

City of Gainesville

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



Meeting Agenda

October 21, 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

100387.

Federal Law Enforcement Contraband Forfeiture Trust Fund (LECFTF) Funding for Mounted Unit Operation Budget for FY2011 (B)

Explanation: On October 13, 1997 the City Commission approved the formation of the Gainesville Police Department Mounted Unit Patrol and authorized funding through the LECFTF.

A funding request of \$63,282 is requested to cover operating expenses for the Unit for FY11. The total operating cost includes funding for stables/boarding, veterinarian services, horse feed, supplies and training.

Fiscal Note: Funds for this expenditure in the amount of \$63,282 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund and is allowable per Federal 21 USC 881 found in the US Department of Justice "A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies." The balance in this account is \$1,927,956.

RECOMMENDATION

The City Commission approve the appropriation of \$63,282 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for the operation of the Mounted Unit.

100387_MtdUnit Budget FY10 11_20101021.pdf

100391.**Update of Code of Ordinances Section 9-1.1 - Election Districts (B)**

As a result of approved annexation, the City's Code of Ordinances must be updated to include election districts that are now part of the City's corporate limits.

Explanation: On June 1, 2009, the area that is covered by Election District 36 was incorporated by annexation into the City of Gainesville. As a result of this incorporation, Section 9-1.1 of the Code of Ordinances needs to be amended to add Precinct 36 to Election District No. 3.

Fiscal Note: None at this time.

RECOMMENDATION

The City Commission authorize the City Attorney to draft, and the Clerk of the Commission to advertise, an ordinance adding Precinct 36 to Election District No. 3.

100391_Map_20101021.pdf

100398.**Settlement of Worker's Compensation Claim - Dwight Farmer (NB)**

This item involves the full and final settlement of Dwight Farmer's Worker's Compensation claim(s), which will include all future medical and indemnity. The total settlement amount is \$230,000 and represents a significant cost advantage to the City.

Explanation: While employed by Regional Transit System, Mr. Farmer was involved in an accident involving his lower back and underwent surgery. As a result of his injury and subsequent permanent work restrictions imposed by his treating physicians, Mr. Farmer is expected to potentially be accepted as permanently and totally disabled.

Recently, the City, Mr. Farmer and his attorney agreed to the settlement of his worker's compensation claim. The City Attorney's Office, the Risk Management Department, Special Counsel and our Worker's Compensation servicing agent all concur as to the full and final settlement of this claim. The total amount, \$230,000, includes all attorney fees, future medical costs, past and future indemnity payments, taxable costs.

Fiscal Note: The settlement of this case in the amount of \$230,000 will be paid by the General Insurance Fund.

RECOMMENDATION

The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of Dwight Farmer Worker's Compensation claim in the amount of \$230,000.

100400.**Ratification of Agreement to Amend North Central Florida Police Benevolent Association, Inc. Labor Agreement for October 1, 2008 through September 30, 2011 (B)**

This item proposes the ratification of the amended Agreement between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville.

Explanation: This Agreement has been reached through negotiations between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville, and was ratified by North Central Florida Police Benevolent Association, Inc. on July 22, 2010.

Copies of the amended Articles are on file in the Office of the Clerk of the Commission. After October 21, 2010, the Article will be on file in the Human Resources Department.

Fiscal Note: No fiscal impact.

RECOMMENDATION

The City Commission ratify the amended Agreement between North Central Florida Police Benevolent Association, Inc. and the City of Gainesville for October 1, 2008 through September 30, 2011.

100400_Amended Agreement_20101021.pdf

100407.**Request To Increase Trespass Towing Rates (B)**

Explanation: In accordance with Section 14.5-30 of the Code of Ordinances of the City of Gainesville, the City Manager must receive requests to adjust trespass towing rates by September 30th of each year. The City Commission has the sole authority of establishing towing rates.

On September 30, 2010 the City Manager received an email from Elite Towing requesting an increase in their maximum trespass towing fees.

Current trespass towing rates are Class 1 through 2 Light Duty vehicles \$76, Class 3 through 6 Medium Duty Vehicles \$133, and Class 7 through 8 Heavy Duty Vehicles \$288.

The requested increases by Elite Towing are Class 1 through 2 Light Duty vehicles \$95, Class 3 through 6 Medium Duty Vehicles \$165, and Class 7 through 8 Heavy Duty Vehicles \$450.

The last request to increase towing fees came to the City in the fall of 2007. The request was denied by the Public Safety Committee and the City Commission because the towing companies backup did not support the request. It was recommended at that time that companies bring documentation giving the

specific breakdown of how many tows they do locally and what percentage their insurance, gas and etc., expenses have increased in the past year.

RECOMMENDATION

The City Commission refer this item to the Public Safety Committee to review and address the proposed rate increase.

100407_EliteEmail_20101021.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

100422. Post Duct Leak Repair Testing Services (NB)

Staff requests authorization for post duct leak repair testing services from Enalays under GRU's energy conservation program through February 2011.

Explanation: On July 15, 2010, the City Commission authorized the General Manager to purchase goods and services for various energy conservation programs which do not exceed \$100,000 per year. GRU's programs help customers reduce energy consumption through a variety of measures.

