

206-8953

# City of Gainesville

City Hall  
200 East University Avenue  
Gainesville, Florida 32601



## Meeting Minutes

Tuesday, January 23, 2007

5:15 PM

City Hall, Room 17

## Community Development Committee

*Commissioner Scherwin Henry, Chair  
Commissioner Jack Donovan, Member  
Mayor-Commissioner Pro Tem Craig Lowe, Member/Alternate*

*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 line at 334-2069 at least two business days in advance.*

## CALL TO ORDER

*The meeting was called to order at 5:25 PM.*

## ROLL CALL

Present: Craig Lowe, Jack Donovan and Scherwin Henry

## ADOPTION OF THE AGENDA

*Approved*

## APPROVAL OF MINUTES

### 060835. Minutes of December 12, 2006 (B)

RECOMMENDATION *The Committee approve the minutes of December 12, 2006.*

**Approved as Recommended**

## DISCUSSION OF PENDING REFERRALS

### 040912 Transportation Concurrency Exception Area (TCEA) Review (B)

RECOMMENDATION *Hear a report from staff regarding a matrix as to funding under the TCEA, proportionate fair share, and impact fees; 2) on the legal possibilities as to what impact fees might be used for (such as transit); and 3) on traffic congestion, and possible approaches within the next ten years.*

**Continued**

### 001198 Graffiti Abatement (NB)

*Paul Alcantar, Solid Waste Manager, gave a brief presentation on Keep Alachua County Beautiful and their program to remove graffiti from the City. He noted that Keep Alachua County Beautiful had a new director and their graffiti abatement was working well.*

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

**Approved as Recommended**

050761

**Energy Efficiency Standards and Requirements (B)**

*Kathy Viehe, Marketing and Communications Director, stated that the item before the Committee came from the Affordable Housing Task Force. She noted that the referral involved how to deal with low-income customer's energy bills. She explained that it was part of GRU's effort to achieve maximum demand size management and regulation. She pointed out that many low-income users have appliances provided with rental units. She stated that new construction is covered under the Florida Building Code.*

*Heidi Lannon, Managing Utility Analyst, reviewed the handout with the committee. She explained that the utility was exploring ways to make residential structures more energy efficient. She noted that there were three tools that could be used: incentives, rebates and regulation. She explained that she had met with the utilities attorney, and FMPA and FMBA Attorneys, and was informed that the City could not withhold service. Ms. Lannon stated that Mr. Radson had addressed the issue of not stressing rental energy consumption versus homeowner occupancy consumption. She noted that, from a utility standpoint, it would be better for all homes to be energy efficient, but she recognized that low-income and rental dwellings tend to involve larger issues. She explained that a Public Service Commission (PSC) lawyer had stated that it was highly unlikely that the PSC would uphold a refusal of service for failure to comply with energy efficiency standards. She suggested that it would be difficult to deny utility service because a residence did not meet energy efficiency standards. Ms. Lannon noted that, on average, there are 131 applications for service a day. She indicated that she looked for other cities that used home rule powers to encourage energy efficiency in dwellings. She noted that the American Public Power Association referred her to Burlington. She indicated that she had also talked to the League of Cities and they felt that, while the minimum housing code was a possibility, they did not know of any city in Florida with municipal utilities that used home rule powers to apply the minimum housing code to energy requirements. Ms. Lannon explained that, if the City wanted to be on the cutting edge, it would have to look for innovative ways to proceed. She stated that if energy efficiency was an important aspect of health, safety and welfare in the City, the City could update the minimum housing code.*

*Chair Henry indicated that the City should keep in mind that serving one segment would affect others. He suggested that if the City changed the housing code, some residents would be penalized.*

*Commissioner Lowe stated that, if the City set a specific standard it could actually provide a savings to an individual over time. He noted that the benefit to a landlord for having an energy efficient dwelling will be an advantage in the long run.*

*Ms. Viehe stated that there were two possible ways to proceed: the refusal of service, which was not likely to be approved, or through the Minimum Housing Code. She explained that there could be a referral process where a GRU Energy Conservation Representative would report problems to Code Enforcement. She noted that it was possible to use rebate or rehab funds.*

