

*City of
Gainesville*

Inter-Office Communication

**Department of Community Development
Phone 334-5022, FAX 334-2282, Station 11**

Item No. 8

Date: February 16, 2006

To: City Plan Board

From: Planning Division Staff

Subject: **Petition 15ZON-06 PB.** City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned I-2 (General industrial district) and PS (Public services and operations district) on approximately 582 acres. Located east of Waldo Road on the north and south sides of Northeast 39th Avenue and three parcels east of Waldo Road, south of Northeast 49th Avenue.

Recommendation

Staff recommends approval of Petition 15ZON-06 PB.

Explanation

On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. See Sec. 30-309. The City Commission adopted this ordinance on Second Reading at their November 8, 2004 meeting. The ordinance establishes standards for protecting significant ecological communities within the city.

The next step necessary to implement this ordinance is to rezone properties ranked "outstanding" or "high" (in terms of assessed environmental value) so that the Significant Ecological Communities regulations become an overlay to the land development regulations that apply to these properties.

The subject properties have been deemed "high" by City Nature Operations staff, and are a combined total of 582 acres in size. The properties near NE 39th Avenue are owned by the State of Florida and zoned PS (public services and operations). The properties adjacent to NE 49th Avenue are owned by the City of Gainesville and zoned I-2 (general industrial).

The Significant Ecological Communities Overlay Zoning District standards would operate in conjunction with underlying zoning district regulations for these properties. The regulations of the underlying zoning districts, and all other applicable regulations, would remain in effect and would be further regulated by the Overlay District standards. If the provisions of the Overlay District standards conflict with the underlying zoning, the provisions of the Overlay District would prevail.

Over the course of the next several months, staff will be presenting additional petitions for the Plan Board to consider regarding the remaining properties that have been ranked “outstanding” or “high” by staff.

Criteria Used to Assess Ecological Value

The Significant Ecological Communities ordinance contains criteria that are to be used to determine the ecological value of a property. These criteria are as follows:

(a) **Criteria used to evaluate properties for ecological value.** The following criteria are used by the City to evaluate the ecological value of properties:

- Size of parcel;
- Number of viable Florida Natural Areas Inventory natural communities found at parcel;
- FNAI natural communities state rank;
- Condition of ecological processes found at parcel;
- Typical species found at parcel (based on Guide to Natural Communities in FL);
- Invasive, non-native species found at parcel;
- Connectedness of parcel;
- Water quality protection provided by parcel;
- Listed species found at parcel;
- Potential listed species that could be found at parcel; and
- Management potential of parcel

Exclusion from Map

The ordinance provides the owner of a property proposed for inclusion within this overlay map (or previously approved by the City to be within the overlay map) an opportunity to petition the City to be excluded from the overlay map. The ordinance states that such an exclusion shall be based on the following criteria:

(b) **Exclusion from ecological communities map.** The City assumes that (an) ecological feature(s) on the property demonstrates at least 4 of the following:

- Rarity or exemplary;
- Vulnerability;
- High water quality (either through recharge, surface waters or wetlands);
- Connectedness;

- Viability (with most ecological processes intact)
- Manageability; and
- Nature-oriented human use potential.

Should the owner wish the property to be excluded from the map, the property owner has the burden to rebut this presumption by demonstrating that at least 4 of these attributes do not exist on the property.

Summary of Significant Ecological Communities Provisions

In addition to existing zoning and other regulations that currently apply, properties within the Significant Ecological Communities overlay that are proposing development requiring site plan review will be required to comply with the following additional provisions:

- Submit an **Environmental Features Report** based on the Environmental Evaluation Policy Manual adopted by the City Commission by resolution.
- **Set aside** up to 10 percent of the property, above and beyond other required set-asides, should City and County staff determine that additional protection of sensitive environmental features is needed to protect those features.
- Should they exist on the property, protect a majority of Heritage trees on the property and provide at least one foot of **buffer for Heritage trees** for each inch of diameter breast height of tree trunk.
- Should they exist on the property, avoid disturbance of **sinkholes**.
- Be allowed to voluntarily **cluster** the development as a way to further protect and avoid sensitive environmental features on the property.

For this petition, the City Plan Board is being asked to consider evidence presented by City staff and citizens and make a recommendation to the City Commission as to whether these properties should be included or excluded from the Significant Ecological Communities overlay.

Character of the District and Suitability

City Nature Operations staff have deemed these properties as environmentally significant, and are therefore suited to fall within the Significant Ecological Communities Overlay District.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

Placing these properties within the Overlay District promotes more appropriate design for future development associated with significant ecological communities.

Applicable Portions of Current City Plans

There are no City plans for this area.

Needs of the City for Land Areas to Serve Purposes, Populations, Economic Activities

The City finds that it is beneficial to protect significant ecological communities.