One successful program focuses on residential duct systems. Enalays is an information and verification services provider that performs post duct leak repair testing services and can identify inefficiencies in a customer's heating and cooling system. If leaks are detected, repairs can be made which results in a reduction to the customer's energy use. Historically, this program's services have not exceeded \$100,000 per year so the purchases have been authorized through the general City Commission approval for energy conservation programs.

Over the past year, GRU's incentive program for post duct leak repair testing services has experienced a significant increase in participation due to additional incentives offered by the State of Florida and the Federal Government. This high level of participation has led to the need to perform more post duct testing and expenses will exceed \$100,000 annually. A change order in the amount of \$20,000 for services required in October will be reported to the City Commission. Without the change order, GRU would not be able to meet the request by customers to have these services performed.

While the expense to GRU for this program is greater than originally anticipated, the benefit to reducing energy consumption outweighs the impact of the additional energy required due to duct leaks. In addition, GRU is being reimbursed for a portion of the expenses due to the Low-income Energy Efficiency Program which lowers the expense to GRU by \$15,142. Based on the current circumstances, staff anticipates the cost of this program to be approximately \$180,000 through February 2011. A bid will be issued to establish a new contract for these services at that time.

Fiscal Note: Funds for this request are included in the Utilities Budget for FY11.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to procure services from Enalaysys for post duct leak repair testing services through February 2011, subject to the approval of the City Attorney as to form and legality; and 2) approve the issuance of a purchase order to Enalaysys for these services in amount not exceeding the budgeted amount.

100426.**Innovation Square Energy Center Land Lease (NB)**

On September 2, 2010, the Commission authorized the General Manager or his designee to: 1) negotiate and execute agreements with the University of Florida (UF) and Shands Healthcare and Clinics, Inc. (Shands) to provide utility services to the Innovation Hub, and Innovation Square, and 2) negotiate and execute agreements for the design and construction of a Central Utility Plant (CUP) to provide these services. To provide these services in a cost effective manner, a location must be secured within close proximity to locate the CUP. GRU and Shands have identified a location are ready to negotiate and execute a land lease for this property.

Explanation: The Innovation Hub Phase 1 is a 50,000 SF building is currently under construction with occupancy planned for June of 2011. GRU will be providing utility services to this building and for the rest of Innovation Square projected to contain approximately 1.3 million square feet of building space. In order to provide cost effective delivery of chilled water and emergency power to Innovation Hub and eventually all of Innovation Square, GRU must construct a CUP that is expandable to match the increasing demand for chilled water and emergency power. The CUP is planned to be constructed by GRU on property owned by Shands, leased to the City under a long term lease, which may include a purchase option. GRU will provide this service in a manner similar to GRU's South Energy Center that provides similar services to the new Shands Cancer Hospital.

Fiscal Note: Funds are available in the FY2011 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a land lease which may include purchase option with Shands Teaching Hospitals and Clinics, Inc. ("SHANDS") to provide a location for CUP to provide utility services to The UF Innovation Hub and the Innovation Square site.

CITY ATTORNEY, CONSENT AGENDA ITEMS

100412.**LINDA HEITZ-SHORE v. UNITED STATES OF AMERICA, AND CITY OF GAINESVILLE; US DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA; CASE NO. 01:10-CV-164-MP/GRJ (B)**

Explanation: On October 4, 2010, the City was served with a Summons and Complaint filed by Linda Heitz-Shore in the U.S. District Court for the Northern District of Florida. Ms. Heitz-Shore alleges that on July 10, 2009, she tripped and fell on uneven sidewalk in front of the Federal Building. She claims to have suffered disability, physical pain and suffering, mental pain and suffering, medical expenses, lost wages, loss of earning capacity, retirement benefits, and healthcare benefits. Ms. Heitz-Shore seeks money damages in excess of \$15,000.00.

RECOMMENDATION

The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville in the case styled Linda Heitz-Shore v. United States of America, and City of Gainesville; U.S. District Court for the Northern District of Florida; Case No.: 01:10-CV-164-MP/GRJ.

100412_Heitz-Shore_20101021.pdf

100404.**KIM BERRYMAN-DAGES vs THE CITY OF GAINESVILLE; NORTHERN DISTRICT OF FLORIDA; CASE NO. 10CV-00177-MP/AK (B)**

Explanation: On September 28, 2010, the City of Gainesville was served with a Summons and Complaint. The Plaintiff alleges that that she has been discriminated and retaliated against based on her gender and sexual orientation.

RECOMMENDATION

The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available, to represent the City in the case styled Kim Berryman-Dages vs. the City of Gainesville; Northern District of Florida; Case No.: 10-CV-00177-MP/AK.

100404_Kim Berryman - Federal Lawsuit_20101021.pdf

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**100425.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of September 27, 2010, and October 7, 2010, as circulated.

100425_spec_sept 27,2010_20100721.pdf

100425a_reg_oct 7,2010_20101021.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

COMMUNITY DEVELOPMENT COMMITTEE, CONSENT

080817.

Citizen Comment - Robert Pearce - Street Lights Causing Road Glare (B)

This item seeks City Commission approval of the Community Development Committee's recommendations on this pending referral.

Explanation: At its August 18th regular meeting, the Community Development Committee reviewed and moved forward on this pending referral.

Citizen Robert Pearce provided the Committee examples of lights affixed to existing City/CRA utility poles that did not appear to adhere to City regulations. After review by the Committee, the Committee recommended the following: 1) the CRA review existing fixtures; 2) GRU review existing utility poles; 3) Code Enforcement review any outstanding Code violations; 4) Parks, Recreation and Cultural Affairs review its inventory of lights; and 5) Building Inspections review its procedures regarding the issuance of electric permits.

