

Petition 28LUC-07 PB David Coffey, P.A., agent for Plum Creek Timberlands, LP. Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Rural/Agricultural and City of Gainesville A (Agriculture) to City of Gainesville PUD (Planned Use District), SF (Single-family, up to 8 units per acre) and CON (Conservation) on approximately 1,754 acres. Located at SR 121, east of Deerhaven Power Plant.

Ralph Hilliard, Planning Manager stated that a letter from Mr. Paul Meredith was received regarding issues that have been reviewed with the City Attorney and read that letter into the record stating:

“On August 14, 2007, the Department of Community Development received a letter from Mr. Paul M. Meredith, Attorney for Arthur D. Weiss. (A copy of the letter has been placed in the record and distributed to the members of the City Plan Board.) Mr. Meredith, on behalf of his client, asks that “...all concurrency requirements for the applicant, Plum Creek Timberlands, should consider the Greenways of Gainesville (proposed development) as “background” For your information, a lawsuit is pending by Mr. Weiss, in the federal court against the City of Gainesville regarding the Greenways of Gainesville proposed development. For the City Plan Board’s information, on October 23, 2000, the City Commission voted to deny Mr. Weiss’s application to amend the comprehensive plan and extend a planned development rezoning deadline. Additionally, on June 19, 2002, Mr. Weiss withdrew his application for development approval for the Greenways of Gainesville development of regional impact that was pending before the North Florida Regional Planning Council. In his lawsuit filed on September 19, 2005, Mr. Weiss is asking the court to order the City to recognize the planned use district category that became null and void when the City Commission denied the extension of the planned development rezoning deadline. The City’s special counsel has filed and will soon file Motions with the federal court that seek to dismiss Mr. Weiss’s claim.”

Dean Mimms, Comprehensive Planning Chief read into the record a statement regarding concurrency and stated:

“Land use changes do not vest a future development for concurrency, as stated in proposed Future Land Use Element (FLUE) Policy 4.3.4.12 pertaining to the Plum Creek application. This proposed policy is consistent with FLUE Policy 4.3.3.s that pertains to the Orton Trust PUD. The City has no current applications on file pertaining to the Weiss property which is located in the vicinity of the subject Plum Creek property.”

Mr. Hilliard stated to the Board that the letters are in the record as requested and based on the information we have, the Board need not concern themselves with this issue tonight.

Dom Nozzi, Sr Planner gave the Staff presentation and discussed transportation, school, and environmental impacts; financial feasibility; density and intensity; and infill. Mr. Nozzi stated that most of the subject property was annexed into the City in February 2007, as the property is rural in character and very wet, with a density of one unit per five acres. Mr. Nozzi further stated that the petitioner proposes that staff recommends approval of this petition based on the approval of the conditions in Exhibit 1, the proposed 4.3.4 of the new policy for the Land Use Element of the City’s Comprehensive Plan

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Mr. Cohen inquired the position of staff regarding the difference between DOT and the petitioner on the traffic issue. Mr. Nozzi stated that the petitioner is projecting costs based on a rural cross section, as DOT believes that an urban cross section with a curb and gutter would be necessary with a constrained right-of-way availability.

Onelia Lazzari, Sr. Planner stated that staff asked FDOT to provide cost estimates to look at the right-of-way situation as preliminary estimates were received to widen the road to four lanes based on a rural cross section, as there is insufficient right of way to do that. Ms. Lazzari further stated that this is not something that needs to be resolved right of way, as staff's main concern is to get on the record, the level of expense to maintain the level of service.

Mr. Cohen stated that one of the issues of concern discussed by staff is the environmental issue, however in the Board's packets, neither Mr. Garland's or Ms. Niederhofer's reports were enclosed. Mr. Nozzi stated that the vast majority of comments start on page 5 of the staff report, as Ms. Niederhofer's comments appear in the proposed Policy 4.3.4 where the environmental conditions and concerns are expressed. Mr. Nozzi clarified the review procedure and process and stated that the attached review comments from staff are a process of a Development Review, and this not being a Development Review process, but a Land Use petition, it is not typical protocol to attach those comments.

