

City of Gainesville

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



Meeting Agenda

March 14, 2005

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Tony Domenech (District 3)
Commissioner Warren Nielsen (At Large)
Commissioner Rick Bryant (At Large)
Commissioner Chuck Chestnut (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Craig Lowe (District 4)*

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

CALL TO ORDER - 1:06 PM

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

ROLL CALL

INVOCATION

Reverend Kenneth Babin, First Lutheran Church of Gainesville, 1801 NW 5th Avenue, Gainesville, FL 32603

CONSENT AGENDA

CITY MANAGER, CONSENT AGENDA ITEMS

031309

Design plat approval of Forest Creek Cluster Subdivision located at 3309 and 3425 Northwest 17th Street. Petition 139SUB-03DB (B)

Explanation: The City Commission approved the design plat for the Forest Creek Cluster Subdivision on May 24, 2004, with certain conditions and as amended, to include a total of 11.26 acres, more or less. The owner/developer is requesting that the City Commission grant an extension of up to six months only, as allowed in Section 30-183(j)(2) of the Land Development Code.

Fiscal Note: None

RECOMMENDATION

The City Commission grant the owner/developer an extension of up to six months only from the May 24, 2004 approval date, as allowed in Section 30-183(j)(2) of the Land Development Code.

Legislative History

5/24/04 City Commission Adopted (Resolution) (4 - 2 - 1 Absent)

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041068**Interlocal Agreement between the City of Gainesville and Alachua County for Government Access Television Channel Character Generation and Switching (B)**

Explanation: The City of Gainesville and Alachua County each have Local Franchise Agreements with Cox Communications, Inc. that grants them program rights on Government Access Television Channel 12. There is a need to purchase and install new digital broadcast equipment to continue and expand utilization of the Government Access Channel. The Interlocal Agreement, which has been negotiated with County staff, addresses both the financial and operating issues inherent in the governance of Channel 12. County staff will update the County Commission at their March 8, 2005 meeting.

Fiscal Note: The Interlocal Agreement specifies that Alachua County agrees to pay to the City of Gainesville 36.3 % of the cost of "digital processing" and playback" equipment, as listed in Appendix "A". The City of Gainesville agrees to pay 63.7% of the cost, as negotiated through the Local Franchise Agreement executed between the City of Gainesville and Cox Communications, Inc. Funds are available to support this expenditure (estimated at not more than \$120,000) as a result of the Local Franchise Agreement between the City of Gainesville and Cox Communications, Inc.

RECOMMENDATION

The City Commission approve and authorize the Interim City Manager to execute the Interlocal Agreement between the City of Gainesville and Alachua County for Government Access Television Channel Character Generation and Signal Switching in essentially the same format as shown, subject to approval by the City Attorney as to form and legality.

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041069**Census 2000 Urban Area and Functional Classification Map (B)**

Fiscal Note: There is no fiscal impact from this action.

RECOMMENDATION

The City Commission authorize the Mayor to sign, and the Clerk to attest, the Census 2000 Urban Area and Functional Classification Map of the Gainesville Urbanized Area.

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041070**FY 2004-05 HOME Subrecipient Agreement with Central Florida Community Action Agency, Inc. (B)**

Explanation: In the current FY 2004-05 General Government Budget, the City Commission approved \$79,000 in HOME Investment Partnerships Program (HOME) funds for a homeowner purchase-rehab program to be implemented by Central Florida Community Action Agency, Inc. (CFCAA). CFCAA has successfully run this particular program with HOME funds for over 10 years.

During FY 2003-04, the City Commission had approved \$84,207 in HOME funds for the CFCAA homeowner purchase-rehab program. One of the requirements of the HOME Program and the City's subrecipient agreement (contract) with CFCAA is that any program income that is generated by CFCAA must be used to continue the program before receiving additional funds from the City.

Due to an unusual set of circumstances last year, CFCAA was unable to draw its FY 2003-04 HOME allocation during the term of its contract with the City. CFCAA had experienced significant staff turnover, which caused a delay in implementing its programs. In addition, the agency had generated a large amount of program income (\$88,700.53) from the sale of previously acquired and rehabilitated homes.

