

City of Gainesville

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



Meeting Minutes

Tuesday, December 12, 2006

5:00 PM

City Hall, Room 16

Community Development Committee

*Commissioner Scherwin Henry, Chair
Commissioner Jack Donovan, Member
Mayor-Commissioner Pro Tem Craig Lowe, Member/Alternate*

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

CALL TO ORDER

The meeting was called to order at 5:07 PM.

ROLL CALL

Present: Craig Lowe, Jack Donovan and Scherwin Henry

ADOPTION OF THE AGENDA

Approved with appropriate changes - Hear Item Nos. 060666 and 040912 first on the agenda

APPROVAL OF MINUTES

Approved

DISCUSSION OF PENDING REFERRALS

060470.

Referral on the Number of Travel Lanes (B)

Mr. Mimms stated that the referral had originated with the University of Florida's proposal to narrow Archer Road in front of Shands Hospital from four to two lanes to create a more pedestrian-oriented atmosphere. He explained that, at that time, FDOT indicated that if Archer Road was to be narrowed to two lanes, SW 16th Avenue would have to be changed to six lanes to accommodate the trips. He reviewed the current language in the Comprehensive Plan with the Committee and noted that late in 2005, the MTPO decided that there was no longer a need for Archer Road to become six lanes.

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

Approved as Recommended

060470_200611141730.pdf

060666.

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

Mr. Saunders, Community Development Director, stated that the item came from citizen comment to the City Commission and involved a request for a special use permit in an urban mixed-use district that was brought before the City Plan Board. He explained that the developer had argued that because the Code has one maximum height limit, the developer should be allowed to receive a special use permit for two additional floors. He noted that it was staff's position that the issue before the Plan Board was the request for additional stories/density and should be based on the special use permit criteria. He suggested that staff look at the Land Development

Code and recommend establishing two different height limits, not just in urban mixed-use, but in any other districts as well that allow more stories by special use permit.

Mark Goldstein, citizen, stated that there was a glitch in the Land Development Code with regards to building height and asked staff to review the code.

Commissioner Donovan questioned whether the City Commission has given away too much authority in the granting of special use permits by the City Plan Board.

Commissioner Lowe questioned whether the City should be issuing a SUP for additional stories to buildings. He stated that the criteria are fairly loose in that regard. He suggested that, if the City decided to allow additional heights by SUP, the criteria needed to be tightened with respect to compatibility of surrounding neighborhoods, affordable housing, and other matters.

Marion Radson, City Attorney, suggested that, if the Committee wished to move the matter forward more quickly, they could recommend to the City Commission to initiate a petition to the City Plan Board. He noted that the details could be worked out with staff.

Dean Mimms, Chief of Comprehensive Planning, suggested that such modifications might take a Comprehensive Plan amendment.

Mr. Saunders stated that if the City was only adding a criterion to the SUP process for Urban Mixed-Use, it would not require a Comprehensive Plan amendment. He explained, however, if the City Commission were to change either the number of stories or allowed density, a Comprehensive Plan amendment would have to be initiated.

Commissioner Donovan stated that, if the City was concerned about other proposals that might be brought forth in the near future, the City Commission communicate to the City Plan Board their concerns about the existing regulation.

Mr. Saunders stated the staff would prepare a memo to the City Plan Board explaining staff's position on the height limit, which is an absolute maximum in the SUP standards.

Commissioner Lowe suggested that a legal advisor be present during meetings when a binding decision is made.

Mr. Radson stated that, if the City Attorney's office acted as regular counsel to staff, then this would be a program change for this office requiring a significant amount of an attorney's time that is not within the current budget.

RECOMMENDATION

Community Development Committee to staff: 1) review a range of options in terms of what the height would be by right for the urban mixed-use area; and when a special use permit for additional stories is approved in the mixed-use area; 2) amending criteria for the special use permit; 3) information about a moratorium if needed; 4) whether the City Commission should take back the special use permit

permitting powers from the City Plan Board; and 5) whether there should be a legal advisor present during meetings when legally binding decisions are made.

Approved as Recommended

060666_200611141730.pdf

040912

Transportation Concurrency Exception Area (TCEA) Review (B)

Mayor Pegeen Hanrahan stated that her original question to staff was, how the payments for the TCEA compare to the recently adopted County impact fees. She stated that, in the past, the City had, in general, discouraged the application of impact fees. She noted that in some very large developments, the County impact fee is quite substantial. She stated that if the City didn't have impact fees, it might not be collecting enough. She indicated that she realizes that the City is collecting through proportionate fair share, and the TCEA, but wants to know how much those formulas differ from development-related impact fees. She stated that the City was clearly underfunding some transportation needs, and if it didn't ultimately bring parity with respect to transportation impacts inside and outside the County, there had to be a good reason and certainty that the basic needs are covered. She suggested that staff prepare some examples of development and what they would require with the TCEA, County Impact Fee, and Proportionate Fair Share.

