

City of Gainesville

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



Meeting Agenda

November 04, 2010

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Lauren Poe (District 2)

Commissioner Jack Donovan (District 3)

Commissioner Randy Wells (District 4)

Commissioner Thomas Hawkins (At Large)

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

CALL TO ORDER

AGENDA STATEMENT

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL

INVOCATION

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

100416.

Strategic Plan Quarterly Report - 3rd Quarter of Fiscal Year 2010 (B)

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 3rd quarter of Fiscal Year 2010.

Explanation: As part of the City of Gainesville Fiscal Year 2009 - 2010 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the third quarter report for Fiscal Year 2010.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission receive a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 3rd quarter of FY 2010.

100416_Report_20101104.pdf

100417.

State Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for "You and the Law" Crime Prevention Program (NB)

This item requests that the City Commission appropriate and expend \$14,000 in funds from the State Law Enforcement Contraband Forfeiture

Trust Fund for Gainesville Police Department's for "You and the Law" Program.

Explanation: The Police Department was awarded \$15,000 from the Florida Department of Law Enforcement's Byrne Grant Program to facilitate a new initiative by the Department to educate the youth about the laws and the consequences of violating them. The Program will involve instruction regarding laws and law enforcement and how it relates to juveniles in our community. A Law Professor with the University of Florida will facilitate classes for at-risk youth, young adults, parents and Neighborhood Crime Watches. Participants will be provided an informational booklet. This program is a continuation of the Police Department's effort to assist high-risk youth that have the greatest likelihood of becoming part of the criminal justice system.

Fiscal Note: Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under Florida State Statute 932.7055. The current balance of the State Law Enforcement Contraband Forfeiture Trust Fund is \$54,057.

RECOMMENDATION

The City Commission authorize the appropriation of \$14,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to assist with the implementation of the "You and the Law" program.

Alternative Recommendation A

The City Commission: 1) decline the appropriation; and 2) direct staff to seek alternative maintenance options.

Alternative Recommendation B

The City Commission not implement new programs designed to curb youth violence.

100445.

State Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for "Black on Black Crime Taskforce" Crime Prevention Programs (NB)

This item requests that the City Commission appropriate and expend \$8,000 in funds from the State Law Enforcement Contraband Forfeiture Trust Fund for Gainesville Police Department's for "Black on Black Crime Taskforce" crime prevention programs.

Explanation: The Black on Black Crime Taskforce was formed in 1984 to assist the Gainesville Police Department address crime issues in the African American community. Today the Black on Black Crime Task Force is a cooperative effort between the Gainesville Police Department and citizens who work in partnership to devise innovative strategies to reduce crime, particularly in disadvantaged areas of the community. Staff support from the Gainesville Police Department is provided to the organization by performing such tasks as

recording minutes at the monthly meetings, sending out advance notice of these meetings, and fulfilling many other administrative functions for the Task Force. The Taskforce also assists the Police Department in its continuing efforts to assist high-risk youth that have the greatest likelihood of becoming part of the criminal justice system.

Fiscal Note: Funds for this expenditure are available in the State Law Enforcement Contraband Forfeiture Trust Fund, as allowed under Florida State Statute 932.7055. The current balance of the State Law Enforcement Contraband Forfeiture Trust Fund is \$54,057.

RECOMMENDATION

The City Commission authorize the appropriation of \$8,000 from the State Law Enforcement Contraband Forfeiture Trust Fund to assist with the "Black on Black Crime Taskforce" crime prevention programs.

Alternative Recommendation A

The City Commission: 1) decline the appropriation and direct staff to seek alternative maintenance options.

Alternative Recommendation B

The City Commission not assist the Black on Black Crime Taskforce with additional funding for its crime prevention programs.

100451.

Base Level Transit Services Agreement with Alachua County Board of County Commissioners (B)

This item is a request to authorize the City Manager to execute the Base Level Transit Services Agreement between the City of Gainesville Regional Transit System and the Alachua County Board of County Commissioners.