Whether there have been Substantial Changes in the Character or Development of Areas In or Near Area Under Consideration

A number of new developments have occurred in this area in recent years. Quartz Solutions, a countertop manufacturer, has been constructed near NE 49th Avenue recently, as has Performance Foods, a food distributor. In addition, the Job Corps has expanded recently, and there have been a number of small airport maintenance operations projects in recent years.

Applicable Policies from the Gainesville Comprehensive Plan:

Conservation, Open Space & Groundwater Recharge Element

Goal 1

Establish and maintain an integrated and urban-defining open space network that protects and conserves key environmental features.

Objective 1.1

Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

Policies

- 1.1.2 The City shall use the environmentally significant properties inventory/ranking report to identify viable populations of native plant and animal species, environmentally significant areas, and unique geological or historic features that should be preserved, and show connectivity with other public lands and environmentally significant areas that should be maintained.

Objective 2.4

The City shall amend its land development regulations as necessary to conserve environmentally significant surface waters; major natural groundwater recharge areas; threatened or endangered or listed (or candidates for being listed) plants, animals and habitats; and prevent the spread of invasive vegetation. The adopted regulations shall be

designed to maintain viable populations of these existing plant and animal species and allow development activities which are compatible with identified environmentally significant lands and resources. (See Environmentally Significant Land and Resources map series within the Future Land Use Map Series.).

Policies

- 2.4.1 The City shall maintain an updated inventory of identified environmentally significant resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. If additional resources are identified, these properties shall be subject to regulations keyed to the resource present at the site. The Future Land Use Map Series shall be amended to include these properties.
- 2.4.2 The City shall adopt land development regulations that protect identified threatened or endangered or listed (or candidates for being listed) plants, animals or habitats. These regulations shall require developments of parcels within the environmentally significant areas to submit an ecological inventory of the parcel.

Applicant Information	City of Gainesville
Request	Amend the zoning of the properties to apply the Significant Ecological Communities Overlay District to the existing PS and I-2 zoning.
Existing Land Use Plan Classification	IND and PF.
Existing Zoning	PS (public services and operations) and I-2 (general industrial).
Purpose of Request	Apply the provisions of the Significant Ecological Communities overlay district to properties ranked "high" by the 2001 Environmentally Significant Lands Report prepared by the City of Gainesville.
Location	NE 39 th Avenue east of Waldo Road and NE 49 th Avenue east of Waldo Road.
Size	582 acres.
Existing Use	Vacant
Surrounding Land Uses	
North	Airport, Industrial

South Airport, State Institutions, Jail, Undeveloped
East Airport, Undeveloped, Jail
West Undeveloped, Jail

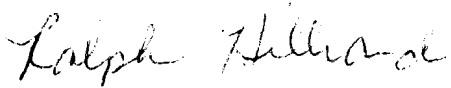
Surrounding Controls

	Existing Zoning	Existing Land Use
East	MH (mobile home), I-2 (general industrial)	Conservation, Public Facilities, Residential Low
South	PS (public services and operations), AF (airport facility), Unincorporated	Public Facilities, Unincorporated
West	I-1 (limited industrial), PS (public services and operations), Unincorporated	Conservation, Public Facilities, Unincorporated
North	CON (conservation), AF (airport facility)	Conservation, Public Facilities

Summary

The proposed overlay is consistent with the 2000-2010 Gainesville Comprehensive Plan, and is recommended for approval.