*Chair Henry stated that he felt the City could begin by changing the minimum housing code. He suggested that the City explore ways to have existing residences brought up to minimum energy efficiency standards, and have the City assist the customer.*

*Nicolle Smith, Assistant City Attorney, stated their office had a concern about placing energy efficiency standards in the minimum housing code because the existing building code addressed the issues at the time of construction, and that the energy efficiency standards would go above and beyond the usual regulatory approach.*

*Skip Manasco, City Attorney Utilities, stated that public utilities had an obligation to provide service to all persons who qualify under reasonable conditions and conditions could not be applied that were not related to the service itself.*

**RECOMMENDATION**

*Hear a report from staff on clarifying the legal options with regards to energy standards and home rule. GRU, Legal, Code Enforcement, and Building Inspections staff to work together to develop a pilot (referral-based only) for retrofitting existing residential structures to energy standards to be defined by staff and approved by the City Commission.*

**Approved as Recommended**

**060785.**

**Student Community Relations Advisory Board Ordinance Referral (B)**

*Daniel Jones gave a PowerPoint presentation.*

*Commissioner Donovan handed out a draft list of proposals for the Student Community Relations Advisory Board*

*Chair Henry stated that it was his understanding that the Student Community Relations Advisory Board would involve members of all the different parties that dealt with the student population. He explained that the issue stemmed from problems that had arisen concerning students. He indicated that the City felt the University was not putting forth a great effort to resolve those problems. He noted that the residents of the neighborhoods surrounding the University felt that there was no mechanism to help solve those problems either.*

*Commissioner Lowe indicated that he would like the membership of the Student Community Relations Advisory Board to balance the different functions of the board.*

*A member of the public stated that she had a concern about who would be represented on the advisory board. She suggested that landlords should participate, too.*

*A citizen stated that the Student Community Relations Advisory Board ordinance did not state what it would be reviewing and assessing.*

*Mark Goldstein stated that, while he understands the need for a discussion board, he did not wish to underestimate the power of recommendations from a statutory board.*

**RECOMMENDATION**

*Staff to work out the framework for the parties to be involved, and the roles and makeup of the board.*

**Approved as Recommended**

**060548. University Park Neighborhood - Heritage Neighborhood Designation (B)**

*John Wachtel, Neighborhood Planning Coordinator, stated that he met with the UPNA in December to discuss their goals. He explained that the UPNA was not interested in creating a historic district. He indicated that their greatest concern involved demolitions and reconstruction of much larger buildings with more bedrooms, accessory buildings, and certain architectural style and materials. He noted that they were not interested in regulating additions to existing buildings, partial demolitions, fences or driveways. There was discussion of which board would review such matters. UPNA favors the Historic Preservation Board, however, other options would be the City Plan Board, or utilizing the Design Center.*

**RECOMMENDATION** *Staff to bring back a full draft to the next meeting outlining the proposed process.*

**Approved as Recommended**

**060666. Building Height, Number of Stories and Special Use Permits (B)**

*Tom Saunders, Community Development Director, stated that the matter came to the Committee from a discussion at the City Plan Board meeting on a particular application that came before it. He explained that a developer argued that, because there was a maximum height limit in the code, a building could be built to that height, and should also be entitled to two additional stories by Special Use Permit. He indicated that it was staff's contention that the maximum height, and the Special Use Permit for additional stories, were two different things, and the height limit was an absolute maximum to stop construction of tall towers. He stated that the solution was to have a height limit in the code that corresponds to the number of stories. Whatever number of stories is approved per building in urban mixed-use zones (or for any other districts that allow a number of stories by right and Special Use Permit) the height should not exceed some reasonable number (13 feet per floor). He indicated that staff would like the Committee to make a recommendation to the Commission that the City Plan Board initiate a petition on the matter.*