Explanation: The City and County had an Agreement for the City to provide public transit services to residents and visitors in the surrounding urbanized area that expired on September 30, 2010. The City and County have negotiated a new Agreement for the period of October 1, 2010 through September 30, 2011, for Base Level Transit Services, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$404,896 of revenue from the County in quarterly payments of \$101,224 for the period of October 1, 2010, through September 30, 2011.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Base Level Transit Services Agreement with Alachua County Board of County Commissioners for the period of October 1, 2010, through September 30, 2011, subject to approval by the City Attorney as to form and legality.

100451A_Proposed Contract_20101104.pdf
100451B_Map_20101104.pdf
100451C_Agreement_20101104.pdf

100452.**Route 75 Transit Services Agreement with Alachua County Board of County Commissioners (B)**

This item is a request to authorize the City Manager to execute the Route 75 Transit Services Agreement between the City of Gainesville Regional Transit System and the Alachua County Board of County Commissioners.

Explanation: The City and County had an Agreement for the City to provide public transit services to residents and visitors on Route 75 that expired on September 30, 2010. The City and County have negotiated a new Agreement for the period of October 1, 2010 through September 30, 2011, for Route 75 Transit Services, subject to funding and written consent of both parties.

Fiscal Note: The City will receive \$402,557 of revenue from the County in quarterly payments of \$100,639.25 for the period of October 1, 2010, through September 30, 2011.

RECOMMENDATION

The City Commission authorize the City Manager to execute the Route 75 Transit Services Agreement with Alachua County Board of County Commissioners for the period of October 1, 2010, through September 30, 2011, subject to approval by the City Attorney as to form and legality.

100452A_Map_20101104.pdf
100452B_Agreement_20101104.pdf

100453.**FY 2010 HUD Continuum of Care Homeless Assistance Program Grant Application (NB)**

The City of Gainesville will participate in the development of an application for HUD Continuum of Care Homeless Assistance Program funding by serving as the sponsor grantee for two local projects. This item supports City Commission Strategic Goals & Initiatives for Human Capital to continue implementation of the 10 Year Plan to End Homelessness.

Explanation: In response to a Notice of Funding Availability (NOFA) for the Continuum of Care Homeless Assistance Program published on September 20, 2010, to supplement funding for local homeless programs; this NOFA establishes the funding criteria for the Continuum of Care (CoC) Homeless Assistance Grant Program. HUD is making available approximately \$1.68 billion in Fiscal Year 2010 for the programs. The purpose the CoC Homeless Assistance Grant Program is to reduce the incidence of homelessness in CoC communities by assisting homeless individuals and families to move to self-sufficiency and permanent housing.

The City's Housing & Community Development division in collaboration with the North Central Florida Continuum of Care prepared a grant application in the amount of \$896,630 for 2010 Continuum of Care program funds. Since 1995, the City of Gainesville has coordinated with other Gainesville/Alachua County organizations to submit applications for funding under HUD's CoC. Local organizations again have an opportunity to apply for homeless assistance funding through HUD's CoC. Two projects, for which the City has served as the applicant and grantee, will be included in the 2010 CoC grant application: 1) Meridian Behavioral Healthcare, Inc. "HOPE" Program: \$98,849 one-year renewal. This project provides supportive services and transitional housing for up to nine mentally ill and dually diagnosed homeless individuals at leased scattered sites; and 2) VETSPACE, Inc. "VETSPACE": \$105,098 for a one-year renewal to provide supportive services and transitional housing for up to 13 homeless veterans in leased scattered sites.

If funded, the City would act as fiscal agent for the receipt and disbursement of grant funds for the Meridian Behavioral Healthcare "HOPE" Project and "VETSPACE" transitional housing program via subrecipient agreements. The other projects, if awarded, would be administered directly by the project sponsors. The deadline for submitting the CoC application to HUD is November 18, 2010.

Fiscal Note: This application requests an estimated \$203,947 in funding from HUD for two projects. This amount may vary based on HUD's final approval of the grant funding for the projects. The City of Gainesville would act as the fiscal agent for both projects, and all required matching funds for the grant will be provided by Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc. as required by HUD.

RECOMMENDATION

The City Commission: 1) authorize the City Manager or designee to apply for grant funding in collaboration with the North Central Florida Continuum of Care under the U.S. Department of Housing & Urban Development (HUD) Continuum of Care Homeless Assistance Program and to act on behalf of the City of Gainesville in all matters pertaining to said grants; and 2) authorize the City Manager to execute subrecipient agreements with Meridian Behavioral Healthcare, Inc. and VETSPACE, Inc., if selected by HUD to receive funding through the Continuum of Care Homeless Assistance Program, subject to approval by the City Attorney as to form and legality.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100459.

Amendment to Contract for Elevator Services (NB)

Staff recommends extending the term of the contract with ThyssenKrupp

Elevator Corporation for elevator maintenance and inspection services for General Government and GRU equipment.

Explanation: A three-year contract with ThyssenKrupp Elevator Corporation (TKE) for elevator maintenance and inspection services for all General Government and GRU was approved by the City Commission on December 12, 2005. The contract provides for two (2) two-year extensions of the contract upon mutual agreement of the parties. The City Commission approved the first two-year extension to the contract on November 6, 2008.

General Government facilities covered by this contract include City Hall, the Old Library, SW Parking Garage, Thomas Center, Gainesville Police Department and the Thelma Bolton Center. GRU facilities include the Deerhaven and Kelly Generating Stations, Murphree Water Treatment Plant, South Energy Center and the GRU Administration Building. Collectively there are 22 elevators, 2 manlifts and 2 chairlifts maintained under this contract. In addition, TKE performs annual elevator inspections as required by State regulations.

TKE has been responsive in meeting the City's requirements for elevators services. TKE has agreed to maintain the existing prices for the first year of the two-year extension. If requested, a price adjustment for the final year of the extension will be tied to the CPI for the previous twelve months. The annual cost for the maintenance and inspection services is currently \$44,700. This amount would vary only if new equipment is added to the contract or non-routine repairs are required.

Fiscal Note: Funds are available in the FY 2011 budgets and will be requested in subsequent year budgets.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a two-year amendment to extend the term of the contract with ThyssenKrupp Elevator Corporation for elevator maintenance and inspection services for General Government and GRU equipment, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services to ThyssenKrupp Elevator Corporation in amounts not exceeding budgeted funds for each fiscal year of the contract, pending final appropriation of funds for each year.

CITY ATTORNEY, CONSENT AGENDA ITEMS**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****100449.****City Commission Minutes (B)**

RECOMMENDATION

The City Commission approve the minutes of October 11, 2010 and October 21, 2010, as circulated.

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100449_spec_oct 11, 2010_20101104.pdf

100467.

Gainesville Housing Authority Appointment (NB)

RECOMMENDATION

The City Commission confirm Mayor Lowe's appointment of Evelyn Foxx to the Gainesville Housing Authority for a term to expire November 4, 2014.

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT

100375.

2011 State Legislative Agenda (B)

Explanation: Annually, the City Commission adopts a State Legislative Agenda for presentation to the Alachua County Legislative Delegation. The Legislative Agenda is a compilation of the City's priority needs for the upcoming legislative session and provides delegation members with comprehensive information in order for them to focus their efforts on specific legislative priorities and initiatives related to the City. The statement includes funding requests and legislative initiatives.

Fiscal Note: Requesting \$2,425,000 in State funds for projects. If funds are not received the City will rely on other sources including other state, federal, and local support.

RECOMMENDATION

The City Commission approve the 2011 Legislative Agenda as recommended by the Audit, Finance and Legislative Committee.

Legislative History

9/20/10 Audit, Finance and Legislative Committee Recommended for Approval, as amended

100375_legislative_agenda_20100920.pdf
100375_legislativeagenda_20101104.pdf

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

100471. 2009 Series A, B and C Financing (B)

This item is regarding funding costs of acquisition and construction and refunding certain Utilities System Revenue Bonds.

Explanation: This item is related to funding Costs of Acquisition and Construction and to refund certain Utilities System Revenue Bonds.

RECOMMENDATION *The City Commission hear a presentation from staff regarding the 2009 Series A, B and C Financing.*

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

100460.

World Diabetes Day - November 14, 2010 (B)

RECOMMENDATION *UF Diabetes Center of Excellence Director of Patient and Professional Education Kathryn A. Parker to accept the proclamation.*

100460_DiabetesDay_20101104.pdf

100461.