CFCAA has requested that the City allow a carryover of its unexpended FY 2003-04 HOME allocation. The agency has assured the City that it will be able to fully expend these carryover funds, along with the previously approved FY 2004-05 funds, within the remaining term of the FY 2004-05 contract, i.e. by September 30, 2005. If this request is approved by the City Commission, staff will limit the amount of funds that may be used for agency operating expenses to no more than 10% of the total allocation.

Fiscal Note: HOME funds in the amount of \$84,207 are available from the FY 2003-04 carryover budget.

RECOMMENDATION

The City Commission approve the amendment to the HOME Program Subrecipient Agreement with Central Florida Community Action Agency, Inc. for FY 2004-05.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**CITY ATTORNEY, CONSENT AGENDA ITEMS****041074**

CARLTON L. THOMAS V. CITY OF GAINESVILLE AND BARRY M. KAYS; ALACHUA COUNTY CIRCUIT COURT; CASE NO. 01-05-CA-677 (B)

Explanation: The City of Gainesville and GPD Corporal Barry M. Kays were served with a summons and complaint on February 28, 2005, and February 25, 2005, respectively. The Plaintiff alleges that on or about November 22, 2002, a GPD vehicle driven by Barry M. Kays collided with the Plaintiff's vehicle. Plaintiff Carlton Thomas alleges that he was injured as a result of the accident.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City of Gainesville and Barry M. Kays in the case styled Carlton L. Thomas v. City of Gainesville and Barry M. Kays; Alachua County Circuit Court; Case No. 01-05-CA-677.

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041075

MATT MILLER AND HIS WIFE, LYDIA MILLER VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-05-CA-800 (B)

Explanation: On February 24, 2005, the City of Gainesville was served with a summons and complaint. The Plaintiffs allege that on or about June 23, 2002, Mr. Miller was swinging on a swing in Northeast Park at which time Mr. Miller's swing broke, causing him to fall to the ground. Plaintiff Matt Miller alleges that he was injured as a result of the accident. Plaintiff Lydia Miller has filed a loss of consortium claim.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Matt Miller and his wife, Lydia Miller vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-05-CA-800.

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CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

041038

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of February 28, 2005 (Regular Meeting) and March 7, 2005 (Special Meeting); as circulated.

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041077

Resignation of Advisory Board/Committee Member Rob Brinkman (B)

RECOMMENDATION

The City Commission accept the resignation of Rob Brinkman from the Gainesville Energy Advisory Committee effective immediately.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

040299

Owner/Occupancy of Subsidized Housing (NB)

Explanation: The City Commission referred this item to the Community Development Committee on August 9, 2004. This is the same issue as Legislative No. 031266(NHDC Subsidized Housing Requirements). The Committee completed its discussion and recommended this item be removed from the referral list since it is handled under 031266.

Fiscal Note: None

RECOMMENDATION

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

Legislative History

8/9/04	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
9/20/04	Community Development Committee	Continued	
11/4/04	Community Development Committee	Continued	
1/6/05	Community Development Committee	Continued	
2/17/05	Community Development Committee	Approved as Recommended	

031226

NHDC Subsidized Housing Requirements (NB)

Explanation: The City Commission referred this item to the Community Development Committee on April 26, 2004 for subsidized housing requirements and compliance. This item is related to Item No. 040299 (Owner/Occupancy of Subsidized Housing). The Committee discussed the issue several times. A homeowner vacated the residence at 4106 Northeast 17th Terrace in Ironwood Village. The homeowner had purchased the home using SHIP down payment funds, and City Housing staff has negotiated repayment of the SHIP funds to the

City. Neighborhood Housing Development Corporation had evaluated this situation based on a County Attorney's opinion that the owner was not in violation of the occupancy requirement as owner-occupied. Housing staff will be updating its Local Housing Assistant Plan (LHAP) this year with new homeowner loan referral default, and waiver procedures for its SHIP-funded programs.

Fiscal Note: None

RECOMMENDATION

The Community Development Committee to the City Commission: 1) receive the report from the Community Development Committee; and 2) remove this item from the referral list.