Fiscal Note: None.

RECOMMENDATION

Community Development Committee to City Commission: 1) send the City Manager and General Manager of Utilities the issue of lighting glare violations to be resolved by GRU, Parks and Recreation, Code Enforcement and the CRA directing them to take appropriate steps to resolve light glare trespass regarding existing lighting inventory on private and public property; 2) direct Building inspections to review its procedures regarding the issuance of electrical permits for lighting; 3) report back findings to the City Commission; and, 4) remove this referral from the CDC pending referral list.

City Commission to CRA: 1) the CRA review installed inventory of fixtures and street lights for issues involving lighting glare violations and report back to the City Commission on findings.

Legislative History

2/5/09	City Commission	Referred (6 - 0 - 1 Absent)	Community Development Committee
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8/18/10 Community Approved, as shown above - See Motion(s)
 Development
 Committee

080817_CDC Mtg Memo_20100818pdf.pdf
 080817a_CDC Mtg RP LTR_20100818.pdf
 080817b_CDC Mtg RP Ppt_20100818.pdf
 080817_CDC Minutes of 8-18-10_20101021.pdf

090366.**Provide a Forum for Review: Alachua General Hospital Redevelopment Site (B)**

This item seeks City Commission approval of the Community Development Committee's recommendations on this pending referral.

Explanation: At its August 18th regular meeting, the Community Development Committee reviewed and moved forward on this pending referral.

The Committee reviewed proposed plans for the redevelopment of the Alachua General Hospital site in light of the existing regulatory regimen as outlined in the University Heights Special Area Plan. The Committee heard from staff, representatives of Shands and other interested parties. Representatives for Shands Healthcare identified a number of provisions of the Special Area Plan which would potentially impede the development of Innovation Square. Although Shands was successful in gaining development approval of the Innovation Hub, approval under the provisions of the Special Area Plan requested multiple waivers of provisions of the plan. The Committee moved that staff and Shands representatives attempt to be more flexible in approach with respect to future proposed University Heights Special Area Plan amendments. Shands representatives indicated a desire to amend the University Heights Special Area Plan to better accommodate bioscience/technology business development. The Community Development Committee indicated that they would be receptive to targeted amendments. It is anticipated that language regarding proposed amendments will come back to the Committee at the October regular Committee meeting.

Fiscal Note: None.

RECOMMENDATION

Community Development Committee to City Commission: 1) the staff continues to work with Shands representatives, their agents, CRA staff and other interested parties on amending the University Heights Special Area Plan and bring back a draft to the CDC in October; 2) continue this item on the Committee's pending referral list.

Legislative History

9/9/09 Economic Discussed
 Development/Univ
 ersity Community
 Com

10/1/09	City Commission	Referred	Economic Development/University Community Com
4/22/10	Economic Development/Univ ersity Community Com	Discussed	
7/15/10	City Commission	Approved as Recommended (6 - 0 - 1 Absent)	
8/18/10	Community Development Committee	Approved, as shown above - See Motion(s)	
	090366_C-Donovan Hand Out_20090909.pdf		
	090366_CDC Mtg Memo-EAB_20100818.pdf		
	090366a_Shands Rep PPT_20100818.pdf		
	090366b_CDC Mtg_Codes_20100818.pdf		
	090366_CDC Minutes of 8-18-10_20101021.pdf		

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

100431.

Metropolitan Transportation Planning Organization's 2035 Long Range Transportation Cost Feasible Plan (B)

This item is to discuss the Metropolitan Transportation Planning Organization's (MTPO) Draft 2035 Long Range Transportation Cost Feasible Plan.

Explanation: The MTPO held a discussion of the Draft Cost Feasible Plan at their October 4, 2010 meeting but deferred action until their next meeting.

Fiscal Note: The fiscal impact is difficult to identify at this time. Reprioritization of projects on the 2035 Cost Feasible Plan could reduce the funds spent on roads benefiting city residents.

RECOMMENDATION

The City Commission discuss the Draft 2035 Long Range Transportation Cost Feasible Plan.

100431A_MTPO Memo_20101021.pdf

100431B_MTPO Memo_20101021.pdf

100431C_Cost Feasible Plan_20101021.pdf

100410.**Report for the Community Workshop on Meal Services and Food Distribution (B)**

This item involves hearing a presentation from City Staff on a Community Workshop on Meal Services that was held on June 29, 2010 at the Alachua County Health Department.

Explanation: On February 18, 2010, the Gainesville City Commission directed City Staff to hold a Community Workshop to discuss meal services and the distribution of food within the City of Gainesville and Alachua County. The workshop was held on June 29, 2010 at the Alachua County Health Department, and was jointly sponsored by the City of Gainesville and Alachua County. Ms. Marilyn Crotty, Director of the Florida Institute of Government at the University of Central Florida facilitated the workshop and prepared the summary report. More than 50 community members and stakeholders participated in the workshop.

