Nos. 020948, 071066, and 100762) for certain property known as "Fletcher Oaks A Planned Development" located in the vicinity of NW 31st Avenue and NW 26th Street and to the south of the 2500 block of NW 39th Avenue, as more specifically described in Ordinance No. 991267; providing certain conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: STAFF REPORT*

*This ordinance amends the Fletcher Oaks Planned Development (PD) zoning ordinance (Ordinance No. 991267, as amended by Ordinance Nos. 020948, 071066, and 100762) by removing for certain lots a design condition that requires garages to be accessed either from an alley or, if accessed from the front of a house, to be setback a minimum of 20 feet to the rear of the front porch or the front facade of the house. The intent of this design condition was that lot layout would include alleyways or rear access to lots. However, lots 88 through 113 and lot 128 in Fletcher Oaks (as per Plat recorded in Plat Book 30, Pages 73-74, in the Public Records of Alachua County, Florida) do not have rear access alleyways and the proposed amendment will therefore allow feasible and appropriate development within these subdivision lots.*

*Staff from the Department of Doing recommends approval. On May 24, 2018, the City Plan Board held a public hearing and voted to recommend that the City Commission approve this amendment.*

#### **CITY ATTORNEY MEMORANDUM**

*This ordinance requires two readings and will become effective immediately upon adoption.*

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

**Legislative History**

7/19/18      City Commission      Approved, as shown above  
8/2/18      City Commission      Adopted on First Reading (Ordinance)

[180018\\_Staff Report w Appendices A - E\\_20180524.pdf](#)

[180018A\\_draft ordinance\\_20180719.pdf](#)

[180018B\\_Staff Report w Appendices A - E\\_20180719.pdf](#)

[180018C\\_CPB minutes- 20180719.pdf](#)

[180018D\\_Staff PPT\\_20180719.pdf](#)

## PLANNING PETITIONS

[180200.](#)

### 2018 Land Development Code Amendments (B)

**Petition PB-18-101 TCH. City of Gainesville. Amend various sections of the Land Development Code to revise regulations concerning: accessory dwelling units, subdivisions, outdoor and sidewalk cafes, outdoor recreational uses, tree preservation and mitigation, density bonuses, transect zone form standards, and Urban 4 (U-4) zoning. Related to PB-18-100 CPA.**

*Explanation: This petition comprises an array of amendments to the Land Development Code (LDC) that are proposed as part of the 2018 amendment process. The LDC was comprehensively re-written in 2017 for the first time in 26 years. During the final adoption hearing, the City Commission directed the Department of Doing to prepare an annual update of code amendments which combine regulatory changes proposed by the City Commission, city staff, and privately-initiated applications. Exhibit A-1 of the staff report includes the 2018 list of code topics and the proposed hearing schedule.*

*The 2018 topic list also includes proposed code amendments identified by the Tree Ordinance Stakeholder Committee, a group of stakeholders convened by the City Commission in December 2016. The Commission directed staff to include recommendations from the Committee presented on July 27th, 2017 to this year's code update. A meeting schedule and list of attendees can be found in Exhibit B-1 of this staff report.*

*The code update also includes revisions to the City's subdivision regulations which were not revised with the 2017 code re-write. These revisions were initiated in response to City Commission and staff concerns expressed during the December 19th, 2017 and January 4th,*

2018 City Commission hearings that the City's current subdivision process is cumbersome and does not adequately support the City's goals of infill, connectivity, and urban design expressed in the Comprehensive Plan and the City's new transect zoning. The subdivision amendments also reflect the Commission's direction to expand opportunities for affordable housing incentives, innovative neighborhood design, and housing stock diversity.

#### Outreach

The 2018 code amendment process included extensive outreach to both board and stakeholder groups to gather input, ask questions, and refine the code changes. Table 1 of the staff report contains a list of meetings related to the update process this year. This table does not include the numerous internal staff meetings or individual stakeholder discussions that occurred over the course of the year in support of the proposed revisions. There were 40 meetings held between the first of the year and the Plan Board public hearing on July 26. Three additional meetings including the proposed City Commission meeting on August 16 are scheduled subsequent to the Plan Board meeting.

*Fiscal Note: None.*

#### RECOMMENDATION

City Plan Board to City Commission - Approve Petition PB-18-101 TCH with the following amendments.

- Approve all Downtown Arts and Culture amendments (Remove event limitations, add outdoor recreation to downtown, amend sidewalk café ordinance). Plan Board vote 6-0.
- Approve the Tree Ordinance components (density bonuses, mitigation offset, exemptions for laurel and water oaks) including the recommendation from the Tree Advisory Board, to add the urban forest ecological assessment and management plan to the list of permitted tree mitigation fund expenditures but otherwise retain the existing tree mitigation fund language. Direct staff to consider adding additional setback flexibility regarding the Building Frontage provision in the interest of tree preservation prior to final adoption. Plan Board vote 6-0.
- Approve the Housing and Infill amendments as follows:
  1. Accessory dwelling units: Amend staff's recommendation limiting new accessory dwelling unit maximum height to 1.5 stories to 2 stories and prohibit new detached accessory



*dwelling units from exceeding the height of the primary residential unit.*

2. *Approve the definition and design amendments for the various housing types.*

3. *Approve the GNV RISE subdivision amendments but remove the enhanced architectural standards and the infill compatibility standards from the GNV RISE public benefit criteria, with the understanding that they will be further developed and brought back to the Plan Board for review.*

*Plan Board vote 3-2.*

- *Approve all Clarity and Consistency amendments (Urban 4 zoning, podium buildings clarification, remove 1.5' finished floor requirement, add health services to urban zones). Plan Board vote 5-0.*

- *Deny privately initiated proposed text amendments. Plan Board vote 5-0.*

*Staff to City Commission - Approve Petition PB-18-101 TCH.*

*Staff to City Plan Board - Staff recommends approval of Petition PB-18-101 TCH.*

[180200\\_Staff report w Exhibits A-1 thru B-2\\_20180726.pdf](#)

[180200A\\_Staff report w Exhibits A-1 thru B-2\\_20180726.pdf](#)

[180200B\\_CPB minutes draft\\_20180816.pdf](#)

[180200C\\_Staff PPT\\_20180816.pdf](#)

**CITIZEN COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total**

**COMMISSION COMMENT**

**10:00pm or earlier - Adjourn - If later than 10:00pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting**