

City of Gainesville

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



Meeting Agenda

June 25, 2007

1:00 PM

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)*

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

070079.

Purchase Traffic Signal equipment, software and installation services from Naztec, Inc. (B)

This item involves a purchase of Traffic Signal equipment, software and installation services from Naztec, Inc in the amount of \$ 1,304,547 for Phase I of the Traffic Management System.

Explanation: The Public Works Department is in the process of implementing the Traffic Management System. The schedule is to begin Phase I construction in the Fall, 2007. The Public Works Department and Florida Department of Transportation designated Naztec Equipment and its central control software as the performance standard for all traffic signal installations and, to date, there have been over 50 traffic signals installed with the Naztec system in the Gainesville Urban Area. To ensure maximum efficiency with the Traffic Management System, all equipment and software must meet the designated performance standard and be 100% compatible with the existing Naztec system. All items to be purchased under this authorization will be purchased from Naztec sources through a competitively bid contract by Seminole County, Florida for Naztec equipment and services. Phase I is planned to be completed within 12 months from start of installation. Phase I consist of the following corridors (83 total intersections):

- University Avenue \ Newberry Road from East 3rd Street to N.W. 122nd Street (44 intersections);*
- Archer Road from S.W. 13th Street to S.W. 75th Street (16 intersections);*
- N.W. / S.W. 13th Street from Archer Road to N.W. 10th Avenue (10*

intersections); and,

· N.W. / S.W. 34th Street from N.W. 16th Avenue to Williston Road and including the Williston Road & I-75 interchange (13 intersections).

Fiscal Note: Funding in the amount of \$1,304,547 for purchase of the equipment, software and installation services is approved in the 2007-2011 Capital Improvement Plan and available in the Traffic Management System capital project account.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the purchase of the equipment, software upgrades and installation services from Naztec, Inc.; and 2) authorize the City Manager to issue a purchase order not to exceed \$1,304,547.

Alternative Recommendation A: The City Commission return this request for purchase to the Department and direct the Public Works Department to solicit bids.

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070128.

Annexation of Parcel Numbers 07872-003-001, 07872-014-002, and 07872-014-003 (B)

This is the submission of petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of NE 63rd Avenue, Leveda Brown Environmental Park and Transfer Station, the Airport Industrial Park, and NE Waldo Road.

Explanation: Gain Develop Industrial, LLC, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The properties are generally located south of the vicinity of NE 63rd Avenue, west of the vicinity of NE 59th Street, north of the City limits and the vicinity of NE 54th Place, and east of NE Waldo Road. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 52 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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070130.

Annexation of Parcel Numbers 06687-000-000, 06687-003-000, 06687-005-000, 06687-006-000, 06687-007-000 and 06686-000-000 (B)

This is the submission of a petition for voluntary annexation for the above referenced parcel numbers, which are located in the vicinity of SW 20th Avenue, SW 43rd Street, SW 24th Avenue and Interstate 75.

Explanation: Town homes at Westwood, LLC, property owner, has submitted a petition to the City of Gainesville for voluntary annexation. The properties are generally located south of the vicinity of SW 20th Avenue, west of SW 43rd Street, north of SW 24th Avenue, and east of the City limits and the vicinity of Interstate 75. Staff has determined that the petition bears the signature of the property owner or authorized agents. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation. The area is approximately 193 acres.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) receive the petition for annexation; and make findings that it contains the signature of the property owner or authorized agents; 2) direct the City Manager to analyze the area; and 3) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area, if appropriate.

Alternative Recommendation: The City Commission deny acceptance of the petition.

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070133.

Increase of Civil Citations Fines (B)

This item requests that the City Commission increase civil citation fines to \$250 for each offense, as directed on July 10, 2006.

Explanation: At the July 10, 2006 City Commission meeting (Legistar item number 050635), the City Commission adopted all of the Community Development Committee's recommendations listed on the document entitled "Possible Changes to Enforcement of Rentals in Single-Family Neighborhoods." Included in the July 10, 2006 agenda is the recommendation to increase civil citation fines. Staff requests the Commission's authorization to implement these increases.

Fiscal Note: A minimal increase in funds derived from civil citation fines to \$250 for each offense. The current fines for these violations are set at \$50, \$125, and \$200.

RECOMMENDATION

The City Commission authorize the City Attorney to

revise the civil citation fees noted in Chapter 2, Division 6 Section 2-339, to reflect the recommendation of the joint Public Safety and Community Development Committees.

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070136.

Annexation of City-owned Property in the Vicinity of NE Waldo Road (B)

This is the submission of a petition for voluntary annexation of City-owned land in the area of NE Waldo Road, NE 63rd Avenue, and the Airport Industrial Park.