Respectfully submitted,



Ralph Hilliard
 Planning Manager

RW:DM:DN

Attachment

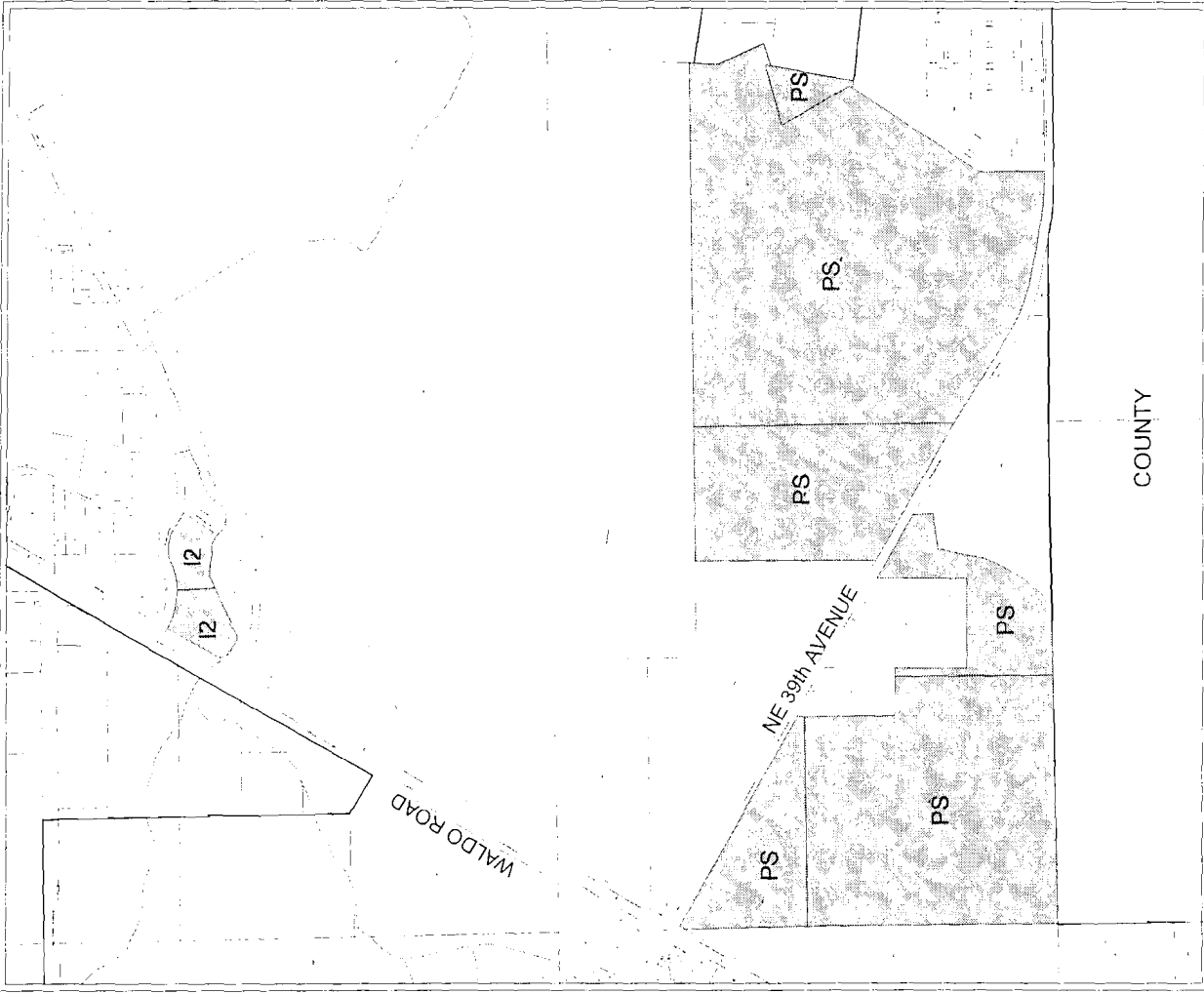
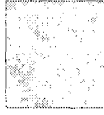
- Map of Parcels Proposed for Rezoning
- Significant Ecological Communities ordinance
- Environmental Site Evaluation for the Subject Parcel

Zoning Districts

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

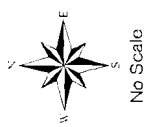
- ▣▣▣▣ Historic Preservation/Conservation District
- Special Area Plan
- Division line between two zoning districts
- City Limits

Area under petition consideration



EXISTING ZONING





Name	Petition Request	Map(s)	Petition Number
City of Gainesville	Apply Significant Ecological Communities Overlay District to I2 and PS Zoning for 15ZON-06PB	3658	15ZON-06PB



