

# MEMORANDUM

Office of the City Attorney

Legistar No. 040919

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** August 22, 2005  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-05-30; Petition 18CPA-05PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Capital Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan; adopting the annual update of the 5-Year Schedule of Capital Improvements; amending the Potable Water, Recreation and Stormwater Management Elements; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition amends the City of Gainesville Comprehensive Plan to update the Capital Improvements Element, in particular, the 5-Year Schedule of Capital Improvements. State law requires that each local government's 5-Year Schedule of Capital Improvements undergo annual update. This petition provides that annual update for Fiscal Years 2004/2005 through 2008/2009.

The Elements of the Comprehensive Plan that are discussed in this petition are Potable Water, Recreation and Stormwater Management.

The City Plan Board heard this petition and recommended that it be approved by the City Commission.

Public notice was published in the Gainesville Sun on February 1, 2005. The Plan Board held a public hearing February 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 18CPA-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated June 20, 2005, that offered no comments or objections to this element. Upon receipt of the letter, the City of Gainesville has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment (s. 163.3184, F.S.). If the ordinance is adopted, the Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by: Dana Crosby  
Dana L. Crosby  
Assistant City Attorney

Approved and  
Submitted by: Marion J. Radson  
Marion J. Radson,  
City Attorney

MJR:DC:sw

1                   **ORDINANCE NO. \_\_\_\_\_**  
2                   **0-05-30**3  
4                   **An ordinance of the City of Gainesville, Florida, amending**  
5                   **the City of Gainesville Capital Improvements Element of the**  
6                   **City of Gainesville 2000-2010 Comprehensive Plan; adopting**  
7                   **the annual update of the 5-Year Schedule of Capital**  
8                   **Improvements; amending the Potable Water, Recreation and**  
9                   **Stormwater Management Elements; providing directions to**  
10                   **the city manager; providing a severability clause; providing**  
11                   **a repealing clause; and providing an effective date.**13  
14                   **WHEREAS**, the City Plan Board authorized the publication of notice of a Public15  
16                   Hearing that the text of the City of Gainesville 2000-2010 Comprehensive Plan be amended;  
17                   and18                   **WHEREAS**, notice was given and publication made as required by law and a Public  
19                   Hearing was then held by the City Plan Board on February 17, 2005; and20                   **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by  
21                   10 inches long was placed in a newspaper of general circulation notifying the public of this  
22                   proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City  
23                   Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first  
24                   advertisement was published; and25                   **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage the  
26                   City of Gainesville transmitted copies of this proposed change to the State Land Planning  
27                   Agency; and28                   **WHEREAS**, a second advertisement no less than two columns wide by 10 inches  
29                   long was placed in the aforesaid newspaper notifying the public of the second Public

1      Hearing to be held at least 5 days after the day the second advertisement was published; and

3      **WHEREAS**, the two Public Hearings were held pursuant to the published notices  
4      described at which hearings the parties in interest and all others had an opportunity to be and  
5      were, in fact, heard; and

6      **WHEREAS**, prior to adoption of this ordinance, the City Commission has  
7      considered the comments, recommendation and objections, if any, of the State Land  
8      Planning Agency;

9      **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
10     **THE CITY OF GAINESVILLE, FLORIDA:**

11     **Section 1.** Table 14, the Five-Year Schedule of Capital Improvements, Capital  
12     Improvements Element of the City of Gainesville 2000-2010 Comprehensive Plan, is  
13     amended as shown in Attachment 1 attached hereto and made a part hereof as if set forth in  
14     full.

15     **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
16     maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element,  
17     or portion thereof in order to fully implement this ordinance.

18     **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
19     or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
20     affect the validity of the remaining portions of this ordinance.

21     **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of  
22     such conflict hereby repealed.

1     **Section 5.** This ordinance shall become effective immediately upon final adoption;  
2     however, the amendment to the 2000-2010 Comprehensive Plan shall not become effective  
3     until the state land planning agency issues a final order determining the adopted amendment  
4     to be in compliance in accordance with section 163.3184(9), or until the Administration  
5     Commission issues a final order determining the adopted amendment to be in compliance in  
6     accordance with section 163.3184(10).