Explanation: The City owns a small parcel of land that is the site of a GRU lift Station. This property is surrounded by a larger parcel that has requested a voluntary annexation into the City's corporate limits. This City-owned property is identified by Tax Parcel Number 07872-009-000. Staff has reviewed the requirements of the Boundary Adjustment Act (BAA). This area meets the requirements of the Act and is appropriate for annexation.

In order to annex this parcel into the City limits, the owner must submit a petition to the City of Gainesville for voluntary annexation. As the owner, the Mayor, on behalf of the City, must execute a petition for voluntary annexation.

Fiscal Note: The fiscal impact of this annexation will be addressed in the Urban Services Report.

RECOMMENDATION

The City Commission: 1) authorize the Mayor, as agent for the City, to sign the petition for voluntary annexation; 2) receive the petition for annexation and make findings that it contains the signature of the property owner or authorized agent; 3) direct the City Manager to analyze the area; and 4) authorize the City Attorney to prepare and the Clerk of the Commission to advertise ordinances relating to the annexation of the area.

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070142.

Edward Byrne Memorial Justice Assistance Grant Application. (NB)

This item requests City Commission authorization to apply for and accept Edward Byrne Memorial Justice Assistance Grant funds in the amount of \$33,000 for the Tutorial Assistance for At-Risk Youth, \$26,054.90 for the Sexual Predator and Offender Tracking Program, and \$18,532.30 for the SAFE-T Kiosk.

Explanation: The Edward Byrne Memorial Justice Assistance Grant is a competitive grant opportunity consisting of \$186,208 in Federal funding allocated for government entities within Alachua County. The Alachua County Sheriff's Office serves as

the Grant Administrator and automatically receives 10% (\$18,620.80) leaving the county \$167,587.20 to fund continuing and new programs. On June 4, 2007, the Gainesville Police Department presented three programs for funding to the Byrne Grant Advisory Board. The first presentation was to continue funding for "Tutorial Assistance for At-Risk Youth," which provides an Educational Coordinator and an Assistant Educational Coordinator for the Reichert House. The second presentation was to continue funding for the "Sexual Predator and Offender Tracking Program." This program consists of overtime details to monitor and enforce the terms of probation for sexual predators and offenders within the City of Gainesville. The third presentation was for a new project, the "SAFE-T Kiosk." This program consists of overtime funding for an officer to provide information and safety options to individuals in specific areas who are at-risk of becoming a victim of a crime. The Byrne Grant Advisory Board selected all three programs for funding through the Edward Byrne Memorial Justice Assistance Grant.

Fiscal Note: Each application is for a one-year funding cycle in FY 2008. The current Federal regulations do not require a match for this grant. The total award amount for all three programs is \$77,587.20.

RECOMMENDATION

The City Commission authorize the City Manager to:

1) apply to the Edward Byrne Memorial Justice Assistance Grant program for \$77,587.20 in grant funds; and 2) execute the grant application, grant award, and any other necessary documents, pending review by the City Attorney as to form and legality.

Alternative Recommendation

The City Commission decline the opportunity to apply for and receive grant funds from the Edward Byrne Memorial Justice Assistance Grant in the amount of \$77,587.20.

070132.

Amendment to FY 2006-07 CDBG and HOME Program Annual Action Plan (B)

This amendment would create a new program activity, a Displaced Mobile Home Owner/Tenant Assistance Program, that would be funded through the HOME Program.

Explanation: The City of Gainesville has been asked to address the need to assist residents of mobile home parks in Gainesville who are being displaced as a result of those parks being closed. In response to this need, the Housing Division staff has proposed a new Displaced Mobile Home Owner/Tenant Assistance Program, using HOME funds to supplement funding that is provided to displaced mobile home park residents through the State of Florida and other assistance that may be provided by the owners of those mobile home parks.

The Housing Division's proposal would reallocate \$100,000 in the current

budget for the new housing construction and rental rehabilitation programs to be used for the proposed Displaced Mobile Home Owner/Tenant Assistance Program. A description of the proposed Displaced Mobile Home Owner/Tenant Assistance Program is attached. Depending on the demand for this assistance, additional HOME funds may be allocated for this purpose in future years.

Because this constitutes a new program that would be added mid-year to the City's CDBG & HOME Program Annual Action Plan, the City must amend the Plan through a process that includes public notice and review via a public hearing. The public hearing on this amendment was held by the Citizens Advisory Committee for Community Development (CACCD) on June 12, 2007. At the public hearing, CACCD approved the amendment to the CDBG & HOME Annual Action Plan. The program will be effective upon approval of this amendment by the City Commission. The Housing Division will then be able to accept applications for assistance under the Displaced Mobile Home Owner/Tenant Assistance Program. At the same time, the Block Grant staff will forward the amendment to HUD for informational purposes.

Fiscal Note: The proposed Displaced Mobile Home Owner/Tenant Assistance Program will be funded by reducing HOME funding (\$100,000) for the new housing construction and rental rehabilitation programs in the Housing Division's current fiscal year budget.

