

City of
Gainesville

090113

Inter-Office Communication
Planning and Development Services
Phone 334-5022, FAX 334-2648, Station 11

Item No. 5
Date: May 28, 2009

TO: City Plan Board

FROM: Planning Division Staff

SUBJECT: Petition PZ-09-45 ZON. Eng, Denman & Associates Inc., agent for the City of Gainesville, Gainesville Regional Utilities. Amendment to the existing PS (Public services and operations district) to establish permitted uses for the property known as Deerhaven Generating Station. Located at 10001 Northwest 13th Street. Tax parcel number 05884-001-000.

Recommendation

Staff recommends approval of Petition PZ-09-45 ZON, with the proposed Permitted Uses listed on pages 2 and 3 of this report and with the proposed Standards for Future Development (listed on pages 3 and 4 of this report).

Explanation

This 1,061-acre property is the site of the City's Deerhaven Generating Station, which is located on the north side of US Highway 441 at 10001 NW 13th Street (parcel number 05884-001-000) at the north end of the City. It abuts City-owned property to the east and north with Alachua County Rural/Agriculture land use and Agriculture zoning, and is in use as managed timberlands. To the south is land with Industrial land use and I-2 (General industrial district) zoning that is the site of a lumber and saw mill business. Immediately to the west is the Alachua County Public Works Department which has Alachua County Rural Employment Center land use and Agriculture zoning. To the west, across US 441 and within the city limits of Alachua is Commercial land use (with Commercial Intensive zoning), Industrial land use (Industrial General zoning), and Moderate Density Residential (0-4 dwelling units per acre) with PUD zoning. This area is comprised of vacant forested land, various commercial establishments (plumbing/construction supplies, carwash, storage shed sales, two single-family subdivisions (Staghorn and Brook Pointe), a retail nursery, a bicycle shop, a farm, and a gas station/convenience store at NW 43rd Street. Several telecommunications towers are nearby - three to the west of the plumbing/construction supplies business, and one east of NW 43rd Street and south of the gas station/convenience store.

The Deerhaven property was annexed into the City of Gainesville in 1981, and in 1982 the City of Gainesville approved Public Facilities (PF) land use and Public services and operations district (PS) zoning for this property. The City's Land Development Code has since been updated to require that permitted uses be specified for properties that are zoned PS.

The proposed zoning amendment proposes a list of uses (see Permitted Uses, below) to be permitted by right on the subject property. The proposed uses are existing uses at Deerhaven with two exceptions:

1. Communications towers and facilities...; and 2. Green industries that assist in reducing society's reliance on fossil fuels, that would benefit from the availability of waste heat or by-products of power generation, or which may have by-products that are beneficial to the production of electricity. Examples could include but are not limited to: a facility using steam and electricity to produce ethanol from cellulosic materials, whose waste by-products are able to be dewatered and used as a fuel; a facility that would sequester and compress carbon dioxide for a variety of industrial and food-use applications; or a facility to make ice from steam.

The proposed permitted uses will allow for a biomass electric generating facility, a proposal for which was recently approved by the Gainesville City Commission. Development plan review is required for all future development at the subject property in accordance with the requirements of the City of Gainesville Land Development Code.

In addition to the list of proposed uses, a list of standards for future development is proposed. These standards include buffering provisions that will help to ensure the continued compatibility of this long-established public utility facility with the surrounding land uses.

Permitted Uses

The proposed uses, to be *permitted by right* in this PS (Public services and operations district) zoned property are:

1. Electric power generating plants and ancillary systems and buildings as required for steam and combustion turbines, solar photovoltaic arrays, fuel cells, energy storage systems and other technologies as required to produce and manage electric power for retail consumption using fossil and renewable energy sources of energy. Ancillary systems include water treatment and storm water management, cooling systems, air emission controls, electric substations and transmission facilities, security management, water management and storage facilities, warehousing and maintenance facilities. (MG-49 – Electric, Gas, and Sanitary Services)
2. Green industries that assist in reducing society's reliance on fossil fuels, that would benefit from the availability of waste heat or by-products of power generation, or

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which may have by-products that are beneficial to the production of electricity. Examples could include but are not limited to: a facility using steam and electricity to produce ethanol from cellulosic materials, whose waste by-products are able to be dewatered and used as a fuel; a facility that would sequester and compress carbon dioxide for a variety of industrial and food-use applications; or a facility to make ice from steam.

3. Fuel and chemical transportation, loading, storage, and handling systems as required for power generation or for the management of power generation by-products, including rail (MG-40 – Railroad Transportation) and truck conveyance, unloading, and loading facilities, conveyor belts, pipelines and metering stations.
4. Long-term storage and disposal of power generation by-products.
5. Communications towers and facilities in accord with the provisions of Section 30-98 (Wireless communication facilities and antenna regulations) of the Land Development Code. Monopole towers shall be permitted in this PS zoning district, and monopole towers must meet the provisions of Sub-section 30-98 (g).
6. Timber planting and harvesting.
7. Wildlife management.
8. Training areas for municipal police and fire agencies.
9. Outdoor storage, as defined as Article II and in accordance with Article VI of the Land Development Code.
10. Any accessory uses customarily and clearly incidental to any permitted principal use.