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

## PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON

CLERK OF THE COMMISSION

MARION J. RADSON

CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

22 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**Attachment 1**

**TABLE 14: 5-Year Schedule of Capital Improvements (FY 03/04 04/05 – 07/08 08/09) (in \$1,000s)**

| <u>No.</u>   | <u>Project Description</u>   | <u>Projected Total Cost</u>           | <u>Cost to the City</u>               | <u>FY<sup>1</sup> Schedule</u>                          | <u>General Location</u> | <u>Revenue Sources</u> | <u>Consistency with Other Elements</u> |
|--|--|---------------------------------------|---------------------------------------|---|-------------------------|------------------------|--|
| <b>Mass Transit</b>  |  |                                       |                                       |   |                         |                        |  |
| No capital improvements associated with LOS standards have been identified as necessary. |  |                                       |                                       |   |                         |                        |  |
| <b>Potable Water</b>   |  |                                       |                                       |   |                         |                        |  |
| 1.   | Murphree Water Treatment Plant Filter System Upgrade (expands max day capacity to 65 mgd)  | 250<br><u>3000</u><br>600             | 250<br><u>3000</u><br>600             | 2007/2008<br><u>2007/2008</u><br><u>2008/2009</u>       | See Map 6               | Utility bond proceeds  | Yes                                    |
| 2.   | NW 53 <sup>rd</sup> Ave. water main (NW 34 <sup>th</sup> St. to NW 43 <sup>rd</sup> St. <u>and NW 43rd Street to NW 46th Ave.</u> ) Pressure improvement   | 400<br>400<br><u>440</u>              | 400<br>400<br><u>440</u>              | 2003/2004<br>2004/2005<br><u>2005/2006</u>              | See Map 6               | Utility bond proceeds  | Yes                                    |
| 3.   | Water main (NW 43 <sup>rd</sup> St. to NW 46 <sup>th</sup> Ave.) Pressure improvement  | 50<br>165<br>165                      | 50<br>165<br>165                      | 2003/2004<br>2004/2005<br><u>2005/2006</u>              | See Map 6               | Utility bond proceeds  | Yes                                    |
| 4. 3.  | Water main <u>from NW 39th Ave./NW 51st Terrace to NW 33rd Avenue to NW 63rd St. to NW 23rd Avenue (NW 39th Ave. to NW 23rd Ave.)</u> Pressure improvement | 50<br>50<br>345 400<br><u>345 400</u> | 50<br>50<br>345 400<br><u>345 400</u> | 2004/2005<br>2005/2006<br>2006/2007<br><u>2007/2008</u> | See Map 6               | Utility bond proceeds  | Yes                                    |
| 5. 4.  | Water main (NW 23 <sup>rd</sup> Ave. to I-75) Pressure improvement   | 50<br>50<br><u>500</u>                | 50<br>50<br><u>500</u>                | 2006/2007<br>2007/2008<br><u>2008/2009</u>              | See Map 6               | Utility bond proceeds  | Yes                                    |

## Recreation

|    |  |            |            |                  |                  |   |            |
|----|--|------------|------------|------------------|------------------|---|------------|
| 6. | Cone Park Facility<br>Additions (see individual facility items and FY schedule listed below) |            |            |                  |                  | HUD EDI<br>Grant; State<br>FRDAP<br>Grants;<br>Alachua<br>County;<br>Private<br>Sector;<br>Individual<br>Donations;<br>City General<br>Fund |            |
|    | Community Center   | 1,553      | 900        | 2003/2004        | See Map 6        | See Cone<br>Park Facility<br>Additions  | Yes        |
|    | Stormwater Facility  | 418        | 418        | 2003/2004        | See Map 6        | See Cone<br>Park Facility<br>Additions  | Yes        |
|    | Track/Football Field   | 525        | 525        | 2004/2005        | See Map 6        | City General<br>Fund  | Yes        |
|    | Soccer Field   | 100        | 50         | 2003/2004        | See Map 6        | FRDAP<br>Grant; City<br>General<br>Fund   | Yes        |
|    | Playground/Sprayground   | 110        | 95         | 2003/2004        | See Map 6        | FRDAP<br>Grant; City<br>General<br>Fund   | Yes        |
|    | Concession Building  | 100        | 100        | 2007/2008        | See Map 6        | City General<br>Fund  | Yes        |
|    | Softball Field   | 75         | 75         | 2007/2008        | See Map 6        | City General<br>Fund  | Yes        |
|    | Basketball Courts  | 50         | 30         | 2003/2004        | See Map 6        | FRDAP<br>Grants; City<br>General<br>Fund  | Yes        |
|    | Basketball Cover   | 120        | 120        | 2006/2007        | See Map 6        | City General<br>Fund  | Yes        |
| 5. | <u>Skate Park at Depot Park</u>  | <u>350</u> | <u>200</u> | <u>2006/2007</u> | <u>See Map 6</u> | <u>1999 Lease-<br/>In/Lease-Out<br/>proceeds</u>  | <u>Yes</u> |
| 6. | Phoenix Playground   | 100        | 100        | 2004/2005        | See Map 6        | City General<br>Fund  | Yes        |