RECOMMENDATION

Recommended Motion: The City Commission: 1) approve the amendment to the FY 2006-07 CDBG and HOME Program Annual Action Plan; 2) approve the Displaced Mobile Home Owner/Tenant Assistance Program; and 3) authorize the transfer of \$100,000 within the Housing Division's FY 2006-07 budget from new housing construction and rental rehabilitation programs to the Displaced Mobile Home Owner/Tenant Assistance Program.

Alternative Recommendation A: The City Commission defer action on the proposed Annual Action Plan amendment and the Displaced Mobile Home Owner/Tenant Assistance Program.

Alternative Recommendation B: The City Commission disapprove the proposed Annual Action Plan amendment and the Displaced Mobile Home Owner/Tenant Assistance Program.

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GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

070166. City Commission Minutes (B)**RECOMMENDATION**

The City Commission approve the minutes of June 4 and June 11, 2007; as circulated.

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070168.**City Commission Budget Meetings (NB)****RECOMMENDATION**

To implement the 2007 Master Calendar, the City Commission schedule Special Meetings on the 2007-2008 General Government and Gainesville Regional Utilities Budgets on:

July 11 - 3:00 PM

July 16 - 6:00 PM

July 17 - 3:00 PM

July 19 - 3:00 PM

July 26 - 3:00 PM

070171.**Resignation of Development Review Board Member Russ Ingram (B)****RECOMMENDATION**

The City Commission accept the resignation of Russ Ingram from the Development Review Board effective immediately.

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070172.**Resignation of Development Review Board Member J. T. Frankenberger (B)****RECOMMENDATION**

The City Commission accept the resignation of J.T. Frankenberger from the Development Review Board effective immediately.

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EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE,
CONSENT**

PERSONNEL & ORGANIZATIONAL STRUCTURE COMM, CONSENT**PUBLIC SAFETY COMMITTEE, CONSENT****AUDIT, FINANCE AND LEGISLATIVE COMMITTEE, CONSENT****EQUAL OPPORTUNITY COMMITTEE, CONSENT****REGIONAL UTILITIES COMMITTEE, CONSENT****070169.****Removal of Outstanding Regional Utilities Committee Referral items:
#050457, #050850, and #060674 (NB)**

Explanation: At the meeting of June 12, 2007 the Regional Utilities Committee agreed to request the City Commission remove the following items from the outstanding referral list: 1. #050457 – Streetlights and Electric Rates; 2) #050850 – Wastewater Service to the City of Archer; and 3) #060674 – Digital Downtown. The Streetlights and Electric Rates referral can be discussed at some point in the future in relation to the budget. The RUC has not received any further communication from the City of Archer regarding its wastewater service request. If a future request is received it can be referred to the RUC at that time. The Digital Downtown item has been discussed by the RUC. Any other outstanding issues regarding this item can be rolled into the Digital Cities referral item #061213.

RECOMMENDATION

The Regional Utilities Committee requests that the City Commission approve removing items #050457, #050850, and #060674 from the referral list.

070170.**Removal of Outstanding Regional Utilities Committee Referral Item
#060627 (NB)**

Explanation: At the meeting of June 12, 2007 the Regional Utilities Committee agreed to request the City Commission remove Item #060627 from the referral list. This report is being provided to the full Commission on a quarterly basis.

RECOMMENDATION

The Regional Utilities Committee requests that the City Commission approve removal of Item #060627 – Energy Efficiency Update from the RUC referral list.

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

070180.

Attorney-Client Session (NB)

Request for attorney-client session.

Explanation: The City Attorney desires advice concerning the litigation as authorized by § 286.011(8), F.S.

RECOMMENDATION

The City Commission authorize the Clerk of the Commission to schedule an attorney-client session in the case styled Fire of God Ministries, Inc. v. City of Gainesville; Case No.1:06cv188-SPM-AK

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

REGIONAL UTILITIES COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****Gator Detachment of the Marine Corp League****PROCLAMATIONS/SPECIAL RECOGNITIONS****070179. Independence Day - July 4, 2007 (B)**

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

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CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**PUBLIC HEARINGS****070123. Public Hearing on Public Utilities Regulatory Policy Act (PURPA) Standards 14 and 15 (B)**

A public hearing on staff's findings and recommendations pursuant to Standards 14 and 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(14) and (15) is required as part of the federally mandated adoption process for adoption of these standards. Staff's formal findings and recommendations to offer time of use rates, investigate advance metering technologies, and a standard interconnection contract for distributed generation will be made available to the general public by June 15, 2007. Having the first public hearing on June 25, 2007 is necessary in order to meet the August 8, 2007 deadline.