Standards for Future Development

The proposed standards for future development within this PS (Public services and operations district) zoned property are:

1. The areas depicted on the Conceptual Site Map (Exhibit 5) represent the general location of existing and future facilities and are not intended to prohibit development activity in other portions of the subject property.
2. The subject property shall maintain a minimum 50-foot building setback along the northern, western, southwestern, and southern property lines. No building setback is required along the eastern property line as the adjacent lands are owned by the City of Gainesville and managed by GRU. Should it be necessary due to

environmental resource protection considerations or safety considerations to construct a switchyard (electrical switching and transformer facility) facility on the southwestern side of the property along US 441, the appropriate reviewing board, city manager, or designee can approve encroachment of the switchyard facility within the minimum 50-foot setback along the southwestern property line provided that effective buffering approved by the appropriate reviewing board, city manager or designee is provided. If any of the minimum required building setbacks along the northern, western and southern property lines are less than the minimum building setbacks required by Section 30-75 (Public services and operations district) or other applicable section of the Land Development Code, then the larger of the required minimum building setbacks shall apply.

3. All future development activity shall occur in compliance with the applicable development standards and dimensional requirements as indicated in Section 30-75 and all other applicable sections of the Land Development Code.
4. Development plan review shall be required for future development in accord with the requirements of Article VII (Development Review Process) of the Land Development Code.
5. All future development activity shall be directed away from all existing wetland areas to the greatest extent possible. Any development in and around wetland areas shall comply with the criteria outlined in Article VIII, Subdivision III (Surface Waters and Wetlands District) of the Land Development Code.
6. The existing access road leading to the proposed biomass plant area may remain and improvements to the access road may be made subject to meeting all applicable city and state regulations.

Potential Impact on Adopted LOS standards

The subject property is located outside of Gainesville's Transportation Concurrency Exception Area (TCEA) and is subject to meeting roadway and other applicable concurrency standards at the time of development plan review. No bus service is provided by the Gainesville Regional Transit System (RTS) in the vicinity of the subject property. Potable water and sanitary sewer service are in place at the Deerhaven site, and future development will be required to connect to GRU's centralized potable water and waste water (sanitary sewer) systems. Future development of the subject non-residential property will have no impact on public school capacity or on recreation and open space capacity.

Character of the District and Suitability for Particular Uses

The proposed PS zoning is consistent with the character of the district. The property has operated as a major electric power generating station since 1978. The proposed permitted uses do not comprise an overall use change for the subject property, with one exception – Communications towers and facilities in accord with the provisions of Section 30-98 (Wireless communication facilities and antenna regulations) of the Land Development Code. GRU wishes to allow for this important use at this long-established utility complex that has existing structures of substantial size and height.

The subject property contains wetlands (see attached Exhibit 5 - Conceptual Site Map) and is in FEMA Flood Zones X (Moderate to Low Risk) and A (High Risk Area). See Exhibit 6 (FEMA Flood Zones map) and Exhibit 7 (Definitions of FEMA Flood Zone Designations).

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The proposed PS zoning amendment will encourage the most appropriate use of the land, which is the continuation of the on-site utility operations. The site will serve the public good by continuing to provide a suitable location for existing and future utility operations to serve the residents of the City of Gainesville and of some areas of unincorporated Alachua County. The PS zoning district is consistent with the underlying Public Facilities land use category. This proposal is consistent with the current uses on the subject properties and is compatible with the surrounding land use and zoning.

Applicable Portions of Current City Plans

The City of Gainesville recently selected a company that intends to develop a biomass plant at the subject property. Future development of the biomass (renewable resource) plant will add to the capacity of the City's GRU electric power generating complex at the Deerhaven property. The proposed PS zoning for the Deerhaven property allows for this and other uses, and establishes development standards that will apply in the future at the time of development plan review.

The proposed zoning amendment does not include any proposed development activity. However, all future development activity shall occur in compliance with the applicable development standards and dimensional requirements of City's Codes of Ordinances, including requirements pertaining to transportation, stormwater, potable water and waste water. The proposed list of permitted uses for this PS zoning district does not include any residential uses and thus will have no impact on city programs related to recreation, housing, or public school capacity (the School District has the responsibility to provide capacity, but the City must review development proposals for impact on capacity).