|                              |   |  |  |  |           |   |     |
|------------------------------|---|--|--|--|-----------|---|-----|
| 7.                           | <u>Cofrin Nature Park</u>   | <u>104</u>                                   | <u>104</u>                                   | <u>2005/2006</u>   | See Map 6 | <u>City Commission contingency fund and funds remaining from park acquisition</u> | Yes |
| 8.                           | <u>Hogtown Greenway Phase Ib, Loblolly Woods, north (trail, boardwalk, signs)</u>       | <u>430</u>                                   | <u>230</u>                                   | <u>2005/2006</u>   | See Map 6 | <u>City General Fund multi-year account and FRDAP Grant funds (if received)</u>   | Yes |
| <b>Stormwater Management</b> |   |  |  |  |           |   |     |
| 7. 9.                        | Northeast Boulevard/Duck Pond Improvements  | <u>1,051</u><br><u>50</u>                    | <u>835</u><br><u>50</u>                      | <u>2003/2004</u><br><u>2004/2005</u>   | See Map 6 | Stormwater Utility & federal grant funds  | Yes |
| 8. 10.                       | <u>Brownfield Project Depot Park (West Pond)</u><br><u>(East Pond)</u>                  | <u>5,708</u><br><u>1,300</u><br><u>3,000</u> | <u>5,231</u><br><u>1,300</u><br><u>3,000</u> | <u>2004/2005</u><br><u>2004/2005</u><br><u>2005/2006</u><br><u>&amp;</u><br><u>2006/2007</u> | See Map 6 | Stormwater Utility & State Revolving Fund   | Yes |
| 9. 11.                       | Sweetwater Branch-Paynes Prairie Outfall Facilities<br><u>Phase 1</u><br><u>Phase 2</u> | <u>1,964</u><br><u>917</u><br><u>1,670</u>   | <u>500</u><br><u>398</u><br><u>835</u>       | <u>2006/2007</u><br><u>2004/2005</u><br><u>2005/2006</u>                                     | See Map 6 | Stormwater Utility & federal grant funds & State revolving fund                   | Yes |
| 10.                          | Hogtown Creek Sedimentation Project   | <u>3,100</u>                                 | <u>860</u>                                   | <u>2003/2004</u><br><u>2006/2007</u>   | See Map 6 | Stormwater Utility & State funds & Army Corps of Engineers funds                  | Yes |
| 12.                          | <u>Courthouse Connector (piping system)</u>   | <u>25</u>                                    | <u>25</u>                                    | <u>2007/2008</u>   | See Map 6 | Stormwater Utility  | Yes |

|     |  |            |            |                  |                  |   |            |
|-----|--|------------|------------|------------------|------------------|---|------------|
| 13. | <u>NW 14th Ave. Stormwater Facility</u>                                      | <u>200</u> | <u>200</u> | <u>2005/2006</u> | <u>See Map 6</u> | <u>Stormwater Utility</u>                         | <u>Yes</u> |
| 14. | <u>College Park Improvements</u>   |            |            |                  | <u>See Map 6</u> | <u>Stormwater Utility</u>                         | <u>Yes</u> |
|     | <u>Study Construction</u>  | <u>100</u> | <u>100</u> | <u>2004/2005</u> |                  |   |            |
|     |  | <u>100</u> | <u>100</u> | <u>2005/2006</u> |                  |   |            |
| 15. | <u>Duval Neighborhood Basin</u>  | <u>607</u> | <u>500</u> | <u>2004/2005</u> | <u>See Map 6</u> | <u>Stormwater Utility &amp; Block Grant funds</u> | <u>Yes</u> |
|     |  | <u>207</u> |            | <u>2005/2006</u> |                  |   |            |
|     |  | <u>15</u>  |            | <u>2006/2007</u> |                  |   |            |
| 16. | <u>Lincoln Estates Piping</u>  | <u>50</u>  | <u>50</u>  | <u>2004/2005</u> | <u>See Map 6</u> | <u>Stormwater Utility &amp; Block Grant funds</u> | <u>Yes</u> |
|     |  | <u>300</u> | <u>300</u> | <u>2005/2006</u> |                  |   |            |
|     |  | <u>182</u> |            | <u>2006/2007</u> |                  |   |            |
| 17. | <u>Tumblin' Creek (Porter's Area)</u>  | <u>100</u> |            | <u>2004/2005</u> | <u>See Map 6</u> | <u>Block Grant funds</u>                          | <u>Yes</u> |
| 18. | <u>Springhill Neighborhood</u>   | <u>10</u>  |            | <u>2006/2007</u> | <u>See Map 6</u> | <u>Block Grant funds</u>                          | <u>Yes</u> |
|     |  | <u>182</u> |            | <u>2007/2008</u> |                  |   |            |
| 19. | <u>Tumblin' Creek Restoration</u>  | <u>100</u> | <u>100</u> | <u>2005/2006</u> | <u>See Map 6</u> | <u>Tax Increment &amp; Stormwater Utility</u>     | <u>Yes</u> |
|     |  | <u>450</u> | <u>450</u> | <u>2006/2007</u> |                  |   |            |
| 20. | <u>Little Hatchett &amp; Lake Forest Creeks Basin Management Action Plan</u> | <u>200</u> | <u>200</u> | <u>2006/2007</u> | <u>See Map 6</u> | <u>Stormwater Utility</u>                         | <u>Yes</u> |