Veterans Day - November 11, 2010 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

100461_VeteransDay_20101104.pdf

100462.

Liberty Fest Day - November 14, 2010 (B)

RECOMMENDATION *Gator Detachment of the Marine Corp League Bob Gasche to accept the proclamation.*

100462_LibertyFest_20101104.pdf

100463.

Children's Alliance Celebration Day - November 7, 2010 (B)

RECOMMENDATION *Alachua County Children's Alliance Chair Karen Bricklemyer and Member Becky O'Brien to accept the proclamation.*

100463_Children'sProc_20101104.pdf

100465. National Home Care Month - November 2010 (B)

RECOMMENDATION *Amedisys Home Health of Gainesville #5468 Home Care Provider Marsha Robinson to accept the proclamation.*

100465_HomeCare_20101104.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****100466.** 2009 Series A, B and C Financing (B)

Explanation: This item is related to funding Costs of Acquisition and Construction and to refund certain Utilities System Revenue Bonds.

RECOMMENDATION *The City Commission adopt the resolution.*

ADOPTION READING-ROLL CALL REQUIRED**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****100405.** EXPANSION OF EASTSIDE COMMUNITY REDEVELOPMENT AREA (B)**Ordinance No. 100405**

An ordinance of the City of Gainesville, Florida amending Division 9 of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to Community Redevelopment, amending Section 2-410.3 by expanding the boundaries of the Eastside Community Redevelopment Area; amending Section 2-415 by establishing the base values of the expanded areas for purposes of tax increment calculations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: Pursuant to the requirements of State law, on January 15, 2009, the City Commission adopted Resolution No. 080712 and Resolution 080713 finding certain areas (referred to as Study Area 1 and Study Area 2) adjacent to the Eastside Community Redevelopment Area to be blighted areas and further finding that rehabilitation, conservation or redevelopment or a combination

thereof, of the blighted areas is necessary in the interest of the public health, safety, morals or welfare of the residents of the City of Gainesville.

On April 19, 2010, the CRA Board approved amending the Eastside Redevelopment Plan in its entirety to include Study Area 1 and Study Area 2

On July 15, 2010, the City Commission adopted Resolution No. 090966, approving the Eastside Redevelopment Plan, as amended in its entirety to include Study Area 1 and Study Area 2. In addition, the City Commission directed the City Attorney to prepare and the Clerk to advertise an ordinance amending the City Code of Ordinances to update the legal description of the Eastside Redevelopment Area to include Study Area 1 and Study Area 2 and to establish the base values of Study Area 1 and Study Area 2 for purposes of tax increment calculations.

The figures for the base values were calculated by CRA staff based on data provided by the Alachua County Property Appraiser's Office.

This ordinance requires two public hearings. If this ordinance is passed on first reading, second and final reading will be held on November 18, 2010.

RECOMMENDATION The City Commission adopt the proposed ordinance.

100405_draft ordinance_20101104.pdf

100101.

ADDITIONAL SIGNAGE FOR MULTIPLE-FAMILY DEVELOPMENTS (B)

Ordinance No.100101; Petition PB-10-21-TCH.

An ordinance of the City of Gainesville, Florida, amending Section 30-318(d)(2) of the Land Development Code, related to permanent development identification signs and structures for subdivisions and neighborhoods; by allowing additional signage for multi-family developments with more than one frontage and increasing the maximum size of the secondary entrance signs; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend Section 30-318 (d)(2) of the City's Land Development Code, to allow additional and larger identification signage for multiple-family developments with frontage on multiple streets. Section 30-318(d)(2) specifically regulates identification signage for multiple-family residential developments, community residential homes of over fourteen residents, mobile home parks and other allowed uses in multiple-family zoning districts. Currently, a multiple-family development is allowed one identification sign of up to 24 square feet in size, excluding structural elements and decorative features. This can be a single sign unit with two faces or a single-faced sign

mounted on each side of the entrance into the development. If the development has more than one approved entrance, one additional sign designed for identification purposes only, on a structure not exceeding four square feet in size, is currently allowed at each entranceway.