Legislative History

4/26/04	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
5/3/04	Community Development Committee	Approved as Recommended	
9/20/04	Community Development Committee	Approved as Recommended	
11/4/04	Community Development Committee	Continued	
11/15/04	Community Development Committee	Approved as Recommended	
1/6/05	Community Development Committee	Continued	
2/17/05	Community Development Committee	Approved as Recommended	

RECREATION AND CULTURAL AFFAIRS COMMITTEE, CONSENT

040940

Summer Playground Update (B)

Explanation: Interim Recreation & Parks Director Steve Phillips, Recreation Supervisor Jeff Moffitt and Recreation Supervisor Karen Cayson gave reports on the proposed Summer Playground Program to the Recreation and Cultural Affairs Committee at its February 24, 2005 meeting.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission remove this item from the Recreation and Cultural Affairs Committee referral list.

Legislative History

2/14/05	City Commission	Approved as Recommended (7 - 0)	
2/14/05	City Commission	Referred	Recreation and Cultural Affairs Committee
2/22/05	City Commission	Referred	Recreation and Cultural Affairs Committee
2/24/05	Recreation and Cultural Affairs Committee	Heard	

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COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****041071 Intergovernmental Sustainability Committee (NB)**

Explanation: In May 2004, Mayor Hanrahan received citizen input to explore the concept of sustainability and how it can be implemented within the City. A committee was formed of City employees and representations of other agencies to explore this concept.

Fiscal Note: There is no fiscal impact at this time.

RECOMMENDATION

The City Commission hear a report from the Committee and 1) add "sustainability" as a City value; and 2) utilize an internal staff committee to continue to explore sustainability concepts.

GENERAL MANAGER FOR UTILITIES**CITY ATTORNEY****CITY AUDITOR**

EQUAL OPPORTUNITY DIRECTOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE****040907****Proposed Reorganization of the City Auditor's Office (B)**

Explanation: The Audit and Finance Committee referred the proposed reorganization of the City Auditor's Office to the Personnel & Organizational Structure Committee.

Fiscal Note: The proposed reorganization, on an annualized basis, is expected to result in a decrease in the overall approved budget of the City Auditor's Office. For Fiscal Year 2005, it is anticipated that more than \$30,000 will be returned to the General Fund due to vacancies incurred during this transition.

RECOMMENDATION

The Personnel & Organizational Structure Committee recommends referring this item to the City Commission for further discussion.

Legislative History

1/31/05	Audit and Finance Committee	Recommended for Approval, as shown above
3/1/05	Personnel and Organizational Structure Committee	Approved as Recommended, as Amended or Revised
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ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****041076****County Commissioner Rodney Long (NB)****RECOMMENDATION**

The City Commission co-sponsor the Clinton Portis Foundation Inc. charity weekend, April 15 - 16, 2005, in the City of Gainesville and Alachua County.

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MEMBERS OF THE CITY COMMISSION**COMMISSION COMMENTS (if time available)**

CITIZEN COMMENT**COMMISSION COMMENTS (if time available)****PLEDGE OF ALLEGIANCE (6:00pm)**

Student Government Association Gainesville Job Corp, Dominique Brooks, President

PROCLAMATIONS/SPECIAL RECOGNITIONS**041078****National Nutrition Month - March 2005 (B)**

RECOMMENDATION *Gainesville District Dietetics Association
representatives Tristan Soyka and Eunshil McKenna to
accept the proclamation.*

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041079**Suicide Prevention Day - March 30, 2005 (B)**

RECOMMENDATION *Alachua County Survivors of Suicide representative
Judy Bousquet and Alachua County Crisis Center
Director Marshall Knudson to accept the
proclamation.*

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041080**Job Corps 40th Anniversary Year - 2005 (B)**

RECOMMENDATION *Gainesville Job Corps Center Director Paul Wykoff to
accept the proclamation.*

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PUBLIC HEARINGS**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****040753****STREET VACATION - VEITCH STREET (B)**

Ordinance No. 0-05-27, Petition 150SVA-04PB
An ordinance of the City of Gainesville, Florida, to vacate, abandon and
close that portion of Southeast Veitch Street lying north of Southeast 10th
Avenue and approximately 230 feet west of Southeast 4th Street, as more

specifically described in this Ordinance; providing a condition; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/14/05 City Commission Approved (Petition) with Conditions (7 - 0)

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040754

STREET VACATION - NORTHEAST 11TH TERRACE (B)

Ordinance No. 0-05-28, Petition No. 187SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 11th Terrace lying east of 1116 Northeast 12th Avenue and North of the North right-of-way line of Northeast 12th Avenue, as more specifically described in this Ordinance; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/14/05 City Commission Approved (Petition) with Conditions (6 - 0 - 1 Absent)