Mr. Walls stated he had a terrible time wading through all the verbiage for this application and inquired if the map in Exhibit 3, where the water is, indicates if it will be developed for residential areas. Mr. Nozzi stated he will defer the question to the petitioner.

Mr. Mimms read into the record a letter from the Ed Regan, Assistant General Manger of Strategic Planning at Gainesville Regional Utilities, that was distributed to the board members before the meeting.

David Coffey, agent for the petitioner read into the record portions of The Boundary Adjustment Act that governs the designation of areas in the urban reserve for municipalities and Alachua County for future annexation. Mr. Coffey detailed the criteria as being; adjacent to the municipality; urban in character or likely to become urban in character within the next 10 years and encourage more concentrated urban development. Mr. Coffey further stated that a finding must be made by the governing body that those criteria are met before properties are designated and then annexed. Mr. Coffey gave his presentation and discussed :

- Types of land uses as single family with 1,080 acres; 608 acres in conservation and 91 acres of PUD land use.
- Delineated wetlands recognized by the Water Management Districts that have not been given conservation land use designation and proposed impacts.
- Density restrictions
- Mixed Use Development composed of 100,000 square feet of non-residential use; up to 80,000 could be retail/commercial and 540 residential units.

- Financial Feasibility –approval of the land use must not be allowed to exceed the available capacity, or capacity that is demonstrated to be created; as Policy 4.3.4 limits future development that is being authorized to Phase 1 of 581 residential units, until such time the Comprehensive Plan is later amended, to provide for additional capacity.

Mr. Coffey concluded by stating that if this property was still in the County, the development potential on this property would be about 435 residential units.

Clay Henderson, agent for the petitioner gave a brief presentation and stated that he deals with land use issues, comprehensive plans and land development regulations across the State. Mr. Henderson further stated that Plum Creek has protected 23,000 acres of land in Alachua County under a conservation easement, including the 7,000 acres that is adjacent to this part of the wellfield as well as almost a 100, 00 acres in the State of Florida. Mr. Henderson added that their analysis, Strategic Ecosystems Area Method (SEAM) is both a GIS analysis along with field research, yielding results of the areas that need to be protected. Mr. Henderson concluded by stating that if you back away from this analysis, you will see on a larger scale, that the area for the proposed development is not the best of the best, but would still have to meet the standards of the new Comprehensive Plan proposal and the Land Development Regulations in order to protect the environmental features.

Citizens and area residents came forward to state their concerns:

- Property very wet and rural
- Traffic will dramatically impact area
- Impact of water resources in the area and to the creeks
- Create an impervious surface
- Clustering
- Hydrology will be increased
- Conservation easements protection
- Worst place for a development financially
- North end of development would have an impact on an already established residential property
- Impact to school system zoning
- Road structure will not handle increased traffic unless it is four lanes
- Want to keep the wells they have for water
- ACEPD records state that Land Use Change is too intense
- Adverse impact on school capacity on all levels
- Protection of wetlands, uplands and very rare and significant amphibians
- Require a completion of a multi-disciplinary special area environmental study by a third party, prior to any change in Land Use or development approval
- Limited traffic study as it only addresses Phase 1 of the development
- Staff needs more information, facts and data
- Property owner/developer would have rights that cannot be amended or restricted once a permit is issued
- Financial feasibility adverse consequences for the excessive flooding

- Sprawl
- Land use change is too intense for this area
- Boundary Adjustment Act

One citizen came forward in support of the proposed development and cited reasons for approval:

- Help citizens with their high taxes
- Hire extra staff , policemen and firemen
- Does not feel that water is an issue

Chair Polshek stated that he was provided a copy of the two site plan evaluation sheets that were not included in the Board's packets, but summarized in the Staffing report, marked "Disapproval". Mr. Cohen asked questions of Meg Niederhofer, City Arborist and Mark Garland, Environmental Review Coordinator what their opinions are toward the final proposal