*Mr. Saunders stated that he reviewed the files on how the Code had been amended as it related to number of stories for the Urban Mixed-Use district. He noted that College Park had a height limit of four stories in zones along 13th Street and University Avenue. However, two years ago there was a petition to amend the height limit in this portion of College Park to bring it up to five stories, which brought it up to the height that was allowed already in the mixed-use zoning district. He explained that the petition went through the City Plan Board and City Commission, and staff received encouragement from Commissioner Nielsen to look at a zoning height and density that would be higher. He indicated that a committee was formed called Urban Master Planning, and that committee reviewed issues of how well development was working on the main corridors. That committee concluded that the current zoning (mixed-use) only allowed 30 units/acre, and was too restrictive for the kinds of developments the City was trying to get on those corridors. A petition went to the City Plan Board recommending 6 stories by right, 8 by Special Use Permit, with a limit of 75 units/acre. When staff made a presentation to the City Commission staff showed a lot of different examples of development in different sizes. Citizens argued that the*

density should be higher. The City Commission ended up adopting two different districts, urban mixed-use 1 (UMU-1) and urban mixed-use 2 (UMU-2). The urban mixed-use 2 density allowed 6 stories by right, 8 by Special Use Permit. That density was approved at 100/units by right, and 125 by Special Use Permit. The City Commission recognized that from 13th Street west, it should be more limited, allowing 75 units/acre by right, and 100 by Special Use Permit.

He suggested that the City consider, west of 13th Street, changing the rules in Urban Mixed-Use so that it is a certain number of stories by right, and then more stories if the developer applies for a Planned Development, because it still allows the height limit but through a different and more rigid channel. Another alternative would be to write a very strict Special Use Permit criterion to say you can't exceed the height of buildings within 300 feet by more than two stories.

**RECOMMENDATION** Community Development Committee to the City Commission: 1) direct staff to initiate a petition to the City Plan Board to amend the height limit in the Land Development Code so the buildings do not exceed the number of stores times 13 feet; 2) direct staff to initiate a petition to amend the Urban Mixed-Use 1 zoning district to change the height limit to five stories by right and six stories by Planned Development; and 3) staff to give a report to the Committee on the criteria for Special Use Permits.

**Approved as Recommended**

**040180 Principles of Sustainability in Significant Decisions (NB)**

Mr. Saunders stated that the City Manager suggested that the existing Principles of Sustainability Committee be retired and a new committee formed.

**RECOMMENDATION** Staff to report back at the next meeting to let the Committee know who will be Chair of the new committee.

**060085 Administrative Appeals of Non-Conforming Uses (B)**

Planning Manager Ralph Hilliard presented information on the matter of appeals to the Committee, and noted that there were 2 options to consider. He noted that Planning staff recommended Option 2.

Nicolle Smith, Assistant City Attorney, stated that the Legal Department would consider both options. She stated that it would come down to a statement of facts and someone would have to waive the evidence presented by the owner of the property in question, and by the affected parties. She noted that, in Option 1 there would be a determination by staff with an appeal. In Option 2 the determination would be by the Board of Adjustment, but because it involved a disputed issue of material facts, then the matter would be immediately turned over to a hearing officer. She noted that the process would probably take at least 90 days. She indicated that the City would have to hire a hearing officer to hear the case, make a recommended order, and that recommended order would then go back to the Board of Adjustment. The Board of

*Adjustment would have some limited review of that order and the Board of Adjustment would make the ultimate decision.*

*Chair Henry asked if there was a timeframe for a hearing officer to come back with a determination of an appeal.*

*Ms. Smith explained that under the current Code, a hearing officer had to make a recommended order within 60 days and report back to the Board of Adjustment.*

*Commissioner Lowe asked staff how many appeals the City received in a year.*

*A citizen stated that she wanted the process to remain open and the neighbors to receive more information before a petition was submitted to the Board of Adjustment.*

*There was discussion by the Committee and comment from concerned citizens.*

*Staff and the Committee discussed the appeals process in detail.*

**RECOMMENDATION** *Community Development Committee to the City Commission: the City Commission initiate a petition to amend the Land Development Code so that, rather than staff make determinations regarding whether uses in single-family zones are nonconforming, the determination be made by the Board of Adjustment, not having a hearing officer involved in the disputed facts in the way that they are normally, with the usual appeal process from the Board of Adjustment to the City Commission; and include a flow chart showing that process.*

## **NEXT MEETING DATE**

*February 1, 2007 1:30 PM*

## **ADJOURNMENT**

*The meeting adjourned at 8:30 PM.*