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040961

CHAPTER 2 AMENDMENTS RELATING TO COMPENSATION IN THE EVENT OF A CIVIL EMERGENCY OR CATASTROPHIC CONDITIONS(B)

Ordinance No. 0-05-32

An Ordinance of the City of Gainesville, Florida creating Division 2 of Article VII of Chapter 2 of the Code of Ordinances, relating to compensation in the event of a civil emergency or catastrophic conditions, or mutual aid, providing for definitions, eligibility, amount and forms of compensation, directions to the codifier; providing a severability clause; providing a repealing clause; and providing a retroactive effective date.

Explanation: The City Commission at its meeting of February 28, 2005, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 2 of the Gainesville Code of Ordinances authorizing the award of Supplemental Compensation to Administrative, Professional, and Managerial Employees under certain limited circumstances, providing a severability clause, and providing a retroactive effective date, based upon a policy prepared by staff.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/14/05	City Commission	Referred (6 - 0 - 1 Absent)	Personnel and Organizational Structure Committee
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2/15/05	Personnel and Organizational Structure Committee	Approved as Recommended	
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2/28/05	City Commission	Approved as Recommended (7 - 0)	
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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

RESOLUTIONS- ROLL CALL REQUIRED

040512

Final plat approval of Sorrento Subdivision, Phase III located in the vicinity of Northwest 53rd Avenue and Northwest 21st Drive, west side. Petition 126SUB-04DB (B)

Explanation: The City Development Review Board considered a request to approve a design plat of Sorrento Subdivision, Phase III at a public hearing held August 26, 2004. By a vote of 4-0, the Development Review Board approved Petition 126SUB-04DB, with staff conditions. On October 11, 2004, the City Commission approved the design plat for Phase III.

The petitioner is proposing to develop the third and final phase of the Residential Planned Development, approved by the City Commission in 2002, allowing up to a total of 300 dwelling units. The development will consist primarily of single-family detached dwelling units (225+) and up to 75 single-family attached, condo-style, dwelling units, depending on market conditions at the time, with the PD having a maximum overall density of 4.14 dwelling units per acre. The single-family residences are to be developed on individual lots ranging in widths from 25 feet to 75 feet, with the narrow 25-foot wide lots being utilized primarily for the attached single-family dwelling units. The smaller lots could also be combined and utilized as lots for detached single-family residences. For this final phase, the petitioner is proposing to

develop a total of 99 lots on 10.7 acres, with 27 of those lots containing single-family detached dwellings and 72 of the lots containing single-family attached dwelling units. Twenty-two of the 27 lots, having detached dwelling units, excluding five lots, 244 thru 248, shall have garage front yard setbacks of at least 20 feet. The City Commission approved this condition at their October 11, 2004 meeting.

Fiscal Note: None

RECOMMENDATION

Planning staff to City Commission -The City Commission adopt the following resolution: A Resolution approving the final plat of "Sorrento Phase III, generally located west of Northwest 21st Drive and South of Northwest 53rd Avenue; accepting an irrevocable letter of credit to guarantee the cost of the required improvements; providing directions to the Clerk of the Commission and providing an immediate effective date.

Legislative History

10/11/04 City Commission Approved (Petition) with Staff Conditions, as Amended (7 - 0)

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041072

Amended conditional final plat review for 90 lots at Krystle Pines Cluster Subdivision Phase I located in the 8200 block of NW 43rd Street (west side). Petition 122SUB-02DB (B)

Explanation: The City Commission adopted Resolution No. 020854 on April 26, 2004 approving the conditional final plat for Krystle Pines Cluster Subdivision Phase I. The owner now requests an amendment of the Conditional Final Plat of "Krystle Pines Cluster Subdivision Phase I" for the purpose of making minor changes to the alignment of the entrance roadway to be known as Northwest 82nd Boulevard and to amend the legal description. The changes are being made to accommodate some necessary design features of the roadway for Krystle Pines Cluster Subdivision Phase III.