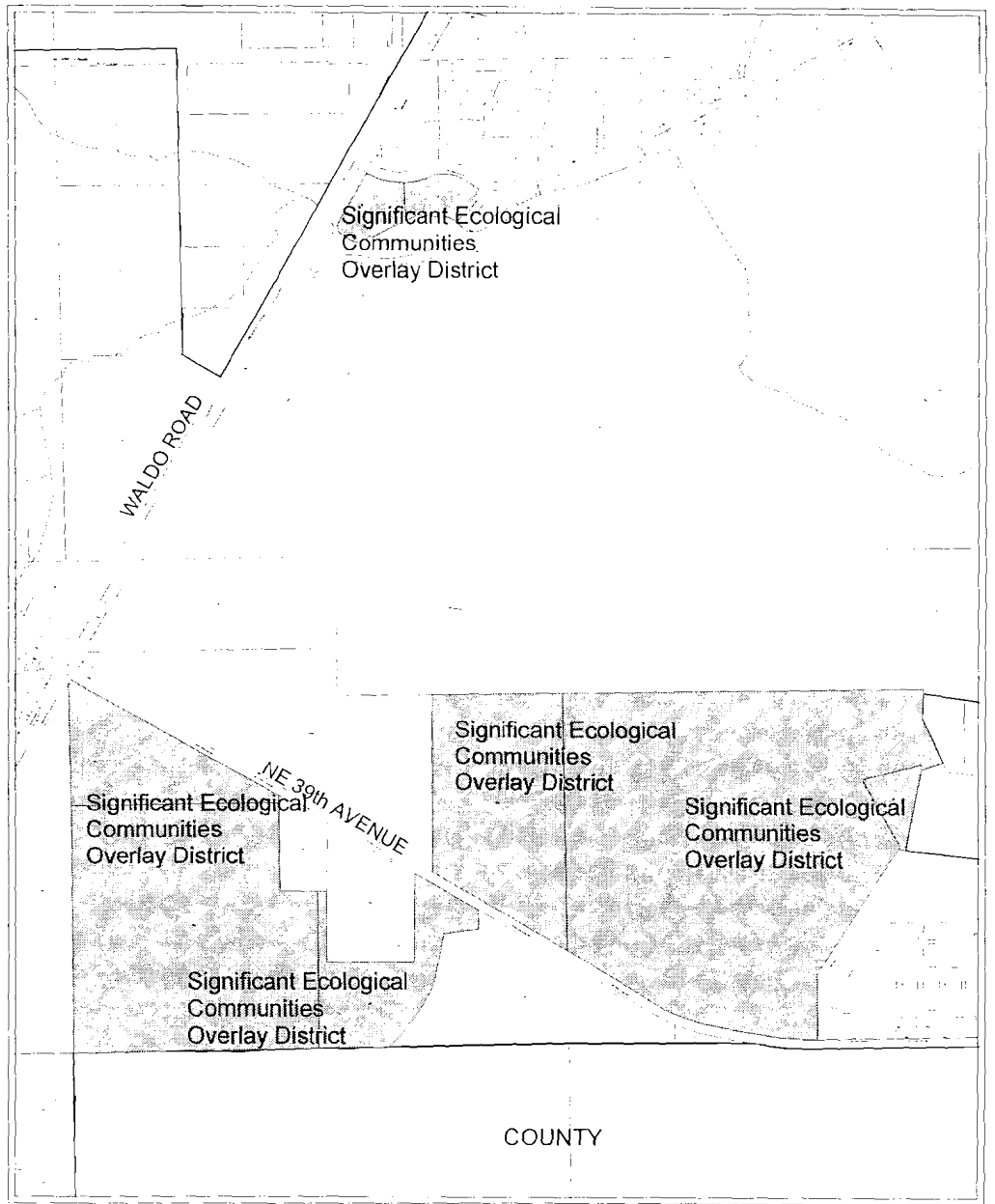
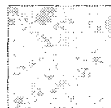
No Scale

Zoning Districts

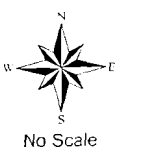
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- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

-  Historic Preservation/Conservation District
-  Special Area Plan
-  Division line between two zoning districts
-  City Limits

Area under petition consideration



PROPOSED ZONING

 No Scale	Name	Petition Request	Map(s)	Petition Number
	City of Gainesville	Apply Significant Ecological Communities Overlay District to I2 and PS Zoning for 15ZON-06PB	3658	15ZON-06PB

Zoning Districts

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CCD	Central City District
W	Warehousing and Wholesaling
I1	Limited Industrial
I2	General Industrial
AGR	Agriculture
CON	Conservation
MD	Medical Services
PS	Public Services and Operations
AF	Airport Facility
ED	Educational Services
CP	Corporate Park