Mr. Garland stated that he did recommend disapproval of this proposed development as he reviewed it as a straight land use change when he wrote his comments and was not looking at the applicant's proposal to put it in a series of PD's . Mr. Garland further stated that PD's have a higher level of review and is better than a straight land use change; yet does not believe that zoning a thousand acres of this proposed development single family is consistent with the City's Comprehensive Plan. Mr. Garland further stated that the soils are problematic in large parts of this area and may not be appropriate for a single family development, even with conditions. Mr. Garland added that you can try to develop some parts of this area with less problems to the environment than if you tried to develop the area as a single family; as the stormwater ponds will have to be extensive due to a high water table that will not get much storage capacity, unless you have enormous stormwater ponds.

Mr. Cohen asked Mr. Garland if the petitioner has met his criteria he listed in site plan evaluation sheet. Mr. Garland stated partially, as the proposed PD zoning does not go far enough. Mr. Cohen stated that since the City has its own ecological overlay district what would be his evaluation for the entire property. Mr. Garland stated that it would get a fairly high score, as part of the criteria involves size of the property, as there is a large contiguous undeveloped acreage; and another criteria is if the property is adjacent to an existing conservation area, as the entire eastern side of this proposed development is adjacent to a preservation area. Mr. Garland stated that right now this is the largest piece of undeveloped land inside the City since annexation.

Chair Polshek inquired of Ms. Niederhofer if she would still have the same opinion that was written in her site plan evaluation. Ms Niederhofer stated she is well versed in the urban forest produces in the way of pollution and is very concerned of the potential impacts the urban forest would have on the water resources. Ms. Niederhofer further stated she had identified several conditions that would be helpful in delivering a high quality development plan for this site that were not included, such as the runoff water would have to be equal in quality and quantity to the resources that exist for the wetlands.

Chair Polshek listed the other conditions on the City Arborist's site plan evaluation sheet as:

- buffers
- interconnectivity with bridges
- right type of trees
- no exotics were being introduced and had to be removed
- prohibiting of the use of pesticides
- density.

Ms. Niederhofer stated that the petitioner made some steps forward but her major concerns were not incorporated and addressed.

Mr. Coffey stated that the analysis the County requires for determining protection for strategic ecosystems is the process that has been applied to this site, as it reflects considerably more scientific detailed analysis of what is found on the ground. Mr. Coffey further stated that it is important to understand that there is a misconception by many that a strategic ecosystem designation in Alachua County means very little development; as what is before the Board tonight is a small portion of the larger strategic ecosystem that has been annexed into the City, of which is owned by the applicant. Mr. Coffey added that the Alachua County report was written without knowledge of the standards that are being imposed by the new Policy 4.3.4 specific to this site; and if that policy is adopted, it will limit the development of the site to 581 residential units, until such time sufficient capacity can be demonstrated and created to support additional units.

Chair Polshek inquired of the petitioner the demographics for this development and if it will generate lots of commuting. Mr. Coffey stated a market study has been submitted for additional residential land use, and the traffic analysis that was submitted with the application did not contain the recent data that has been provided by DOT, as at that time the data indicated that there would be a deficiency on State Road 121. Mr. Coffey further stated that the more recent DOT data demonstrates that there is sufficient capacity to handle the 581 residential units without any modifications to the existing roadway. Mr. Coffey added that the municipalities and the School Board have entered into an Interlocal Agreement, until 2013, that will continue to handle the concurrency analysis on a district-wide basis.

Mr. Wells inquired what is involved in Phase 1 and the landscaping practices that will be utilized throughout the site. Mr. Coffey stated that the City Arborist issues are fair game to be discussed at the PD stage, however this development is 1,700 acres and to begin to impose those kinds of details at the Comprehensive Plan level with this magnitude of land involved is a mistake. Mr. Coffey further stated that more than likely a cross section of the residential housing types would be provided in Phase 1.

Motion By: Randy Wells	Seconded By: Bob Cohen
Moved To: Extend meeting for 30 minutes.	Upon Vote: 6 – 0.