The Development Review Board considered a request to approve a design plat of the Krystle Pines Cluster Subdivision at a public hearing held January 9, 2003. By a vote of 2 to 1, the Development Review Board approved Petition 122SUB-02DB, with staff conditions. On February 10, 2003 the City Commission approved the design plat and on January 26, 2004, the City Commission granted a six-month extension of time of the design plat approval to July 26, 2004 in accordance with Section 30-183(J)(2) of the Code of Ordinances. The commission allowed subsequent phases to be filed at six-month intervals. The design plat included 418 dwelling units on 215 acres, at a density of 1.9 dwelling units per acre.

The proposed amended "Krystle Pines Cluster Subdivision Phase I" conditional final plat does not change the number of lots, the amount of cluster open space,

or the time frame for construction. The legal description of the property is changed only because Northwest 82nd Boulevard is the southern boundary of the Phase I plat.

The conditional final plat is not recorded, but is retained by the Clerk of the Commission until the provisions of Sec. 30-186(e) are satisfied. Additionally, Krystle Pines Cluster Subdivision Phase I is part of a phased development. Krystle Pines Cluster Subdivision Phase I must receive final plat approval and be filed in the public records of Alachua County, Florida prior to final plat approval of any other phase of the approved design plat.

A Certificate of Final Concurrence has been issued for all phases in accordance with a development agreement for concurrence between the subdivider and the City.

Fiscal Note: None

RECOMMENDATION

Planning Staff to City Commission--The City Commission adopt the following resolution: A Resolution amending the conditional final plat of "Krystle Pines Cluster Subdivision Phase I" adopted by Resolution No. 020854 by amending the legal description of the plat for the purpose of changing the entrance roadway, to be known as N.W. 82nd Boulevard; located in the vicinity of West of Northwest 43rd Street and Northwest 82nd Boulevard and providing an immediate effective date.

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041073

Conditional final plat review for 45 lots at Krystle Pines Cluster Subdivision Phase III located in the 8200 block of NW 43rd Street (west side). Petition 122SUB-02DB (B)

Explanation: The Development Review Board considered a request to approve a design plat of the Krystle Pines Cluster Subdivision at a public hearing held January 9, 2003. By a vote of 2 to 1, the Development Review Board approved Petition 122SUB-02DB, with staff conditions. On February 10, 2003 the City Commission approved the design plat and on January 26, 2004, the City Commission granted a six-month extension of time of the design plat approval to July 26, 2004 in accordance with Section 30-183(J)(2) of the Code of Ordinances. The commission allowed subsequent phases to be filed at six-month intervals. The design plat included 418 dwelling units on 215 acres, at a density of 1.9 dwelling units per acre.

The Krystle Pines Cluster Subdivision Phase III Conditional Final Plat includes new east-west streets, Northwest 78th Road, and Northwest 80th Road, and new north-south streets, Northwest 44th Street Northwest 45th Street and Northwest 46th Way. The Krystle Pines Cluster Subdivision Phase III Conditional Final Plat contains 26.668 acres. The subdivision will contain 45 single-family lots. The cluster open space is wetland and wetland buffer. A 50-foot wetland buffer

is provided around all wetland areas. No portion of any platted lot includes wetland or wetland buffer. The Phase III Conditional Final plat contains only a small portion of the total cluster open space shown on the design plat for all phases of the Krystle Pines Cluster Subdivision. The majority of the cluster open space is already shown in Krystle Pines Cluster Subdivision Phase I. The additional cluster open space shown in the Phase III plat is 2.97 acres of cluster open space. Krystle Pines Phase III differs from the design plat because this portion of the design plat showed 116 lots, most with rear alley access and a central common area. The final plat has reduced the number of lots to 45, eliminated the alleys and the central common area and provides two connections to Northwest 82nd Boulevard instead of the boulevard entry originally shown. These changes locate the roadways further from wetlands and from the adjacent Blues Creeks Subdivision.

The conditional final plat is not recorded but is retained by the Clerk of the Commission until the provisions of Sec. 30-186(e) are satisfied. Additionally, Krystle Pines Cluster Subdivision Phase III is part of a phased development. This plat may not be accepted for final recording until the Krystle Pines Cluster Subdivision Phase I has been accepted for recording.

A Certificate of Final Concurrency has been issued for all phases in accordance with a development agreement for concurrency between the subdivider and the City.