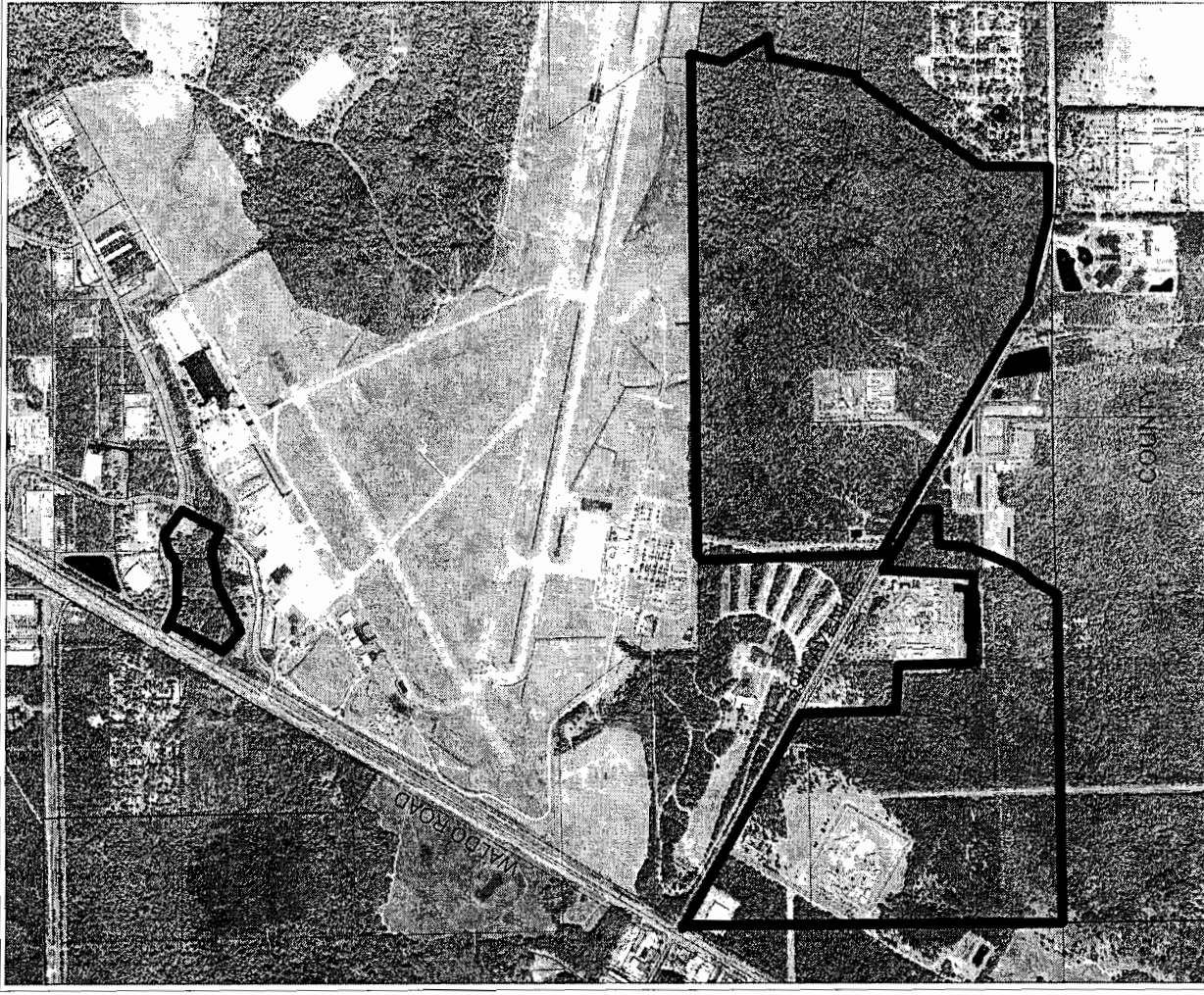
Historic Preservation/Conservation District

Special Area Plan

Division line between two zoning districts

City Limits

Area
under petition
consideration



AERIAL

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	Apply Significant Ecological Communities Overlay District to I2 and PS Zoning for 15ZON-06PB	3658	15ZON-06PB



corridor may also be considered as open space in calculations of lot coverage.

(b) *Demonstration of compliance for developments requiring development plan review.* If a proposed development requires development plan review pursuant to article VII of this chapter, the showing of compliance with the requirements of this section shall be made in development plan review. The petition for development plan review shall provide both a hydrological report prepared by a qualified engineer registered in the State of Florida, as well as a map showing the location of the greenway corridor as it passes through the subject property.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 10, 10-4-93; Ord. No. 4090, § 1, 6-12-95; Ord. No. 950600, § 2, 9-25-95)

Sec. 30-309. Significant ecological communities district.

(a) *Purpose and intent.* This section is established to codify standards to protect and restore significant ecological communities in the city while not eliminating all economically viable use of a parcel. The city hereby establishes a permit procedure for development of parcels that are located within this district. This section provides the standards and criteria by which applications for permits for development on these parcels are considered so as to provide enhanced protection to the environmental features of the parcels.

An important element of this section is the requirement that an environmental inventory be prepared as a condition for development approval. Such a requirement ensures identification of vital environmental communities on the property proposed for development, thereby increasing the likelihood that such communities will be protected or restored, and enabling use of a more customized set of regulations, instead of more generalized regulations that may not be appropriate for a given property.

(b) *Effect of classification.* The significant ecological communities district is an overlay zoning district. It shall operate in conjunction with any underlying zoning district on the property. The regulations of the underlying zoning district, and

all other applicable regulations, remain in effect and are further regulated by significant ecological communities district standards. If provisions of the significant ecological communities district standards conflict with the underlying zoning, the provisions of the significant ecological communities district standards shall govern and prevail.

(c) *Definitions.* For purposes of this section and section 30-309.1 the following definitions apply:

Completeness is defined as the extent to which an ecological feature exhibits the species, physical structure, and ecological processes typical of that feature type.

Connectivity or connectedness is defined as the extent to which a parcel is adjacent to or near protected lands, and the degree to which intervening properties could hinder wildlife movement or other ecological processes that contribute to the overall health of the ecological community.

Exemplary is defined as a parcel having species composition and structure characteristic of an unusually high quality example of the natural community type in question.

High water quality is defined as a parcel contributing to aquifer recharge, water filtration, or flood control; or lacking substantial inputs of pollutants; or a combination of these.

Manageability is defined as the feasibility of carrying out any active management, which is necessary to maintain the natural values of the site.

Nature-oriented human use potential is defined as the extent to which amenities necessary for passive recreation (access, parking areas, trails, boardwalks) are present or can feasibly be developed on a site.