The Petitioner requested a code revision to allow an additional frontage sign of up to 128 square feet in size and up to 12' in height and to allow more than identification information to be displayed on the sign.

City staff did not support the Petitioner's request, as most multiple-family developments are located within residential zoning districts and a proposed sign area of 128 square feet is larger than a primary sign is allowed to be, even in commercially zoned areas. The largest sign allowed in the City is 96 square feet for commercial development with a frontage exceeding 300 linear feet. In addition, the proposed twelve-foot height is taller than the ten-foot maximum height allowed in commercial zones.

However, staff recognizes the need for identification signage on more than one frontage, even if the development does not have an entrance on that frontage, and the staff recommended language addresses that issue.

After public notice was published in the Gainesville Sun on April 6, 2010, the City Plan Board held a public hearing on April 22, 2010. The City Plan Board heard the petition and, by a vote of 6-0, recommended approval with a further revision to allow the maximum sign area of the identification sign at a secondary entrance to be up to 16 square feet, rather than the up to 4 feet that is currently allowed by code.

The Petitioner supports the petition as recommended by City staff and revised by the City Plan Board.

CITY ATTORNEY MEMORANDUM

Should this ordinance pass on first reading, second and final reading will be held on Thursday, November 18, 2010.

RECOMMENDATION

The City Commission (1) approve Petition PB-10-21-TCH and (2) adopt the proposed ordinance.

Legislative History

10/21/10 City Commission Continued (Petition) and First Reading (Ordinance) (5 - 0 - 2 Absent)

100101_draftordinance_20101021.pdf
 100101_cpb recommendation_20101021.pdf
 100101A_staff report_20101021.pdf
 100101B_application_20101021.pdf
 100101C_100422_cpb minutes_20101021.pdf
 100101D_staff ppt_20101021.PDF
 100101_draftordinance_20101021.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

090299.**REZONE THE ALACHUA COUNTY FAIRGROUNDS AND COUNTY EXTENSION SERVICE SITE FROM PS (PUBLIC SERVICES AND OPERATIONS DISTRICT) AND CON (CONSERVATION DISTRICT) TO BI (BUSINESS INDUSTRIAL DISTRICT) (B)****Ordinance No. 090299; Petition PB-09-81 ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the City of Gainesville zoning categories of "Public Services and Operations (PS) District" and "Conservation (CON) District" to the City of Gainesville zoning category of "Business Industrial (BI) District," located in the vicinity of 2900 Northeast 39th Avenue, commonly known as the Alachua County Fairgrounds and Cooperative Extension Office and consisting of approximately 74.48 acres; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The property consists of approximately 74.48 acres of the property that is the site of the Alachua County Fairgrounds and the Cooperative Extension Office. Approximately 5.14 acres located at the westernmost corner of the property has Public Facilities (PF) land use and Public services and operations district (PS) zoning; the other 69.34 acres has Conservation (CON) land use and zoning. This petition does not include the eastern 27.6 acres owned by the County, much of which is wetland and all of which has CON land use and zoning. The property is adjacent to and south of the Gainesville Regional Airport. The property fronts NE 39th Avenue and Waldo Road and the majority of it is within the Enterprise Zone.

In 2003, Plan East Gainesville (PEG) was accepted by the City of Gainesville and Alachua County. The summary report for PEG recommends that the existing fairgrounds site be used as an "office and industrial mixed-use employment center." The proposed rezoning to Business industrial district (BI) addresses this identified need of the City (and County). The related, proposed land use change to Business Industrial (Petition PB-09-80LUC) is consistent with redevelopment policies established in the City's Future Land Use Element (FLUE). FLUE Policy 2.1.5 states that "The City shall strive to implement certain land use-related elements of Plan East Gainesville, including, but not limited to: ... (b) Coordinating with Alachua County in its development of a strategy for the Alachua County fairgrounds for creation of a mixed-use employment center;..." The BI zoning district implements the Business Industrial land use category, which was developed specifically to be applied to properties near the Airport and to other areas of the City where office, business, commercial or industrial uses are desired and residential use is not appropriate. The BI future land use category was added to the Future Land Use Element following approval by the City Commission on October 16, 2008. The BI zoning district was approved by the City Commission on March 19, 2009.