At the workshop, the participants heard presentations from City of Gainesville Planning Manager Ralph Hilliard, Program Administrator for Food Stamps/Temporary Assistance for Needy Families Policy at the Florida Department of Children and Families, Eileen Schilling, and Keynote Speaker Barbara Green, who is the Director of the Homeless Emergency Project in Clearwater, Florida. In addition to the presentations, the participants were randomly divided into small groups for breakout sessions to discuss specific questions and related areas of concern. The four questions were:

- 1. How can we provide a safe environment for participants in the meal programs and for the community?*
- 2. How can we allow for the distribution of prepared bag meals?*
- 3. Explore the potential for increased meal services at new or existing sites.*
- 4. How do we increase the participation levels and utilization of the food stamp program?*

The small breakout groups discussed the four questions and reported their findings and recommendations to the general body at the end of the workshop. There was some consensus of some items and no consensus on other items. The summary report has been attached to the agenda for the Mayor and the City Commission review (Attachment A).

In addition, the Planning and Development Services Department will be working with Planning Works, a private consultant, to review the City's Land Development Regulations (LDR) which includes meal services to destitute people. The finding and recommendations on the LDR will be presented to the Community Development Committee for further review and discussion with a recommendation(s) back to the City Commission.

Fiscal Note: At this time no additional financial impacts have been identified. Other costs may be associated with the report if the City Commission wishes to implement any of the recommendations.

RECOMMENDATION

The City Commission: 1) hear a presentation from staff on the June 29, 2010 Community Workshop on Meal Services; 2) receive the summary report on the Workshop and breakout group discussions and recommendations; and 3) provide specific direction to City staff if the City Commission wishes to implement any of the recommendations contained in the report.

100410_Workshop Flyer_20101021.pdf

100410_PPT_20101021.pdf

100410_Workshop Report_20101021.pdf

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

COMMUNITY DEVELOPMENT COMMITTEE

090737.

Historic Preservation Issues - Referral to the CDC (B)

This item seeks City Commission approval of the Community Development Committee's recommendations on this pending referral.

Explanation: The Community Development Committee reviewed and moved forward on this pending referral at its August 18, 2010 meeting.

Staff provided an overview of the City's Historic Preservation Program to the Committee over time. The Committee recommended that the City Manager receive and present additional information on the Main Street Program and that staff enter into conversations with representatives from the College Park, Golfview and 5th Avenue/Pleasant Street neighborhoods on the implementation of future historic districts.

Fiscal Note: None

RECOMMENDATION

Community Development Committee to City Commission: 1) the City Manager receive and present additional information to the Commission on the

applicability of the Florida Main Street Program in Gainesville; 2) staff contact representatives of the College Park, Golfview and 5th Avenue/Pleasant Street neighborhoods to inquire about the interest in implementation of future historic districts; and, 3) recommend this referral be removed from the CDC pending referral list.

Legislative History

1/21/10	City Commission	Referred (5 - 0 - 2 Absent)	Community Development Committee
8/18/10	Community Development Committee	Approved as Recommended	

090737_CDC Minutes of 8-18-10_20101021.pdf

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

100302.

Collaborative Law Awareness Week (B)

RECOMMENDATION

Gainesville Collaborative Divorce Team President Jennifer Curcio and Secretary Randi Dincher to accept the proclamation.

100302_Proc_20101021.pdf

100423.

Delta Sigma Theta Sorority, Inc. Weekend - October 22-24, 2010 (B)

RECOMMENDATION

Delta Sigma Theta Sorority, Inc. Gainesville Alumnae President Gwendolyn Saffo, Co-Chair Kenitra Robinson, and Co-Chair Melanie Swain to accept the

proclamation.

100423_DeltaSigma_20101021.pdf

100424.

Meet the Blind Day - October 23, 2010 (B)

RECOMMENDATION

*Gainesville Chapter, NFB of Florida Chapter
President Judith Hamilton to accept the proclamation.*

100424_MeettheBlind_20101021.pdf

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

100380.

Adoption resolution for the Evaluation and Appraisal Report (EAR) on the City of Gainesville 2000-2010 Comprehensive Plan (B)

A Resolution of the City of Gainesville adopting the Evaluation and Appraisal Report for the Gainesville Comprehensive Plan; stating the intent of the City of Gainesville to amend the Comprehensive Plan based upon recommendations contained in the report; and approving transmittal of the report to the Department of Community Affairs in accordance with Section 163.3191, Florida Statutes, providing directions to the Clerk of the Commission; and providing an immediate effective date.

Explanation: The City of Gainesville 2000-2010 Comprehensive Plan is a vision document for guiding the continuing development and evolution of the City. It is comprised of 15 elements that range from future land use, transportation, and conservation, to public school facilities and historic preservation. The ten-year planning horizon is reflected in the current 2000-2010 City of Gainesville Comprehensive Plan, the evaluation and appraisal of which comprises the Evaluation and Appraisal Report (EAR) and creates a foundation for development of the 2010-2020 comprehensive plan.

Per Florida Statutes, the City of Gainesville and other local governments are required to adopt an EAR approximately once every seven years. The EAR is prepared by the City Plan Board and analyzes the City's progress in implementing its comprehensive plan, accounting for changes in population, land area, development activity, and regional and state policy. The EAR combines this analysis with an updated vision for the future and provides recommendations as to how the comprehensive plan should be amended.

Staff has concluded that the proposed Evaluation and Appraisal Report on the 2000-2010 City of Gainesville Comprehensive Plan: reflects the major issues identified by the citizens of Gainesville, the City Plan Board, and the City

Commission; meets the requirements of Section 163.3191, Florida Statutes for evaluation and appraisal of a comprehensive plan; and that it should be approved.