Rarity is defined as a parcel exhibiting the frequency of occurrence of a natural community or features in the state or within the City of Gainesville. State rankings come from the Florida Natural Areas Inventory's (FNAI) Guide to the Natural Communities of Florida (1990), Tracking List of Rare, Threatened, and Endangered Plants, Animals and Natural Communities of Florida (FNAI 2000), and Florida's Endangered Species,

Threatened Species and Species of Special Concern, Official Lists (FWCC 2000). Rankings at the city level are based on the number of known occurrences within the city limits.

Viability is defined as the extent to which ecological processes necessary to maintaining the natural values of the site can persist over time.

Vulnerability is defined as a parcel facing the likelihood of degradation of natural values in the absence of protection or active management or likelihood of destruction due to human influence.

(d) *Procedure for issuance of development order.* In order to obtain a development permit for any parcel within the district, an application for development permit shall include an environmental features report that is prepared for the parcel that is proposed for development. The report shall comply with the requirements stated in the Environmental Features Evaluation Policy Manual, which is adopted separately by resolution.

(e) *Set-aside.* A set-aside of no more than ten percent of the total parcel area, in addition to areas required by Code or law for building setbacks from property lines, landscaping, parking, and stormwater management, or buffers required for surface waters and wetlands, heritage tree preservation, and utilities, may be required to enable the clustering of development on the parcel away from significant ecological features on the parcel. The exact amount and location of property to be set aside shall be determined by the appropriate reviewing board, city manager or designee on a site specific basis and shall be based on objective criteria that the ecological feature(s) on the parcel require additional protection to remain ecologically viable, or to restore ecological function in addition to the intensity, density and design of the proposed development.

After an assessment of the significant environmental feature(s) on the parcel, the appropriate reviewing board, city manager or designee shall apply the following criteria to determine if the aforesaid set-aside is necessary so that the natural communities, ecological processes, species and water quality are protected.

Criteria:

- (1) The vulnerability of the significant environmental feature(s) on the parcel;
- (2) The rarity of the significant environmental feature(s) on the parcel;
- (3) The connectivity related to the significant environmental feature(s) on the parcel;
- (4) The completeness of the significant environmental feature(s) on the parcel; and
- (5) The manageability of the significant environmental feature(s) on the parcel.

(f) *Heritage trees.* A plan shall be prepared by the applicant for review and approval by the appropriate reviewing board, city manager or designee that will protect a majority of the high-value heritage trees on the property. High-value heritage trees are defined as those native species that are not Laurel Oaks, Water Oak, Sweetgum, Loblolly Pine, Slash Pine or Sugarberry. Development proposals that call for the removal of more than 50 percent of the high-value Heritage trees on the property shall mitigate the loss of said trees by preserving smaller than heritage-size, high-value trees existing on the property. The total of diameter inches of high-value heritage trees destroyed shall be mitigated by preserving an equal number of diameter inches of smaller high-value trees. To protect the environmental features of the site, the plan shall provide for tree protection zones that are at least one-foot in diameter for each inch of diameter at breast height of the tree. These barriers must meet the requirements of section 30-255.

(g) *Surface waters.* In order to protect water quality, setbacks larger than those required in section 30-302 may be necessary. The criteria provided in subsection (e) above shall apply.

(h) *Protection of sinkholes and other rare natural communities.* Sinkholes are ecologically valuable in that they provide a rapid means for water to flow from the surface to underground aquifers and because sinkholes often provide different temperature and moisture conditions from surrounding areas so support a distinct natural community of plants and animals, many of which are rare or endangered. For these reasons, it is in the

interest of the community to protect sinkholes. Sinkholes and other rare natural communities, as ranked by the Florida Natural Areas Inventory as G1/S1, G2/S2, or G3/S3, found on the property and deemed worthy of protection, based on the following criteria and as recommended by the city manager or designee or appropriate reviewing board, shall not be filled or otherwise disturbed.

(1) Criteria to identify ecologically valuable sinkholes:

- a. Documented occurrence of one or more sinkhole indicator species (see list below). Current or past existence of sinkhole-dependent species indicates that the environmental conditions capable of supporting a distinct sinkhole community are likely to exist at the site.
- b. Steep sides with areas of exposed, shaded limestone. Species that are dependent on sinkholes typically thrive in cooler, moister microhabitats that occur on shaded portions of sinkhole walls. Many sinkhole-associated plants grow directly on the limestone substrate, so exposed limestone is important.
- c. Intact vegetation surrounding the sinkhole. Natural vegetation surrounding the sinkhole acts as a buffer by intercepting rainfall, thereby reducing erosion of the sinkhole walls. In addition, the shade provided by surrounding vegetation may increase the likelihood that the sinkhole provides the temperature and moisture conditions required by sinkhole-dependent species.
- d. Limited human disturbance (such as dumping or erosion) to the sinkhole.
- e. Limited paving or development adjacent to or upslope from the sinkhole.
- f. Low likelihood of agricultural runoff into the sinkhole based on the surrounding environment.