Fiscal Note: None

RECOMMENDATION

Planning Staff to City Commission--The City Commission adopt the following resolution: A Resolution approving the conditional final plat of "Krystle Pines Cluster Subdivision Phase III, located in the vicinity West of N.W. 78th and N.W. 80th Roads and N.W. 44th and N.W. 46th Way; and providing an immediate effective date.

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040757

RESOLUTION - RESIDENTIAL DENSITY BONUS POINTS MANUAL (B)

A resolution of the City of Gainesville, Florida, approving and updating the City of Gainesville Residential Density Bonus Points Manual; providing for consistency of the Manual with the policies adopted in the Urban Design, Future Land Use and Transportation Mobility Elements of the 2001 Comprehensive Plan; making certain minor modifications throughout the Manual; adopting the Increased Residential Density Bonus Points Manual as applied to applications for development review received after March 14, 2005; repealing the Density Bonus Points Manual currently in effect; providing an effective date.

Explanation: This petition proposes to update the City of Gainesville Residential Density Points Manual based on policies adopted in the Urban Design, Future Land

Use and Transportation Mobility Elements of the 2001 Comprehensive Plan. Revisions to this Manual also strive to correct errors detected in the Manual since it was last revised and adopted in 1992.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on January 4, 2005. The Plan Board held a public hearing January 20, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 194TCH-04 PB. Plan Board vote 6-0.

RECOMMENDATION *The City Commission (1) approve Petition 194TCH-04 PB, and (2) adopt the proposed Resolution.*

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PLAN BOARD PETITIONS

040918

Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close a 15-foot alley running west of Southeast 11th Street (Williston/Waldo Road) to the abandoned railroad (bike path) in Block 28 New Gainesville recorded in PB A, page 65. Petition 196SVA-04 PB. (Related to Petitions 199LUC-04PB and 200ZON-04 PB). (B)

Explanation: The purpose of this request is to vacate a 15-foot wide right-of-way west of S.E. 11th Street (also known as Williston Road and/or Waldo Road) to allow for the future expansion of the existing Education Child Care Center located north of the right-of-way. South of the right-of-way is vacant, unclassified land. The right-of-way runs for approximately 115 feet west into the bicycle rail trail. The owner of the child care center would like to purchase the unclassified land for the purpose of expansion after the right-of-way is vacated. The right-of-way is a "paper street," that consists of several trees and other vegetation. It provides no public service and would best be used as taxable land.

The Plan Board heard the petition and recommended that it be approved with the condition to retain an easement for utilities.

Public notice was published in the Gainesville Sun on February 1, 2005. Letters were mailed to surrounding property owners on February 2, 2005. The Plan Board held a public hearing February 17, 2005.

Fiscal Note: None

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 196SVA-04 PB, with the condition that an easement be retained over the vacated area. Plan Board vote 6-0.*

Staff to Plan Board - Approve of Petition 196SVA-04

PB, with the condition that an easement be retained over the vacated area.

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040920

Rezone property from undesignated Right-of-Way to MU-1 located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Roads. Petition 200ZON-04 PB (Related to Petition 199LUC-04PB and 196SVA-04 PB). (B)

Explanation: This petition is related to land use petition 199LUC-04 PB and street vacation petition 196SVA-04 PB. The undesignated right-of-way is approximately 0.43-acres in size and is located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Road. The property currently has no zoning or land use designation. To the north of the site is the right-of-way to be vacated in Petition 196SVA-04 PB. North of this right-of-way is the existing Education Child Care Center with a land use of MUL (Mixed Use Low Intensity, 10-30 units per acre) and a zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). The owner of the child care center would like to purchase the unclassified land for the purpose of expansion. South of the subject property is Southeast 2nd Avenue, while to the east is Williston/Waldo Road. The bicycle rail trail borders the subject property on the west side.

The request of this petition is to designate unclassified land with a zoning designation of MU-1. This change is requested in order to allow for the expansion of the existing Education Child Care Center.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on February 1, 2005. Letters were mailed to surrounding property owners on February 2, 2005. The Plan Board held a public hearing February 17, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 200ZON-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve.