Please note that this item was originally heard by the City Commission on October 7, 2010. The motion at that public hearing was to approve Petition PB-10-97MSC which represented the final draft of the EAR document, and was passed 7-0. Per Florida Statutes the EAR must be adopted by resolution; the item is being reintroduced because the resolution was inadvertently omitted from the October 7 agenda packet.

Public notice was published in the Gainesville Sun on August 31, 2010. The Plan Board held a public hearing on September 15, 2010.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - The City Commission adopt the resolution and transmit the EAR to the Florida Department of Community Affairs.

City Plan Board to City Commission - Approve Petition PB-10-97 MSC, and recommend that the City Commission adopt the EAR. The Plan Board voted 4:0.

Staff to City Plan Board - Approve Petition PB-10-97 MSC.

Legislative History

10/7/10 City Commission Approved (Petition) (7 - 0)

100380_staff report_20101007.pdf
 100380A_chapter 1-5_appendix A_20101007.pdf
 100380B_appendix B element matrices_pt 1_20101007.pdf
 100380C_appendix B element matrices_pt 2_20101007.pdf
 100380D_appendix B_element matrices pt 3_20101007.pdf
 100380E_100915 cpb minutes_20101007.pdf
 100380F_staff ppt_20101007.pdf
 100380_City Resolution #100380_20101021.pdf
 100380A_Exhibit A to Resolution 100380_20101021.pdf

ADOPTION READING-ROLL CALL REQUIRED

100189.

LAND USE CHANGE - COMMONLY KNOWN AS PLUM CREEK (B)

Ordinance No. 100189, Petition PB-10-25CPA

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element; amending Ordinance No. 070447 that adopted Policy 4.3.4 relating to the LandMar Development; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue and consisting of approximately 1778 acres; providing for extension of rezoning time

limitations; amending Policy 4.3.4; by renaming the Development; amending and revising certain environmental and transportation policies; providing directions to the City Manager and the codifier; providing a severability clause; and providing an effective date.

Explanation: STAFF REPORT

To be submitted as a modification to the agenda.

CITY ATTORNEY MEMORANDUM

To be submitted as a modification to the agenda.

RECOMMENDATION *To be submitted as a modification to the agenda.*

Legislative History

8/5/10 City Commission Approved (Petition) as Modified (6 - 0 - 1 Absent)
9/2/10 City Commission Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100189_staff letter_20100805.pdf
100189A_FLU element policy 4.1.1_20100805.pdf
100189B_applicant's proposed rev to policy 4.3.4 FLU_20100805.pdf
100189C_explanation porposed text admend_20100805.pdf
100189D_plum creek SR 121 site map_20100805.pdf
100189E_application for text admend_20100805.pdf
100189F_extension request_20100805.pdf
100189G_staff ppt_20100805.PDF
100189_Final_Plum Creek_MOD_20100805(revised).pdf
100189_draft ordinance_20100902.pdf

100141.

LAND USE CHANGE - PORTION OF FOREST PARK (B)

Ordinance No. 100141, Petition PB-10-29LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use categories of certain property, as more specifically described in this ordinance, from the land use category of "Residential Medium-Density (8-30 units per acre)" to "Conservation"; consisting of approximately 12 acres, located in the vicinity of South of S.W. 20th Avenue between I-75 and Forest Park; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

To be submitted as a modification to the agenda.

CITY ATTORNEY MEMORANDUM

To be submitted as a modification to the agenda.

RECOMMENDATION *To be submitted as a modification to the agenda.*

Legislative History

8/19/10 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (7 - 0)

100141_staff letter-20100819.pdf
100141A_flu element_obj 3.1_20100819.pdf
100141B_maps_existing and proposed land use_20100819.pdf
100141C_application_neighbrhd wkshp info_20100819.pdf
100141D_100527 cpb minutes_20100819.pdf
100141E_staff ppt_20100819.PDF
100141_draft ordinance_20100819.pdf

090738.

LAND USE CHANGE – 900 S.E. 4TH STREET (DEPOT PARK) (B)

Ordinance No. 0-10-03, Petition PB-09-133LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain property, as more specifically described in this ordinance, from “Industrial” to “Public Facilities”; consisting of approximately 34 acres, located in the vicinity of 900 S.E. 4th Street, commonly known as Depot Park; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The properties that are the subject of this petition are part of the Depot Park Project, which is an effort to clean up and restore brownfield properties in the area of Depot Avenue and South Main Street. A brownfield is an abandoned, idle, or underused industrial or commercial site where redevelopment is hampered by environmental contamination. The City of Gainesville through Gainesville Regional Utilities (GRU) will clean up the environmental contamination, which was the result of a coal gasification plant operated on Depot Avenue across from the historic Depot building. The City will develop the site as a stormwater treatment facility to serve the downtown area, and as a public park to provide green space and recreation activities, that will provide an economic boost to this area of the community.

This petition is a request to change the Future Land Use designation from IND (Industrial) to PF (Public facilities) on the two parcels that will make up the Depot Park. Tax parcel 16004-000-000 is approximately 33 acres in size and makes up the vast majority of the 34-acre Depot Park project. The property currently has Industrial land use and as of September 3, 2009, a zoning designation of PS (Public services and operations district). The second property that will comprise the Depot Park is tax parcel 15706-000-000, which is approximately 0.57 acres in size and has a land use designation of Industrial with PS zoning. The PS zoning district specifies the uses that will be permitted on the properties.