Mr. Coffey stated that Mr. Garland's comments regarding the soils appropriateness for urban development is not consistent with Staff's recommendation of approval of this petition; as according to the Comprehensive Plan the soil types that are found in this development are appropriate for residential and low intensity non-residential development. Mr. Hilliard stated that the only analysis that has been done for this proposed development is part of this petition; as there is no other information in the Comprehensive Plan regarding soil types.

Chair Polshek inquired if there will be public transportation access on site. Mr. Coffey stated that beyond Phase 1, transit may very well become part of the solution to make feasible any phases after Phase 1.

Mr. Cohen stated that he would like to hear from the County and ask the same questions that were asked of City staff. Michael Drummond, Alachua County Environmental Protection Department (ACEPD) stated that ACEPD does not think that any creditable argument can be given to assigning urban land uses to an area this hydrologically sensitive, nor to quintupling the allowed residential density over what would be allowed under the County's approach to the development.

Mr. Cohen stated that the major controversy comes down to the environmental issues, yet the Board has to make a land use decision this evening. Mr. Cohen further stated that if this was subject to the Environmental Overlay Study it likely would resolve some of the issues, as sometimes the study will allow the ability to use the land by increasing clustering where it would not be allowed.

Mr. Coffey stated that he does not feel that the petitioner would have any concern or objection if the Board would like to add a policy that states before the first PD is approved a determination will be made as to whether or not the site, some or all, should be subject to the significant ecological communities' district overlay. Mr. Coffey further stated that they would prefer that it would happen before the first PD zoning. Mr. Cohen inquired if the ecological overlay can be finalized with the first and second reading of the land use change. Mr. Coffey stated that that seems to be reasonable.

Motion By: Randy Wells	Seconded By: David Gold
Moved To: Extend meeting for an additional 15 minutes.	Upon Vote: 6 - 0.

David Gold stated that this petition is way too intense for the sensitive environment it is in, and that the character of this area is rural and can almost guarantee that those residents that live in the area do not want this development. Mr. Gold further stated that he agrees that a significant ecological overlay should be done to protect the resources and feels the petitioner is fishing and is not close to the allowable intensity and density of what is appropriate for this area.

Laura High stated that she sees this development as being a sprawl gated community with many environmental issues and is not in favor of voting for it.

Jack Walls stated that he is appalled at this development as it seems it is in a swamp and feels that the City made a big mistake in annexing it into the City limits and should have left it as an environmental plan. Mr. Walls further stated that there is no doubt in his mind that the water will be contaminated and be an expensive development of which is a big, big mistake and will not vote for it.

Motion By: David Gold	Seconded By: Bob Cohen
Moved To: Extend meeting for 15 minutes.	Upon Vote: 6 – 0.

Mr. Wells stated that it is hard not to conclude that the environment, water, transportation, and density of this proposed development all have real concerns. Mr. Wells further stated that he appreciates the design elements that the petitioner was considering and hopes that saying no to this proposal today will not lose track of some of the good elements in this proposed development. Mr. Wells added that while he is weary of the idea of designating the entire property to a Single Family Zoning would have much rather seen infill development or major development closer in

Mr. Cohen stated that there are several issues on the table with one overriding issue, the environmental issue, which can be resolved with a significant environmental overlay study, that would allow the Board to make informed decisions on the legislative land use matter.

Chair Polshek stated that this proposed development will be urban sprawl which will create a grave injustice to the community and needs to be thought through more deeply. Chair Polshek further stated that this level of development and this way of going about it does not make a great deal of sense as it leaves too much undone and unknown and cannot support this petition as it is currently presented.

Motion By: David Gold	Seconded By: Jack Walls
Moved To: Deny	Upon Vote: None taken as the Board had more discussion.

Motion By: David Gold	Seconded By: Bob Cohen
Moved To: Extend meeting for 2 minutes.	Upon Vote: 6 – 0.

Motion By: David Gold	Seconded By: Jack Walls
Moved To: Deny; with recommending to the City Commission, that a study required by the Significant Ecological Communities Overlay District be performed as soon as possible.	Upon Vote: 6 – 0.