Explanation: The background and requirements of new PURPA Standards were presented to the City Commission on June 11, 2007. A public hearing on staff's findings and recommendations pursuant to Standards 14 and 15 of the Public Utility Regulatory Policies Act of 1978 (as amended by the Energy Policy Act of 2005), 16 U.S.C. §2621(d)(14) and (15) is required as part of the federally mandated adoption process. Staff's intent is to offer time differentiated rates, investigate smart metering technologies, and provide a standard interconnection contract for distributed generation. Staff's formal findings and recommendations will be made available to the general public by June 15, 2007. Having the first public hearing on June 25, 2007 is necessary in order to meet the August 8, 2007 deadline. The timeline established for the process is as follows: June 15, 2007 - GRU staff recommendation will be released and available at the Office of the General Manager at 301 SE 4th Avenue, Gainesville, Florida 32614-7117, or by telephone at 352-393-1000. The GRU staff recommendation will also be available at the Office of the Clerk of the Commission at 200 East University Avenue, Gainesville Florida 32602-0490, or by telephone at 352-334-5015. A Notice of Public Hearing will be published in the Gainesville Sun on that date as well.

On, or before June 25, 2007 - members of the general public planning to participate in the hearing must file a Notice of Intent to Participate in Hearing (attached) and may file written testimony and any other information in support of or in opposition to the adoption of the GRU staff recommendation. Notice of Intent may be filed at the meeting.

June 25, 2007 - public hearing shall be held at the City Commission meeting, after 6 pm.

June 27, 2007 - The General Manager shall issue a Recommended Decision for Gainesville City Commission consideration

July 9, 2007 - The Gainesville City Commission shall issue their decision adopting, modifying or rejecting the Recommended Decision regarding the implementation of Standards 14 and 15.

Fiscal Note: The estimated cost for consideration and determination of PURPA requirements is included in the FY 2007-08 Budget.

RECOMMENDATION

The City Commission receive staff's findings related to offering time differentiated rates, investigating advanced metering technologies, and providing a standard interconnection contract for distributed generation, and adopt the subsequent determinations and recommendations.

Legislative History

6/11/07 City Commission Heard

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ORDINANCES, 1ST READING- ROLL CALL REQUIRED

070025.

SECONDHAND DEALER HOLD-ORDERS (B)

Ordinance No. 0-07-37

An ordinance of the City of Gainesville, Florida, amending section 22-22 of Article II of Chapter 22, Code of Ordinances, entitled Secondhand Dealers; increasing the number of days for hold-orders; providing for directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its meeting on May 14, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing the number of days on hold-orders for secondhand dealers, from 60 to 90 days. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be held on Monday, July 9, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/14/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

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070027.

GENERAL EMPLOYEES PENSION PLAN AMENDMENT (B)

Ordinance No. 0-07-42

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances of the City of Gainesville, relating to The General Employees Pension Plan; amending section 2-526, Benefits, relating to maximum benefits and direct transfers of eligible rollover distributions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: At its May 14, 2007 meeting, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending the General Employees Pension Plan.

The recently adopted federal Pension Protection Act of 2006 made permanent some earlier ERISA/Internal Revenue Code provisions that affected the City's pension plans and imposed at least one new requirement. It is necessary to

update plan provisions related to these ERISA/tax code qualification requirements. Changes generally involve eliminating prior restrictions and adding the ability of non-spouse beneficiaries to roll over certain distributions in the event of death of the member and avoid distribution being a taxable event. The changes are already being made as part of the amendment to the Police Officers and Firefighters Consolidated Pension Plan. There is no cost to the City associated with these changes and, as indicated above, potential benefits to the members.

Should this ordinance pass on first reading, second and final reading of the ordinance will be held on Monday, July 9, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/14/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)
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051019

REZONING AND IMPOSING THE SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT ON CERTAIN PROPERTIES IN SOUTHEAST GAINESVILLE (B)

Ordinance No. 0-06-58, Petition No. 23ZON-06PB(A)

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning and imposing the Significant Ecological Communities Overlay District category on certain properties zoned RMF-5 (12 units/acre residential low density district), RMF-6 (8-15 units/acre multiple-family residential district), RSF-1 (3.5 units/acre single-family residential district), RSF-4 (8 units/acre single-family residential district), CON (Conservation district) and MU-1 (8-30 units/acre mixed use low intensity) consisting of Tax Parcels 11243-000-000, 11283-000-000, 11284-000-000, 11286-000-000, 11287-000-000, 11288-000-000, 11356-000,000 and 16073-000-000 (totaling approximately 47 acres in size), and generally located east of Southeast 24th Street between East University Avenue and Southeast Hawthorne Road, as more specifically described in this ordinance; making findings; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

On August 28, 2003, the City Plan Board made a final recommendation for a petition to the City Commission to establish a Significant Ecological Communities ordinance. The City Commission adopted this ordinance on second reading at their November 8, 2004 meeting.

The next step necessary to implement this ordinance was to rezone parcels ranked "outstanding" and "high" so that the Significant Ecological Communities regulations become an overlay to the land development regulations that apply to these parcels.