- g. Open or rocky bottom in sinkhole. This indicates that there is little possibility for water to be filtered by passage through soil before entering underground aquifers.

(2) Species associated with sinkholes and documented in Alachua County:

<i>Animals</i>		
<i>Species</i>	<i>Common name</i>	<i>Status</i>
<i>Desmognathus auriculatus</i>	Southern dusky salamander	
<i>Plants</i>		
<i>Species</i>	<i>Common name</i>	<i>Status</i>
<i>Adiantum capillus-venerus</i>	Venus' hair fern	
<i>Adiantum tenerum</i>	Brittle maiden-hair	E
<i>Asplenium monanthes</i>	Single-sorus spleenwort	E
<i>Asplenium pumilum</i>	Dwarf spleenwort	E
<i>Asplenium verecundum</i>	Modest spleenwort	E
<i>Asplenium x curtissii</i>	Curtiss' spleenwort	
<i>Asplenium x heteroresiliens</i>	Morzenti's spleenwort	
<i>Blechnum occidentale</i>	Hammock fern	E
<i>Thelypteris reptans</i>	Creeping star-hair fern	E

E = listed as endangered by the State of Florida

(i) *Clustering away from environmentally significant features*

- (1) *Single-family residential flexibility.* To improve protection of significant ecological communities, single-family residential development may cluster as provided in section 30-190.
- (2) *Non-single-family flexibility.* Development that is not single-family residential development may be planned to reduce any required setbacks (except for setbacks from surface waters as provided herein), street widths, parking, or landscaping requirements if, in the opinion of the city man-

ager or designee, or appropriate reviewing board, such reductions are necessary to improve protection of significant ecological communities through clustering away from such communities. This provision does not permit or allow any violation of any applicable code or change to the existing land use or zoning of the property.

(j) *Administrative remedy.* Any property owner who believes that a specific decision of the appropriate reviewing board, city manager, or designee, rendered under this section has resulted in a taking of the property in violation of law, or is otherwise entitled to compensation under law, shall file an appeal within 30 days of the decision with the clerk of the commission. The city commission shall hear the appeal within 60 days of filing the appeal unless an extension is timely filed, in writing, by the property owner with the clerk of the commission. In this event, the property owner shall be automatically granted a 60-day extension. At the hearing before the city commission, the property owner has the burden to show how or in what respect the specific decision results in a taking or other remedy entitling the owner to payment of compensation under the law. In support of such appeal, the property owner shall submit any plans for the development of the property and show how or in what respect the specific decision results in a taking or other entitlement to payment of compensation to the owner. Additionally, the property owner shall submit, at least 30 days prior to the hearing, a bona fide, valid appraisal that supports the appeal and demonstrates the loss of fair market value to the property. The city shall have an opportunity to rebut any evidence offered by the property owner. At the conclusion, the city commission shall have the power to grant relief and to overturn any specific decision in order to avoid a taking of the property or the payment of compensation to the owner. The action of the city commission shall constitute final administrative action under this section.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3911, § 10, 10-4-93; Ord. No. 960060, § 24, 6-8-98; Ord. No. 020967, § 1, 11-8-04)

Sec. 30-309.1. Rezoning to significant ecological communities district.

(a) *Criteria used to evaluate parcels for rezoning.* The following criteria are used by the city to evaluate the appropriateness of imposing this overlay district on properties:

- Size of parcel;
- Number of viable FNAI natural communities found at parcel;
- FNAI natural communities state rank;
- Condition of ecological processes found at parcel;
- Typical species found at parcel (based on Guide to Natural Communities in FL);
- Invasive, non-native species found at parcel;
- Connectedness of parcel;
- Water quality protection provided by parcel;
- Listed species found at parcel;
- Potential listed species that could be found at parcel; and
- Management potential of parcel.

(b) *Exclusion from rezoning criteria.* Should the owner believe that the property should not be rezoned to this classification, the property owner has the burden of demonstrating to the city commission, at the time of rezoning, that at least four of the following seven criteria do not exist on the parcel:

- Rarity or exemplary;
- Vulnerability;
- High water quality (either through recharge, surface waters or wetlands);
- Connectedness;
- Viability (with most ecological processes intact);
- Manageability; and
- Nature-oriented human use potential.

(c) *Notification.* Should the city decide, based upon the criteria stated in subsection (a), to rezone a property for inclusion on the significant ecological communities district map, the city will

notify the property owner(s) by letter that their property may be affected by these regulations and will initiate a petition to rezone the property within this district.

(Ord. No. 020697, § 2, 11-8-04)

DIVISION 4. RELIEF AND ENFORCEMENT

Sec. 30-310. Relief for reasonable or beneficial use.