**Traffic Circulation  
Transportation Mobility**

No City capital improvements associated with LOS standards have been identified as necessary.

**Wastewater**

No capital improvements associated with LOS standards have been identified as necessary

**TOTAL:** \$16,894 \$11,759  
\$16,589 \$14,082

<sup>1</sup>Fiscal year for the City of Gainesville is October 1 through September 30 of the following year.

Source: GRU Capital Budget Detail Report FY 2004-2009-2005-2010; Recreation Department, 2003-2005; Public Works Department, 2003-2005.

# CAPITAL IMPROVEMENTS PROJECTS

5-Year Schedule  
of Improvements

## Legend

■ 1 - 20 Locations of Capital Improvements Projects

▲ Gainesville City Limits

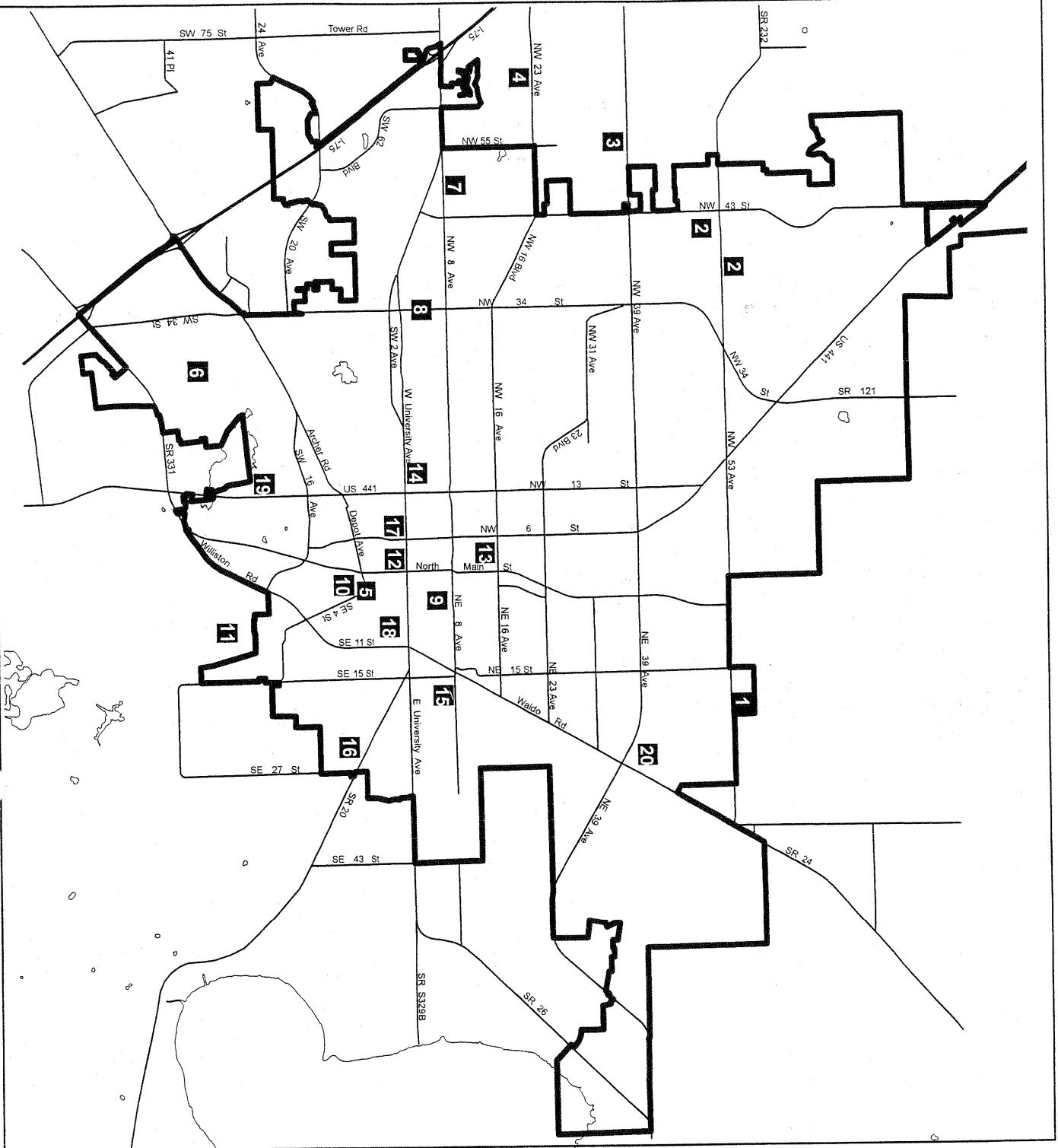
Source: See Table 14 for a listing of project names associated with project numbers.