This petition and ordinance propose to implement a portion of PEG and the Future Land Use Element as stated above by amending the zoning of the property from PS and CON to BI. The proposed BI zoning is particularly compatible at this location near the Gainesville Regional Airport that fronts two arterial roadways (NE 39th Avenue and Waldo Road), both of which are also state roads (SR 222 and SR 24, respectively).

After public notice in the Gainesville Sun, the Plan Board held a public hearing on July 23, 2009, heard presentations by staff and the applicant, discussed the proposed rezoning, and by a vote of 7-0, recommended that the City Commission approve the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on November 4, 2010.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/21/10 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (5 - 0 - 2 Absent)

090299_staff report_20101021.pdf
090299A_maps_aerial_existing_proposed zoning_20101021.pdf
090299B_sec 30-67.1 BI district_20101021.pdf
090299C_application_neighbhd wkshp_pt1.pdf
090299D_zoning justification report_20101021.pdf
090299E_090723 cpb minutes_20101021.pdf
090299F_staff ppt_20101021.PDF
090299_draft ordinance_20101021.pdf
090298 & 090299_MOD_CHW_ZON 101021.PDF

PLAN BOARD PETITIONS

100374.

Rezone property MH to RSF-4 (B)

Petition PB-10-85 ZON. Tom Spain, agent for Villas at 39th, LLC and property owners of record. Rezone property from MH (12 units/acre mobile home residential district) to RSF-4 (8 units/acre single-family residential district). Located west of Northeast 2nd Street, north of Northeast 35th Avenue, and east of the CSX railroad ROW in the 3500-3700 block of Northeast 1st Terrace, Northeast 1st Way, and North Main Terrace.

Explanation: This is a quasi-judicial item.

This petition request is to rezone 100 mobile home condominium parcels from MH (12 units/acre mobile home residential district) to RSF-4 (8 units/acre single-family residential district) in a development known as Villas at 39th.

Prior to becoming Villas at 39th, this was Varsity Mobile Home Villas mobile home park. The combined parcels are approximately 14 (MOL) acres in size. The proposed zoning is consistent with the existing Residential Low (R-L) future land use category on the property.

The existing MH zoning would allow a maximum of 168 mobile homes on the 14 acre site, with a minimum lot size of 3,000 square feet. The proposed zoning would allow a maximum of 112 single family homes at the site, with a minimum lot size of 4,300 square feet. The proposed rezoning is a reduction in maximum allowable density (allowing 56 fewer dwelling units at the site).

The subject parcels are located west of NE 2nd Street, north of NE 35th Ave., and east of the CSX Railroad ROW in the 3500-3700 block of NE 1st Terrace, NE 1st Way, and North Main Terrace. Lots 10-21 abut NE 2nd Street (see map on page 1). The property is surrounded on the east and south by industrial zoning and industrial uses. Immediately to the west of the property is an active CSX railroad line. To the west of that is the City's Public Works compound (PS zoning). The property immediately to the north is zoned BUS (General business district).

The Plan Board discussed the petition and recommended approval with a 6-0 vote.

Public notice was published in the Gainesville Sun on August 10, 2010. The Plan Board held a public hearing on August 26, 2010.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission: The City Commission approve Petition PB-10-85 ZON. Plan Board vote 6-0.

Staff to City Commission: Approve Petition PB-10-85 ZON. Plan Board vote 6-0.

Staff to the Plan Board: Approve Petition PB-10-85 ZON.

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 100374A_supplement doc_20101104.pdf
 100374B_application_neighbhd wkshp_20101104.pdf
 100374C_100826 cpb minutes draft_20101104.pdf
 100374D_staff ppt_20101104.PDF
 100374E_change in agent for petition_20101104.pdf
 100374F_proof of new LLC MGRM_20101104.pdf
 100374G_revised petitioner application.20101104.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

100469.

Commissioner Jack Donovan (NB)

RECOMMENDATION

The City Commission conduct an appreciation ceremony to include comments from the City Commissioners, the public and Commissioner Jack Donovan.

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)