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040921

Amend the City of Gainesville 2000-2010 Future Land Use Map located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Roads. Petition 199LUC-04 PB (Related to Petition 200ZON-04PB and 196SVA-04 PB). (B)

Explanation: This petition is related to zoning petition 200ZON-04 PB and street vacation petition 196SVA-04 PB. The undesignated right-of-way is approximately 0.43-acres in size and is located at the Northwest corner of Southeast 2nd Avenue and Williston/Waldo Road. The property currently has no zoning or land use designation. To the north of the site is the right-of-way to be vacated by Petition 196SVA-04 PB. North of this right-of-way is the existing Education Child Care Center with a land use of MUL (Mixed-Use Low-Intensity, 8-30 units per acre) and a zoning designation of MU-1 (8-30 units/acre mixed use low intensity district). The owner of the child care center would like to purchase the unclassified land for the purpose of expansion. South of the subject property is Southeast 2nd Avenue, while to the east is Williston/Waldo Road. The bicycle rail trail borders the subject property on the west side.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on February 1, 2005. Letters were mailed to surrounding property owners on February 2, 2005. The Plan Board held a public hearing February 17, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 199LUC-04 PB. Plan Board vote 6-0

Staff to Plan Board - Approve.

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040756

(Formal Quasi-Judicial Hearing) Rezone property from RC (12 units/acre residential conservation district) to RMF-5 (12 units/acre single-family/multiple-family residential district) located at 419 Northwest 10th ST, 913 Northwest 4th PL, 907 Northwest 4th PL, 901 Northwest 4th PL, 326 Northwest 9th ST, 324 Northwest 9th ST, 315 Northwest 10th ST, 304 Northwest 9th ST, 912 Northwest 3rd AVE, 918 Northwest 3rd AVE, 311 Northwest 10th ST, and 928 Northwest 3rd AVE. Petition 193ZON-04 PB (B)

Explanation: This is an application to rezone 12 parcels with a total combined area of approximately 2 acres from RC (Residential Conservation District, up to 12 units/acre) to RMF-5 (Residential Low Density District, up to 12 units/acre).

Eleven of the 12 subject parcels are on the same block. That block is bounded by Northwest 4th Place on the north, Northwest 3rd Avenue on the south, Northwest 10th Street on the west, and Northwest 9th Street on the east. The northwest quadrant of that block consists of the Wilhelmina Johnson Resource Center, a building operated by the Cultural Arts Coalition for the benefit of arts and civic organizations. The 12th parcel is located at the northeast corner of Northwest 10th Street and Northwest 4th Place, just north of the Wilhelmina

Johnson Center.

According to Alachua County Property Appraiser information, three of the subject parcels are vacant. The other nine parcels contain one- and two-family residences. Landlord permits for 2004 were issued for seven of those residences, one is unoccupied and was not issued a landlord permit in 2004, and one has received Homestead Exemption.

The subject parcels and surrounding areas are part of the Fifth Avenue/Pleasant Street Redevelopment District. The need for a redevelopment district has been documented by a study that was necessary to establish the district. The study found that the area suffers from blight, lack of investment, aging housing stock, and crime issues.

The Wilhelmina Johnson Center is zoned PS (Public Services and Operations). Properties to the north and east of the subject parcels are zoned RMF-5. In fact, the subject parcels are essentially at the edge of the RC zoned area. This is demonstrated by the fact that the north side of Northwest 3rd Avenue is zoned RMF-5 from Northwest 12th Drive to Northwest 10th Street, which is the western boundary of the subject property. To the south of the subject property, across Northwest 3rd Avenue, land is zoned RH-1 (Residential High Density, 8-43 units/acre). To the east of the subject property, across Northwest 9th Street, land is zoned RSF-4 (Single-Family Residential, up to 8 units/acre). Parcels to the west (across Northwest 10th Street) and to the south (across of Northwest 3rd Avenue) of the subject parcels are within the University Heights North Historic District.

The Plan Board heard the petition, and after discussion, made the following determinations. Although some areas of the Fifth Avenue/Pleasant Street Redevelopment District have a "single-family character," several factors indicate that owner occupied single-family development is not feasible for the subject parcels, either now or in the future. Allowing a greater range of multiple-family housing types on the subject parcels may encourage investment in them.

For those reasons, the Plan Board voted to recommend approval of the proposed rezoning of the property.

Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January 20, 2005.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve rezoning the properties to RMF-5 in Petition 193ZON-04 PB. Plan Board vote 6-0.

Staff to Plan Board - Deny Petition 193ZON-04 PB.

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DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT

ADJOURNMENT - 10:31 PM