As an overlay district, the Significant Ecological Communities regulations operate in conjunction with any underlying zoning district regulations for the subject parcels. The regulations of the underlying zoning district, and all other applicable regulations, will remain in effect and be further regulated by the Significant Ecological Communities regulations. If the provisions of the Significant Ecological Communities regulations conflict with the underlying zoning regulations, the provisions of the Significant Ecological Communities regulations shall prevail.

Public notice was published in the Gainesville Sun on February 28, 2006. Letters were mailed to surrounding property owners on March 1, 2006. The Plan Board held a public hearing March 16, 2006.

The Plan Board heard and approved the Petition, with the recommendation that staff meet with Mr. Nichols, owner of Tax Parcel 15975-000-00, to hear his concerns and explain the overlay in detail. Staff met with Mr. Nichols on March 30, 2006 and described in detail how the proposed regulations might affect the residential development he is considering for his property.

On May 8, 2006, the City Commission heard and approved the Petition.

CITY ATTORNEY MEMORANDUM

The parcels that comprise Petition No. 23 ZON-06 PB have been split into three ordinances based on the geographic proximity of the parcels and the connectivity of environmental features and functions of the parcels. This is the first of the three ordinances.

This ordinance requires two readings. Should the Commission adopt the ordinance on first reading, the second and final reading will be July 9, 2007.

RECOMMENDATION *The City Commission: (1) hear a presentation from staff; and (2) adopt the proposed ordinance.*

Legislative History

5/8/06 City Commission Approved (Petition) (4 - 2 - 1 Absent)

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ORDINANCES, 2ND READING- ROLL CALL REQUIRED

050255.

AMENDMENT TO CLUSTER SUBDIVISION REQUIREMENTS (B)

An ordinance of the City of Gainesville, Florida, amending the Land Development Code relating to cluster subdivisions; amending section 30-190, establishing criteria for classifying cluster subdivisions as either

environmental or infill, establishing lot sizes, clarifying the cluster open space requirement, and modifying the criteria for the review of cluster subdivisions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition is proposed in order to update the cluster subdivision ordinance and ensure that cluster subdivisions result in better site planning than would normally occur through conventional subdivision procedures. Staff's review found that the current cluster subdivision process was adopted long before many of the regulations the City has in place today to protect environmental features, such as wetlands and creeks. Since all developments are required to protect environmental resources, such as creeks and wetlands, the cluster subdivision ordinance is being updated so that the cluster open space being provided is above and beyond those already-protected environmental features. Staff has amended the cluster subdivision provisions to establish minimum lot sizes (no minimum existed previously), to increase compatibility with existing surrounding neighborhoods. The amended chapter also requires cluster open space to be more than already protected environmental areas, and classifies cluster subdivisions as either environmental or infill, so that the objectives of any given cluster subdivision are clearer. The Plan Board reviewed the petition and recommended several changes. The Community Development Committee also provided input and direction.

Public notice was published in the Gainesville Sun on August 2, 2005. The Plan Board held a public hearing August 18, 2005. The Plan Board, by a vote of 5-0, approved the Petition with modifications.

The City Commission heard and approved this Petition, with further modifications, on September 26, 2005. The ordinance was put on hold by staff while they finalized Petition 122TCH-05 PB, relating to approval of design plats and modifying requirements for subdivision approval.

At its April 23, 2007 and May 14, 2007 meetings, the City Commission continued first reading of this ordinance in order for planning staff to consider revising the ordinance to provide a threshold subdivision size over which the minimum lot sizes would not apply.

Planning Staff reviewed all parcels greater than 5 acres (i.e, eligible for application for a cluster subdivision) and removed from consideration all parcels that were surrounded by, and would potentially be incompatible with, established neighborhoods. After this analysis, 8 parcels remained ranging in size from 52 acres to over 1000 acres, all being isolated parcels or located at the edge of the City limits. Based on this, planning staff recommends that cluster subdivisions of 50 acres or less be subject to the minimum lot sizes specified in the ordinance; while those 51 acres or larger would not be subject to minimum lot sizes. All cluster subdivisions would still be limited by the overall density allowed in the underlying zoning district.

CITY ATTORNEY MEMORANDUM

Should the Commission pass the ordinance on first reading on June 11, 2007, the second and final reading will be held on Monday, June 25, 2007.

Fiscal Note: None

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/26/05	City Commission	Approved (Petition) as Modified (6 - 0 - 1 Absent)
4/23/07	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)
5/14/07	City Commission	Continued (1st Reading) (7 - 0)
6/11/07	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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060501.