Onelia Lazzari, Senior Planner, reviewed examples of development projects in the TCEA with the Committee, showing what they provided pursuant to the TCEA, as well as the safety and operation improvements they were required to make to nearby roads.

Commissioner Donovan stated that he was in favor of relaxing the developer's burden for responsibility on the increased impact of traffic flow created by the development.

Commissioner Lowe asked if there was a history of lawsuits in connection with development orders.

Mr. Radson stated that the City has not had any lawsuits filed in Gainesville arising out of the denial of a permit due to lack of concurrency.

Ms. Lazzari stated that there was one case in the Florida Keys, but it was settled out of court.

Commissioner Lowe suggested that the City should be providing funds for transit rather than widening roads.

Ms. Lazzari stated that Broward County collected transit impact fees in most of the County. She indicated that she advised RTS of that situation, who has stated that they are interested in that type of program at the City.

Mayor Hanrahan cited concerns about whether the City was doing as much it could to mitigate the impact of the growth on the transportation system. She stated that the transit system was grossly underfunded, and there was a lack of good design at

intersections. She stated that the City needed to understand the County impact fee ordinance in order to know if the TCEA provides enough for City projects.

Commissioner Lowe asked staff to provide a matrix of the different types of development that the City might be expecting in the future, and how it would be provided under the TCEA, proportionate fair share, and impact fees.

RECOMMENDATION Hear a report from staff regarding a matrix as to funding under the TCEA, proportionate fair share, and impact fees; 2) on the legal possibilities as to what impact fees might be used for (such as transit); and 3) on traffic congestion, and possible approaches within the next ten years.

Approved as Recommended

040912_200712121700.pdf

060243.

Student Involvement in Landlord/Tenant Issues (NB)

There was no student representative from the University of Florida present. Ben Marcus, External Affairs Director for Santa Fe City Government, attended the meeting. He shared some of his observations on landlord/tenant issues with the Committee. He stated that students had a difficult time communicating with their landlords, who are unresponsive to that communication. He explained that the Community Relations Advisory Board was an excellent avenue to help solve some problems.

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

Approved as Recommended

060243_20060918730.pdf

050761

Energy Efficiency Standards and Requirements (B)

Mr. Radson referred to the back-up memo in the Committee's packet regarding the advisability of changes in state statutes giving municipalities and utilities in the State of Florida greater authority to mandate energy efficiency.

Kathy Viehe, Marketing and Communications Director, stated that the City approached energy conservation by offering incentives; however, she believed regulation was a key component in any change. She explained that some landlords didn't take advantage of the incentives and regulation was needed to protect the community. She indicated that GRU was looking for some type of assistance in regulating because renters often did not have the ability to take care of it themselves.

Heidi Lannon, Managing Utility Analyst, stated that GRU was requesting that the City find some way to use the home rule powers to encourage energy efficiency in residential low-income or rental, and if the City could use the Minimum Housing Code or some other mechanism to help with energy efficiency.

Mr. Radson indicated that problems like leaky facets, bad plumbing, broken windows, no doors, and no screens were regulated by the Minimum Housing Code.

Ms. Lannon asked if the Minimum Housing Code included things like insulating attics, having a duct system that functions, and a heating system that actually heats.

Mr. Garrett, Code Enforcement Manager, stated the City reviewed the International Minimum Housing Code a few years ago, and determined that the City's Code was better. He explained that Code Enforcement Officers had some difficulty entering rental property for inspection because the renters had concerns about retribution from landlords. He stated that in the future, Code Enforcement would use a full-time Code Enforcement Officer as a routine housing inspector, which would eliminate the responsibility of the tenant having to invite the inspector into the house. He noted that Code Enforcement could use the provisions of the Housing Code to notify the owner of their intent to inspect the property. He noted, however, that typically, the Minimum Housing Code only addresses the protection of life and property.

Commissioner Lowe asked how the City could deal with issues of retribution in all aspects of landlord/tenant relations. He asked that the City provide a side-by-side comparison matrix of the City's Minimum Housing Codes, and the International Housing Code with respect to energy efficiency.

Chair Henry indicated that the City needed to take some responsibility to provide a decent quality of life for renters.

Mr. Radson suggested that GRU consider setting minimum standards before the power is turned on by GRU.

Ms. Lannon stated that GRU would be concerned about that, because 75% of the power that is turned on is for students.

Ms. Clara Falker, from the Action Network Program, presented questions about landlords and tenants and the Minimum Housing Code.