Source: Capital Improvements 5-Year Schedule of Improvements, Table 14, 2005

## City of Gainesville Gainesville, Florida

Prepared by the  
Dept of Community Development  
April 2005

0.75 0.375 0 Miles





06-22-05A10:55 RCVD

STATE OF FLORIDA

## DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*JEB BUSH  
GovernorTHADDEUS L. COHEN, AIA  
Secretary

June 20, 2005

The Honorable Pegeen Hanrahan  
Mayor, City of Gainesville  
P.O. Box 490, Station 19  
Gainesville, FL 32601-0490

Dear Mayor Hanrahan:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for the City of Gainesville (DCA No. 05-1), which was received on April 21, 2005. The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.) and Chapter 163, Part II, Florida Statutes (F.S.) and has prepared the attached Objections, Recommendations, and Comments (ORC) Report which outlines our findings concerning the comprehensive plan amendment. Recommendations to address identified issues have been included and are designed to strengthen the amendment and help the community achieve its planning objectives, while complying with state law.

Attached to this letter is a summary of the procedures for the City to follow upon receipt of this letter in formulating a response to the attached ORC Report as it considers further action upon the proposed amendments up to and including adoption of these amendments. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment.

The proposed amendment consists of one (1) text amendment to Future Land Use Element (FLUE), two (2) Future Land Use Map (FLUM) amendments, and an update to the five-year schedule of capital improvements in the Capital Improvements Element (CIE).

The Department has no objections to the FLUM amendments or the proposed update to the five-year schedule of capital improvements. However, the Department has concerns regarding the text amendment to the Future Land Use Element. As proposed, the amendment would remove the intensity standard for the Office and Commercial future land use designation by allowing the current 5-story height limitation to be exceeded by Special Use Permit. While the Department commends the City on its commitment to the comprehensive planning process

The Honorable Mayor Hanrahan

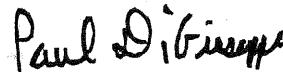
June 20, 2005

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and its dedication to preserving the urban form of Gainesville, while allowing flexibility for innovating planning techniques, the policies defining the City's future land use categories must contain predictable intensity standards.

I believe the concerns outlined in our report can be resolved in a straightforward manner. We are available to work with your staff to assist the City in responding to our concerns as outlined in the attached report and developing a mutually acceptable solution. If you or your staff have any questions about our attached Report or if we may be of further assistance as you formulate your response to this Report, please contact Ana Richmond, Senior Planner, at (850) 922-1794.

Sincerely,



Paul DiGiuseppe  
Regional Planning Administrator

PD/ar

Enclosures: Transmittal Procedures  
Review Agency Comments

cc: Mr. Charles Justice, Executive Director, North Central Florida Regional Planning Council  
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning City of Gainesville