LAND DEVELOPMENT CODE AMENDMENT RELATING TO MULTIPLE-FAMILY MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS (B)

Ordinance No. 0-06-121; Petition 142TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, relating to height requirements for RMF-6, RMF-7, and RMF-8 multiple-family medium density residential zoning districts; amending section 30-53(d), Table 3, to list the maximum building height allowed for MF buildings; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition, initiated by staff, is necessary to correct a scrivener's error in the Land Development Code. Sec. 30-53(d), Table 3 (dimensional requirements for RMF-6, RMF-7 and RMF-8 multi-family medium density residential zoning districts) inadvertently and incorrectly states the building height (for MF buildings) is the minimum height; it should state the building height is the maximum height.

The Plan Board held a public hearing September 21, 2006. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board approved the petition by a vote of 4-0 and recommended that the City Commission approve Petition 142TCH-06 PB.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, June 25, 2007.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/11/07 City Commission Approved (Petition) and Adopted on First Reading (Ordinance), as modified (7 - 0)

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060587.

LAND DEVELOPMENT CODE AMENDMENT - AMENDING USES IN PUBLIC SERVICES AND OPERATIONS DISTRICT (PS) (B)

Ordinance No. 0-07-04; Petition 160TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Development Code, amending Section 30-75 by adding Major Group 41. - Local and Suburban Transit and Interurban Highway Passenger Transportation as uses by right in the Public Services and Operations District (PS); providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

Recently, the City of Gainesville has reviewed a development plan for a rescue station facility located in an I-1 (limited industrial district) zone. The I-1 zone allows Industry Number 4119, Local Passenger Transportation, Not Elsewhere Classified, from the Standard Industrial Classification Manual (SIC), 1987. This industry number includes the use, "Ambulance service, road." It was determined that emergency medical services (EMS) vehicles would be the only emergency vehicles allowed to operate from the property, thus, excluding the use of fire trucks from the site.

It was noted that an adjacent PS (public services and operations district) zoned property did not allow IN-4199 as a use. Although combined fire protection and ambulance or rescue services are allowed uses on PS-zoned property, ambulance services not associated with a fire department are not. In some communities local governments contract with private ambulance companies to provide service to the public. To allow for this possibility in Gainesville, this petition to add road ambulance service as a use to the PS zoning district was proposed.

After reviewing the uses allowed in the PS zone and the uses that are included within Major Group 41, Local and Suburban Transit and Interurban Highway Passenger Transportation, it was noted that bus service, including maintenance and terminal operation was classified in this major group. The City's Regional Transit System (RTS) headquarters is located just to the west of the proposed rescue station facility mentioned above. The zoning category for the RTS facility is PS, which presently does not allow MG-41 uses other than Group Number 415, School Buses. The other uses included under MG-41 (see

attached) are generally compatible with the PS district. Consequently, the staff recommendation has been expanded to include not only "Ambulance service" as initially planned, but also the other uses listed under MG-41. Because

"Ambulance service" is listed under MG-41, no definition needs to be added to the Land Development Code.

Public notice was published in the Gainesville Sun on November 29, 2006. On December 14, 2006, the Plan Board approved the petition by a 6-0 vote and recommended the City Commission approve the petition, as revised.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, June 25, 2007.

Fiscal Note: None

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

6/11/07 City Commission Approved (Petition) and Adopted on First Reading
(Ordinance) (7 - 0)

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060858.

LAND DEVELOPMENT CODE AMENDMENT - PARKING REQUIREMENTS FOR LIBRARIES (B)

Ordinance No. 0-07-17; Petition 201TCH-06 PB

An ordinance of the City of Gainesville, Florida, amending section 30-332(c), Land Development Code, changing the parking requirement for libraries to one vehicle space per 200 square feet of gross floor area; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT**

The Alachua County Library District staff has provided information to the City which indicates that the current parking requirements for public libraries are deficient. The Florida Library Association publication, "Standards for Florida Public Libraries 2004, 2006 Revision, adopted April 18, 2006," recommends one vehicle parking space per 200 square feet of gross building area as an essential standard (at the minimum level). The Florida League of Cities and the Florida City and County Management Association have endorsed the Florida Library Association standards.

The public libraries within city limits contain not only library/book facilities but also large meeting rooms that are used for educational or other public

programs. The meeting room space plus basic library services being co-located means that parking space deficiencies are problematic for the library district.

The current City Code requires only one space per 1,000 square feet of gross floor area. Based on input from the local library district staff, Planning staff recommends changing the requirement to one vehicle parking space per 200 square feet of gross floor area. Planning staff recommends that the text in the Land Development Code, Section 30-332(c) for Libraries be amended as follows:

Libraries 1 vehicle space for each 200 square feet of gross floor area

Public notice was published in the Gainesville Sun on January 30, 2007. On February 15, 2007, the Plan Board held a public hearing, and by a vote of 5-0 approved the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, June 25, 2007.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

6/11/07 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

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060415.