Needs of the City for Land Areas for Specific Purposes to Serve Population and Economic Activities

The purpose of this petition is to update the PS zoning category for the subject, Deerhaven property by specifying permitted uses and establishing standards for its future development as needed to continue to help meet our community's electric power generation needs. The City's GRU electric power generating complex at Deerhaven is its foremost electric power generation site. (In 2008 it generated approximately 86 percent of the GRU system's total net generation of 1,723,744 MWh. For comparison purposes, the Kelly Plant (located south of downtown Gainesville) generated approximately 8.5 percent, and the Crystal River nuclear plant generated less than 6 percent of the GRU system total.)

This rezoning request does not increase the land area of PS zoning at the subject property, all of which is currently zoned PS and is proposed by this petition to remain in PS zoning.

Substantial Changes in Character or Development in or near Area

There have been no recent substantial changes in the character of the immediate area. However, the City of Alachua on January 26, 2009 approved a large-scale plan amendment (known as the Market at Schmidt Farms) on a mostly undeveloped 132-acre property across from the Deerhaven plant, on the west side of the intersection of US 441 and NW 43rd Street. If the plan amendment takes effect as transmitted to the Florida Department of Community Affairs, it would eliminate 92 acres of Agriculture land use, increase Commercial land use from 39 to 51 acres, add 44 acres of Moderate Density Residential land use (4 du/acre), and would add 37 acres of Conservation land use.

The Plum Creek Timberland ("Landmar") property for which the City of Gainesville on January 26, 2009 approved a large-scale comprehensive plan amendment from County Rural/Agriculture to City Planned Use District, Single-Family Residential, and Conservation, is more than one mile to the east of the subject property, and is separated from it by undeveloped City/GRU property with Rural/Agriculture land use designation. The undeveloped 1,778-acre property has the long-term potential for up to 1,890 residential units and 100,000 square feet of non-residential development at buildout.

Goals, Objectives and Policies of the Comprehensive Plan

Capital Improvements Element

Goal 1

To provide and maintain, in a timely fashion, adequate, efficient, reliable, equitable and environmentally sound public facilities that are financially feasible.

Future Land Use Element

Goal 3

Achieve the highest long-term quality of life for all Gainesville residents consistent with sound social, economic and environmental principles through land development practices that minimize detrimental impacts to the land, natural resources and urban infrastructure.

Objective 4.1

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policy 4.1.1

Land Use Categories on the Future Land Use Map shall be defined as follows:

...

Public Facilities. This category identifies administrative and operational governmental functions such as government offices, utility facilities and storage facilities. Maximum lot coverage in this district shall not exceed 80 percent.

Applicant Information

Eng, Denman & Associates
Inc., agent for the City of
Gainesville, Gainesville
Regional Utilities

Request

Amendment to the existing
PS (Public services and
operations district) to
establish permitted uses for
the property known as
Deerhaven Generating Station

Land Use Plan Classification

Public Facilities

Existing Zoning

PS

Proposed Zoning

PS

Purpose of Request

Update the existing PS
(Public services and
operations district) zoning

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district (approved in 1982) by establishing permitted uses for the property known as Deerhaven Generating Station.

Location

10001 Northwest 13th Street (US 441).

Size

1,061 acres

Surrounding Land Uses

North

Forestry

East

Forestry

West

County Public Works Department, Vacant forested land, Plumbing/Construction Supplies, Carwash, Storage Shed Sales, Single-family subdivisions, Retail Nursery, Bicycle Shop, Farm, Gas station & convenience store

South

Lumberyard and sawmill

Surrounding Controls Zoning

Future Land Use

North

Agriculture (County)

Rural/Agriculture(R/Ag)

East

Agriculture (County)

R/Ag

West

Agriculture (County)
 Commercial Intensive
 PUD (City Alachua)
 Industrial General (IG)
 General Industrial (I-2)

Rural Employment Center
 Commercial (City Alachua)
 Moderate Density Residential
 Industrial (City Alachua)
 Industrial (Gainesville)

South

Conclusion

The proposed Permitted Uses (listed on pages 2 and 3 of this report) and the proposed Standards for Future Development (listed on pages 3 and 4 this report) are appropriate for this public utility facility property's proposed Public services and operations district (PS) zoning. The proposed PS zoning as recommended is compatible with the surrounding area and is consistent with the City's comprehensive plan.

Respectfully submitted,

Ralph Hilliard
Planning Manager

RH: DM

Attachments:

- Exhibit 1: Aerial photograph
- Exhibit 2: Existing land use map
- Exhibit 3: Existing zoning map
- Exhibit 4: Proposed zoning map
- Exhibit 5: Conceptual site map
- Exhibit 6: Deerhaven FEMA flood zone map
- Exhibit 7: Definitions of FEMA Flood Zone Designations
- Exhibit 8: Rezoning comments from City's Environmental Coordinator
- Exhibit 9: Zoning application
- Exhibit 10: Neighborhood workshop information
- Exhibit 11: Sec. 30-75 (Public services & operations district (PS))
- Exhibit 12: Sec. 30-98 (Wireless communication facilities and antenna regulations)

Conclusion

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