Commissioner Donovan recommended that the City and GRU review whether the City had the power to turn on utilities when the initial rental agreement is signed. He suggested that the City adopt greater energy efficiency standards and to look at the Florida Building Code. He indicated that he felt the City was responsible for educating the community.

Chair Henry stated that the City should keep in mind that the City cannot distinguish between rental and non-rental standards in the Code, and others are going to be affected by whatever decision the City makes. He stated that the City should think about providing the best living conditions for those who rent, but at the same time, when Codes are strengthened, considering families who are trying to get into their first home. He noted that if the City increased energy efficiency requirements, it might add to the price of a home, and that serving one segment would affect another segment.

Pastor Matchet stated that there are a lot of homes that are not energy efficient. He

stated that retribution by landlords was a possibility, but he did not believe the City should use that as criteria for codes and regulations to protect tenant's rights.

RECOMMENDATION *Hear a report from staff on: 1) a side-by-side comparison matrix of the City's Minimum Housing Codes, and the International Housing Code with respect to energy efficiency; 2) the approach of requiring minimum standards before GRU turns on power; 3) whether the CRA could help homes in the CRA districts become more energy efficient; and 4) hear a report on the retribution issue.*

Approved as Recommended

050761_200609181730.pdf

050298

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

Ralph Hilliard, Planning Manager, presented a map of the proposed Interlocal Agreement. He stated that the agreement involves the County, Micanopy, Hawthorne, Waldo, and Gainesville. He noted that the County had hired Laura Dedenbach as a consultant to facilitate the process. He stated that staff was interested in whether or not Newnan's Lake could be protected and preserved. He explained that a meeting had been scheduled for December 14, 2006 in Waldo and that the consultant would have a draft agreement by the end of December. He noted that workshops and public hearings would begin after December, and a report should be ready for adoption by March 2007.

RECOMMENDATION *Community Development Committee to staff - staff to report back in April with an Interlocal Agreement.*

Approved as Recommended

050298a_200509121300.pdf

050298b_200509121300.pdf

060037

Development Process Review Team Interim Report (NB)

This item involved review of reports from the Development Process Review Team that had met to review various issues related to the City of Gainesville Development Review Process.

Staff requested that this item be removed from the referral list.

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

Approved as Recommended

060037_20066121300.pdf

040187

Community Wide Plan to End Homelessness (NB)

Jim Hencin, Block Grant Manager, stated that a report was given to the City Commission regarding criteria for selecting potential sites for a One-Stop Homeless Assistance Center. He explained that, to date, the 10-Year Plan had been presented to the City/County Commissions and recommendations brought forward to the Implementation Committee. They are: 1) creating an office on the homeless (completed); 2) establishing an Interlocal agreement between the City, County and Housing Authority; and 3) the issuing of an RFP to create a One-Stop Homelessness Assistance Center. He indicated that the due date for proposals to create a One-Stop Homelessness Assistance Center is January 12, 2007. He explained that the expectation is that when the proposals are received, they would be reviewed and recommendations submitted to the City and County Commissions at a joint meeting on January 29, 2007. He indicated that the One-Stop Homeless Assistance Center should be in place sometime between April through June.

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

Approved as Recommended

040187_200502281300.pdf

040187_200501241300.pdf

040187_200501101300.pdf

040186

Comprehensive Homeless Shelter Facilities (NB)

Mr. Hencin discussed Tallahassee's HOPE Community, and stated that it was what the City was looking at in the long-term, - a campus-like facility that would address different needs of the homeless.

The Community Development Committee requested that staff include the information on Tallahassee's HOPE facility as backup for general implementation for the Commission, as this item goes to the City Commission for removal from the referral list.

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

Approved as Recommended

001198

Graffiti Abatement (NB)

RECOMMENDATION *Hear an update from Solid Waste Manager Paul Alcantar and remove this item from the referral list.*

Continued

NEW BUSINESS

060785. Student Community Relations Advisory Board Ordinance Referral (B)

Commissioner Donovan stated that there was no clear definition in the ordinance of the functions, powers and duties of the board. He suggested that the ordinance state that the City is home to a large post-high-school student population which brings with it special concerns, interests, and issues that are important to both the students and to the non-students of our community. He stated that the City needs to focus on these issues and to maximize the harmony and well-being of the community. The Student Community Relations Advisory Board (SCRAB) is to provide the forum for a dialogue on the issues with the hope of identifying good resolutions.

RECOMMENDATION *Staff contact the Committee members, and those who originally proposed the idea and visions, in order to get specifics as to what they want in the ordinance; and report back to the Committee.*

Approved as Recommended

NEXT MEETING DATE

January 23, 2007 5:15 PM

ADJOURNMENT

The meeting adjourned at 7:55 PM.