(a) *Landscape and tree management.* As regards the provisions of the landscape and tree management sections of this article:

- (1) *Generally.* In addition to the relief provisions of this chapter, and pursuant to the terms of article X, pertaining to the board of adjustment, the board of adjustment may grant variances to the landscape and tree management sections, based on demonstrated hardship, to the minimum 20 percent of areas devoted to landscape materials requirement of section 30-251.
- (2) *Preserving existing trees.* The preservation of any existing regulated tree on the Gainesville Tree List may be considered as a basis for the granting of a variance pursuant to the procedures established in article X.

(b) *Flood control.* As regards to provisions of the flood control sections of this article the board of adjustment may issue a variance in accordance with article X and the provisions as follows:

- (1) *Criteria for relief.* In addition to the relief provisions of this chapter, the following criteria for relief shall apply:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The compatibility of the proposed use with existing and anticipated development;
- g. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- h. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

- (2) Upon consideration of the factors of subsection (b)(1) of this section, and the purpose of the flood control sections of this article, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of these sections.
- (3) The city manager or designee shall maintain the records of all appeal actions, including technical information, and report any variances to the federal insurance administrator (Federal Emergency Management Administration), upon request.

Properties totaling 582 acres near Airport on NE 39th
Ave & NE 49th Avenue
Environmental Site Evaluation

February 1, 2006

Summary

There are eight properties totaling 582 acres. All properties are in close proximity to the Gainesville Regional Airport and the County Jail. The two City of Gainesville properties fall within the Secondary Zone of the Wellfield Protection ordinance. The other properties fall within the Tertiary Zone of the Wellfield.

The Little Hatchet Creek system flows through the properties. The City-owned properties are affected by the Gateway Street ordinance, which requires certain uses to obtain a special use permit and provide increased landscape screening.

Information available to the City from FEMA and a 1989 CH2M-Hill report indicates that much of the 582-acre properties may be floodprone.

8. **Petition 15ZON-06 PB** City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned I-2 (General industrial district) and PS (Public services and operations district) on approximately 582 acres. Located east of Waldo Road on the north and south sides of Northeast 39th Avenue and three parcels east of Waldo Road, south of Northeast 49th Avenue.

Mr. Dom Nozzi was recognized. Mr. Nozzi indicated that the petition involved applying the Significant Ecological Communities overlay to property near the Gainesville Airport. He presented a map and aerial photo of the site. He explained that the City Commission adopted the Significant Ecological Communities petition in 2004. He noted that there were eight properties involved and all were ranked high quality in the Nature Operations study. Mr. Nozzi explained that the board was to determine whether the properties had sufficient environmental qualities that made it worthy of inclusion into the overlay. He presented detailed information on environmental features of the properties. He noted that two of the parcels were owned by the City of Gainesville, and most of the others were owned by the State of Florida. He presented a FEMA floodplain map that gave a generalized indication of flood potential on the properties. Mr. Nozzi pointed out an area originally included in the petition that was withdrawn because it was part of the University of Florida Master Plan. He presented ground photos of the properties. He noted that the Code did make provisions for property owners to opt out of the overlay if they could prove that their property was not environmentally important enough to have the regulations applied. Mr. Nozzi indicated that staff recommended approval of the petition with the exception of the section located in the University Master Plan. He offered to answer any questions from the board.

Mr. Gold noted that there were properties shown in the slides that appeared to be developable. He asked if the overlay would prevent development, or if the changes involved more protection of certain areas.

Mr. Nozzi indicated that staff was confident that properties under the overlay could be developed in a reasonable manner.

Mr. Tecler asked if the development was limited to cluster development.

Mr. Nozzi explained that the overlay added the ability to cluster development, an option that was not available under the current zoning. He noted that the ability to cluster residential was allowed by the current zoning, however, the new overlay would allow clustering with non residential properties.

Mr. Reiskind, referring to the information provided on environmental features included ranking numbers. He asked how the basis and scale for those numbers was determined.

Mr. Nozzi explained that he did not have that information since none of the Nature Operations staff was present.

Mr. Polshek suggested that information on the ranking be included in any future overlay rezoning.

Chair Cole opened the floor to public comment.

Mr. Tim Gaynor, citizen, was recognized. Mr. Gaynor asked if the development setbacks required under the overlay were in addition to existing setbacks, or if existing setbacks included the new ones.

Mr. Nozzi discussed the increased setbacks and noted that they would be above and beyond those presently required for environmental features. He noted that the ordinance did give staff the possibility of requesting an additional 10 percent undeveloped set aside in addition to the increased protection for creeks and Heritage trees.

Chair Cole noted a letter from the University of Florida expressing concerns about a specific parcel of land. He asked if those concerns had been addressed.

Ms. Linda Dixon, representing the University of Florida, was recognized. Ms. Dixon indicated that the concerns were addressed with removing the one parcel from the proposed overlay area.

<u>Motion By:</u> Mr. Polshek	<u>Seconded By:</u> Mr. Gold
<u>Moved to:</u> Approve Petition 15ZON-06 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Aye: Polshek, Reiskind, Gold, Tecler, McDonell, Cole