Depot Park is generally bounded by South Main Street to the west, S.E. 4th Street to the east, Depot Avenue to the north, and S.E. 10th Avenue to the south. To the north of Depot Park Project property is the Baird Center complex, a roofing and sheetmetal company, and the Rosa Parks Regional Transit System (RTS) Downtown Station bus transfer facility, with CCD (Up to 150 units/acre central city district) zoning and Mixed-Use High-Intensity (up to 150 units per

acre) land use. Also to the north is the GRU Kelly power plant, with PS zoning and Public Facilities land use. To the east is additional GRU property with PS zoning and Public Facilities land use, plus several properties with I-1 zoning and Industrial land use with a house, warehouse space, offices and vacant industrial land. The RTS Operations and Maintenance Facility, with PS zoning and Public Facilities land use is to the southeast. To the south are properties with I-1 and I-2 zoning with Industrial land use, with vacant industrial land, and a beverage company. To the southwest is an electric supply company; and to the west are properties with I-2 zoning and Industrial land use that include a swimming pool equipment wholesaler, a vacant office building, and Florida Rock Industries.

The general character of the subject properties is park land with trails and stormwater basins, while the other properties in this area are generally industrial, vacant industrial, public facilities, warehouse, wholesale businesses, and small scale repair and service establishments. A stormwater park is appropriate for the subject properties based upon the park's adjacency to lands in the downtown area that will drain to this site. The proposed Public Facilities land use category is more appropriate for the PS zoning district than the existing Industrial land use. This proposal is consistent with the current uses on the subject properties and will be compatible with the surrounding land use and zoning.

Planning Division staff recommended approval of Petition PB-09-133 LUC.

The City Plan Board reviewed the petition and recommended approval, Plan Board vote 6-0.

Public notice was published in the Gainesville Sun on October 6, 2009. The Plan Board held a public hearing on October 22, 2009.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. This is the second hearing at the adoption stage of the ordinance, and the hearing was advertised at least five days before the adoption hearing.

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA must be considered by the Commission at the adoption hearing. The City Commission may adopt the ordinance, adopt the ordinance as amended, or not adopt the ordinance.

The State of Florida Department of Community Affairs issued a letter dated September 13, 2010, stating that the Department raises no objections to the proposed amendment. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

Following second reading, if the ordinance adopted or adopted with

amendments, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission: (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance.

Legislative History

3/18/10 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (7 - 0)

090738_draft ordinance_20100318.pdf

090738_staff report_20100318.pdf

090738A_aerial photo_20100318.pdf

090738B_maps_existing & proposed land use_20100318 .pdf

090738C_cpb application_20100318.pdf

090738D_pd-09-37zon_signed ordinance_20100318.pdf

090738E_cpb 091022 minutes_20100318.pdf

090738F_staff ppt_20100318.PDF

090741.**LAND USE CHANGE – 4700 BLOCK OF ARCHER ROAD (B)****Ordinance No. 0-10-07, Petition PB-09-143LUC**

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use categories of “Conservation”, and “Residential Low-Density (up to 12 units per acre)” and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 28.98 acres located in the vicinity of the 4700 block of Archer Road, north side; providing for conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The property associated with this petition was presented to the City Commission on June 25, 2009 for a multi-family development at a density of up to 30 units per acre. After reviewing the request, Petition PZ-09-36 ZON, the City Commission determined that the proposal was inconsistent and incompatible with the comprehensive plan and was inclined to deny the petition but instead offered an option for an alternative proposal that would be more compatible with development west of I-75 and consistent with current market demands. The applicant subsequently withdrew the petition.

The applicant resubmitted a large-scale land use amendment to change the

Future Land Use category from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Planned Use District and Conservation (CON). The proposal includes five parcels totaling 28.98 acres which were annexed into the city on February 5, 2009. The property is located west of I-75, approximately 2,500 feet west of I-75 on the north side of Archer Road between SW 47th Street and SW 50th Street. Both SW 47th Street and SW 50th Street are private roads currently serving existing developments; SW 47th Street is a 20-30 foot wide private road and SW 50th Street is an unpaved narrow road that accesses the northwestern portion of the site.

The area proposed for Conservation Land use is approximately 5.71 acres lying in the northwestern portion of the site. It abuts the Lake Kanapaha conservation/recreation area to the west, and was included as part of the Alachua County Strategic Ecosystem designation. The remaining 23.27 acres is proposed as a Planned Use District and occupies the eastern and southern portions of the property which abuts SW Archer Road and SW 47th Street. That portion is primarily undeveloped except for a few abandoned single-family dwellings in very dilapidated condition. The property is surrounded by an established Mobile Home development to the north, condominiums to the east and several older, single-family dwellings and vacant lots to the south.

The Plan Board reviewed the applicant PUD land use proposal which included 60,000 square feet of floor area to accommodate an Assisted Living Facility with 300 beds; a 75,000 square foot Skilled Nursing Facility and 15,000 square feet for medical and office uses, which are strictly supportive of the institutional/residential portions of the development. Staff recommended to the Plan Board a maximum of 160,000 square feet of floor area for the Skilled Nursing Facility and Assisted Living Facility with a maximum of 400 beds and 20,000 square feet of Office and Medical uses as support uses for the main institutional residential uses. During the Plan Board hearing the applicant asked for additional square footage for office type uses. The plan board expressed concerns about the difference in the intensity of development presented by staff and the new numbers presented at the meeting. The Plan Board debated the issue and approved staff recommendations. The board asked that the differences in numbers be resolved prior to the City Commission review. The board also asked that the necessary right-of-way requirement for SW 47th Street be resolved prior to City Commission review. The Plan Board reviewed the petition and recommended approval with all staff conditions and a modification of conditions 6 and 9, and added a new Condition 11.