PLANNED DEVELOPMENT AMENDMENT - METRO CORP- NW 39TH AVENUE AND 43RD STREET (B)

Ordinance No. 0-06-109, Petition No. 102PDA-06PB

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 030130, that amended Ordinance No. 3805 that amended the Planned Development commonly known as "Metro Corp" located in the vicinity of the southeast corner of N.W. 39th Avenue and N.W. 43rd Street; by allowing an additional financial institution on Lot 4; by extending the time for the development of Lots 3 and 4; by adopting revised development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions as to Lot 4; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The MetroCorp development is located at the southeast corner of Northwest 43rd Street and Northwest 39th Avenue. The development was initially

approved on October 17, 1983 to establish an office development on 5.035 acres (219,357 square feet). Lots 1, 2, 3 and 4 were platted and subsequently developed in phases. The Planned Development ordinance regulating the development was revised in 1992, and again in 2003 to revalidate the Planned Development. A sizeable portion of MetroCorp development Lot 4 fronting Northwest 39th Avenue has not been developed. The current petition as approved by the city plan board and city commission, is an amendment to the Planned Development to add Financial Institution as an allowed use, and to extend the deadline for development of Lots 3 and 4 and to extend Ordinance 030130 for a period of two years from the current expiration date of December 31, 2006.

The applicant is expected to request a new change to extend the date of the Metrocorp Center Planned Development to December 31st 2010, instead of December 31st 2008. The request is necessary in order to respond professionally to recent changes in the overall economy, the construction industry, design considerations and finalizing the existing development under construction on the remainder of the Metrocorp Lot 4. On September 25, 2006, the City Commission approved a Planned Development amendment to the Metrocorp Center Planned Development to allow an additional financial institution on the remainder of Lot 4, Metrocorp Development and to extend the valid date of the planned development.

The Plan Board heard the petition and recommended that it be approved, with staff conditions as modified by the petitioner and staff.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing August 17, 2006. At the first reading of the ordinance on June 11, 2007, the City Commission revised Section 3 of the Ordinance to extend the period of the development order until December 31, 2010.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Metro Corp".

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

9/25/06	City Commission	Approved (Petition) with Staff Conditions (7 - 0)
6/11/07	City Commission	Adopted on First Reading, as revised (Ordinance) (7 - 0)

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060584.

STREET VACATION - SOUTHEAST 23RD STREET (B)

Ordinance No. 0-06-134, Petition 155SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of Southeast 23rd Street running north from the northern right-of-way line of Southeast 23rd Street extension to Southeast 8th Avenue, as more specifically described in this Ordinance; reserving a public and private utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: COMMUNITY DEVELOPMENT STAFF REPORT

The purpose of this request is to vacate the abandoned northerly portion of Southeast 23rd Street running north from the new north right-of-way line of Southeast 23rd Street to the east right-of-way line of Southeast 8th Avenue. The approximately 0.11 acre right-of-way to be vacated was platted as 30 feet wide per the New Gainesville plat, Plat Book "A", page 66 of the Public Records of Alachua County, Florida. This northerly portion of Southeast 23rd Street was abandoned as part of the Southeast 8th Avenue Extension project, as other right-of-way property was acquired to properly align the new Southeast 8th Avenue at the Hawthorne Road and Southeast 24th Street Extension. As a result, this northerly portion serves no public use, but it does serve as access to the privately owned abutting business. Upon vacation of the right-of-way, the adjacent business owner would be responsible for maintenance of this paved right-of-way. Staff has talked with the adjoining property owner who is willing to assume liability, maintenance, and beautification of the identified right of way if it is vacated.

Public notice was published in the Gainesville Sun on October 3, 2006. Letters were mailed to surrounding property owners on October 4, 2006. The Plan Board held a public hearing October 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of November 27, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise this ordinance. At the approval of the petition hearing on November 27, 2006, one or more commissioners expressed interest in the plans of the property owner to improve and maintain the vacated right-of-way. This issue will be addressed by City staff at the City Commission meeting.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

11/27/06 City Commission Approved (Petition), as amended (7 - 0)
6/11/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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051236.**PROHIBITING THE OUTDOOR STORAGE OF FURNITURE, AND PROHIBITING THE PLACEMENT OF FURNITURE AND POOLS ON ROOFTOPS (B)****Ordinance No. 0-07-14**

An ordinance of the City of Gainesville, Florida, amending Chapter 13, Housing and Commercial Building Code, by amending Article II, Division 10, Section 13-171, revising the title; prohibiting the outdoor placement or storage of household furniture, mattresses, or other materials not designed or intended for outdoor use with certain limited exceptions; prohibiting the placement of pools, furniture or furnishings on the roof of a building or structure except as approved by the City; amending Chapter 2, Administration, by amending Article V, Division 6, Section 2-339, revising the title description as to Section 13-171; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: The City Commission at its meeting on July 24, 2006 authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance prohibiting the outdoor storage of household furniture not designed or intended for outdoor use. Regulations prohibiting blight-inducing furniture in yards is recommended by the Code Enforcement Division, the Community Development Committee and the Public Safety Committee.