After the Plan Board meeting, the applicant worked with staff to develop the following intensity of development: a Skilled Nursing Facility with a maximum of 180 beds; an Assisted Living Facility with a maximum of 130 beds, and a maximum of 75,000 square feet of floor area for medical and general office uses. Staff recommends approval of this development intensity.

Public notice was published in the Gainesville Sun on November 19, 2009. The Plan Board held a public hearing on December 7, 2009.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. This is the second hearing at the adoption stage of the ordinance, and the hearing was advertised at least five days before the adoption hearing.

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA must be considered by the Commission at the adoption hearing. The City Commission may adopt the ordinance, adopt the ordinance as amended, or not adopt the ordinance.

The State of Florida Department of Community Affairs issued a letter dated September 13, 2010, stating that the Department raises no objections to the proposed amendment. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

Following second reading, if the ordinance adopted or adopted with amendments, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission: (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance.

Legislative History

2/18/10	City Commission	Approved (Petition) as revised by the City Plan Board, as amended (6 - 0 - 1 Absent)
6/17/10	City Commission	Adopted (Ordinance) on Transmittal Hearing (5 - 0 - 2 Absent)

090741_cpb recommended conditions modified_20100218.pdf
 090741A_staff report_20100218.pdf
 090741B_map#1_land use_20100218.pdf
 090741C_g'ville council on aging cpa report_20100218.pdf
 090741D_legal description_petitioner application_20100218.pdf
 090741E_map_proposed villiages of kanapha cpa rezoning_20100218.pdf
 090741F_neighborhood wkshop info_20100218.pdf
 090741G_neighborhood meeting minutes_20100218.pdf
 090741H_cpb minutes_20100218.pdf
 090741J_petitioner ppt_20100218.pdf
 090741I_staff ppt_20100218.PDF
 090741_MOD_PPT_20100218.PDF
 090741_draft ordinance_20100617.pdf
 090741_MOD_PPT_20100617.PDF

090298.

AMEND THE FUTURE LAND USE MAP FROM PUBLIC FACILITIES AND CONSERVATION TO BUSINESS INDUSTRIAL FOR THE ALACHUA COUNTY FAIRGROUNDS AND COOPERATIVE

EXTENSION SERVICE SITE(B)**Ordinance No. 0-09-55, Petition PB-09-80 LUC**

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the City of Gainesville land use categories of "Public Facilities (PF)" and "Conservation (CON)" to the City of Gainesville land use category of "Business Industrial (BI)," consisting of approximately 74.48 acres, located in the vicinity of 2900 N.E. 39th Avenue, commonly known as the Alachua County Fairgrounds and Cooperative Extension Office; 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 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. 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 land use change to Business Industrial (BI) 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 land use category 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.

This petition and ordinance propose to implement PEG and the Future Land Use Element as stated above by amending the land use of the subject property from CON and PF to Business Industrial (BI). The proposed BI land use 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 future land use map amendment, and by a vote of 7-0, recommended that the City Commission approve the petition.

A related petition, PB-09-81-ZON, and ordinance propose to rezone this property to the BI zoning district. That petition and ordinance are scheduled for first reading on the same day as the adoption hearing/second reading of this land use amendment.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

On February 18, 2010, the City Commission adopted the ordinance on first reading, by a vote of 6-0. The proposed amendment to the Comprehensive Plan was then transmitted to the State Department of Community Affairs (DCA) for written comment. By letter dated September 13, 2010, the DCA informed the City that it had no comments, recommendations or objections to the proposed plan amendment.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

RECOMMENDATION

The City Commission (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance.

Legislative History

2/18/10 City Commission Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing (6 - 0 - 1 Absent)

090298_staff report_20100218.pdf

090298A_aerial photo_20100218.pdf

090298B_maps_existing land use_proposed land use_20100218.pdf

090298C_petitioner application_neighborhood wkshop_20100218.pdf

090298D_cpa justification report_20100218.pdf

090298E_cpb 090723 minutes_20100218.pdf

090298_draft ordinance _2010218.pdf

090298F_staff ppt_20100218.PDF

090298_MOD_PPT_20100218.PDF

090298_draft ordinance _20101021.pdf

090298_DCAORCreport9-13-10_20101021.pdf

ORDINANCES, 1ST 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 (1) approve Petition PB-09-81 ZON and (2) adopt the proposed ordinance.*

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

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.

The continuance is recommended because the notice requirements for the petition were not met in time for a public hearing to occur on October 21, 2010.

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) continue the petition hearing on Petition PB-10-21-TCH to a date certain of November 4, 2010 and (2) continue the first reading of the proposed ordinance to a date certain of November 4, 2010.

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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

ADOPTION READING - ROLL CALL REQUIRED

100147.

LAND USE CHANGE - SUGARFOOT PRAIRIE (B)

Ordinance No. 100147, Petition PB-10-27LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of "Residential Medium-Density (8-30 units per acre)" to "Conservation"; located in the vicinity of north of Southwest 20th Avenue and east of Southwest 62nd Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a land use change on land owned and maintained by the City. The parcel is currently designated predominantly Conservation with a seven-acre portion designated Residential Medium-Density. Approval of the proposed change would result in the entire parcel being designated Conservation. This parcel is managed as part of a larger conservation area known as Sugarfoot Prairie.

Public notice was published in the Gainesville Sun on May 11, 2010. The City Plan Board held a public hearing May 27, 2010.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

10/7/10 City Commission Approved (Petition) and Continued on Adoption
Reading (Ordinance) (7 - 0)

100147_draft ordinance_20101007.pdf
 100147_staff report_20101007.pdf
 100147A_comp plan GOPs_20101007.pdf
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 100147C_application_neighbrhd wkshp_20101007.pdf
 100147D_100527_cpb minutes_20101007.pdf
 100147E_staff ppt_20101007.PDF

ORDINANCES, 2ND READING- ROLL CALL REQUIRED**100148.****REZONING – SUGARFOOT PRAIRIE****Ordinance No. 100148, Petition PB-10-28ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties within the City, as more specifically described in this Ordinance, from the zoning categories of “RMF-6: 8-15 units/acre multiple-family residential district” and “PD: Planned Development District” to “CON: Conservation district”; located in the vicinity of north of Southwest 20th Avenue and east of Southwest 62nd Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The petitioner, the City of Gainesville Parks, Recreation, and Cultural Affairs Department, requests a rezoning on land owned and maintained by the City. The parcel currently has split zoning with CON (Conservation) zoning on the central portion, PD (Planned Development) on the northern half, and a seven-acre portion designated RMF-6 in the southwestern corner. Approval of the proposed change would result in the entire parcel being designated CON. This parcel is managed as part of a larger conservation area known as Sugarfoot Prairie.

Public notice was published in the Gainesville Sun on June 8, 2010. The City Plan Board held a public hearing June 24, 2010.

RECOMMENDATION*The City Commission adopt the proposed ordinance.***Legislative History**

10/7/10 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

100148_draft ordinance_20101007.pdf
 100148_staff report_20101007.pdf
 100148A_comp plan GOPs_20101007.pdf
 100148B_maps_existing_proposed zoning_aerial_20101007.pdf
 100148C_application_neighbrhd wkshp_20101007.pdf
 100148D_100624 cpb minutes_20101007.pdf
 100148E_staff ppt_20101007.pdf
 100148_petitionform_20101007.pdf
 100148a_petitionform_20101007.pdf

091038.**VEHICLES FOR HIRE – DRIVER PERMIT REQUIREMENTS (B)****Ordinance No. 091038**

An ordinance of the City of Gainesville, Florida, amending Chapter 28, Vehicles for Hire, City of Gainesville Code of Ordinances, relating to driver permit requirements; amending the calculation of time periods of the offenses set forth in Sections 28-8.5(d)(2), (3) and (4); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its August 19, 2010 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to the vehicles for hire ordinance, specifically changing the time period from which felony offenses are calculated to begin from the date of the offense for the purpose of securing a driver permit.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/6/10	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
6/16/10	Public Safety Committee	Discussed	
7/27/10	Public Safety Committee	Discussed	
8/19/10	City Commission	Approved as Recommended (7 - 0)	
10/7/10	City Commission	Adopted on First Reading (Ordinance) (7 - 0)	

091038a_DriverInfo_20100616.pdf
 091038b_DriverApplGuidelines_20100616.pdf
 091038c_GPDTowRules_20100616.pdf
 091038a_FSSCoOrg_20100727.pdf
 091038b_FSSMunic_20100727.pdf
 091038c_FSSFHPPenalties_20100727.pdf
 091038d_FHPWreckerPol_2100727.pdf
 091038e_FHPTowRates_20100727.pdf
 091038f_FHPWreckerQual_20100727.pdf
 091038g_FHPComplaintForm_20100727.pdf
 091038h_RotationList_20100727.pdf
 091038i_FHPWreckerInspForm_20100727.pdf
 091038j_TallTowOrd_20100727.pdf
 091038k_TrotterLetter_20100727.pdf
 091038_DraftOrdinance_20101007.pdf

100306.**TOWING AND IMMOBILIZING OF VEHICLES - PERMIT REQUIREMENTS(B)****Ordinance No. 100306**

An ordinance of the City of Gainesville amending Article III of Chapter 14.5, Division 1, Towing of Vehicles on Private Property, and Division 2, Immobilizing Vehicles on Private Property, relating to wrecker operator permit requirements and immobilization operator permit requirements; amending the calculation of time periods of offenses set forth in Section 14.5-27(c) and Section 14.5-42(c); providing directions to the codifier, providing a severability clause; providing a repealing clause and providing an immediate effective date.

Explanation: At its August 19, 2010 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to towing and booting of vehicles, specifically changing the time period from which felony offenses are calculated to begin from the date of the offense for the purpose of securing a wrecker operator's permit and operator's permit.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/7/10 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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PLAN BOARD PETITIONS**DEVELOPMENT REVIEW BOARD PETITIONS****SCHEDULED EVENING AGENDA ITEMS****UNFINISHED BUSINESS****COMMISSION COMMENT****CITIZEN COMMENT (If time available)****ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**