The proposed ordinance prohibits the outdoor placement or storage of household furniture between the hours of 6:00 p.m. and 7:00 a.m. Additionally, the placement of any pools or furniture on the roof of a building or structure is prohibited at all times unless the rooftop is approved for occupancy.

This ordinance requires two public hearings. If the ordinance passes on the first reading, second and final reading will be held on June 25, 2007.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

7/24/06	City Commission	Approved as Recommended (6 - 0 - 1 Absent)
6/11/07	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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070107.**LANDLORD PERMITS (B)****Ordinance No. 0-07-15**

An ordinance of the City of Gainesville, Florida, relating to landlord permits; amending section 14.5 of the Code of Ordinances; creating additional owner certifications; changing the period in which points for code violations accrue; providing for revocation of permit for failure to comply with owner certifications; clarifying the process for revocation of a

permit and the process for denial of a permit; amending Appendix A by changing the due dates for payment of landlord permit fees; providing for a transition permit; providing for a prorated permit fee; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: The City Commission at its meeting of July 10, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an Ordinance increasing the period in which landlord permit points for code violations accrue from one year to three years. While drafting the ordinance, the Office of the City Attorney, along with staff from Code Enforcement and Community Development, made a number of clarifying and process-related revisions to the ordinance, such as making the permit year begin August 1, consistent with the point accrual period, and clarifying the role of the hearing officer and findings necessary for permit revocation.

This ordinance requires two hearings. Should the Commission adopt this ordinance on first reading, second and final reading of the ordinance will be June 25, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

6/11/07 City Commission Adopted on First Reading (Ordinance) (6 - 1)

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070022.

LOCAL BUSINESS TAX RECEIPT - NAME CHANGE (B)

Ordinance No. 0-07-18

An ordinance of the City of Gainesville, Florida, amending Sections 2-377, 2-379, 2-621, 6-176, 6-182, 6-193, 10-38, 10-40, 14.5-67, 14.5-96, 14.5-121, 16-98, 19-2, 19-3, 19-19, 19-54, 21-58, 21-60, 22-17, 23-57, 23-97, 25-41, 25-42, 25-43, 25-44, 25-45, 25-46, 25-47, 25-48, 25-49 25-50, 25-50.1, 25-51, 26-116, 28-1, 28-2, 28-4, 28-5, 28-14, 30-336, 30-346, 30-357, relating to Occupational License Tax; by replacing the term Occupational License Tax Act with the term Local Business Tax Act (LBTA); by changing the term "Occupational License" to "Business Tax Receipt" and defining the term "Receipt" as it relates to Business Taxes; amending Appendix A Schedule of Fees Rates and Charges; correcting scrivener's errors; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: On January 1, 2007, the legislature enacted Chapter 2006-152 which changed the name of the "Local Occupational Tax Act" to the Local Business Tax Act", changed the name "occupational license tax" to "local business tax", and changed the name of the occupational license issued by the City from an "occupational license" to a "business tax receipt".

The City Commission on May 14, 2007 authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Sections of the ordinance replacing the term "occupational license" with the term "business tax".

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

5/14/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)
6/11/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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070023.**COMMUNICATION SERVICES TAX RATE INCREASE (B)****Ordinance No. 0-07-38**

An ordinance of the City of Gainesville, Florida, amending section 25-81 of the Code of Ordinances of the City of Gainesville relating to the communication services tax rate; increasing the local communication services tax rate in accordance with Chapter 202.20(2) Florida Statutes; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: FINANCE DEPARTMENT STAFF REPORT

When the Communications Services Tax became effective in October 2001, it replaced a number of revenue sources including a portion of municipal utility tax revenues and certain franchise fees previously received by local governments. Inherent in the law was a promise to local governments that their revenues, at least in the year of adoption, would be unaffected by the change in the law. Local governments were permitted to measure their revenues in the first fiscal year 2002 and make adjustments to their rates, including an adjustment for the revenues that should have been received.

The City of Gainesville originally adopted the rate that had been estimated as a proper replacement rate by the Department of Revenue. After the first six months of the new tax, City staff estimated the underpayment that had been received and adjusted its rates accordingly. Looking back, however, and using a full year's revenue from October 2001 through September 2002, it is clear that even our previous adjustment was underestimated. Now that we have complete information from that first year, and because this particular type of emergency rate-setting is anticipated to sunset July 1 of this year under a recently adopted bill, staff has proposed this ordinance.

Using the provisions of Chapter 202.20(2) Florida Statutes, staff is requesting a one-year catch-up rate of 7%, which would become effective September 1, 2007, and a new permanent rate of 5.57% which would become effective September 1, 2008, absent any additional necessary changes due to further Department of Revenue audits. The rates cited above are the calculated rates plus the .12% additional rate to which the City is entitled because it does not charge

construction permit fees to communications services taxpayers.

Fiscal Note

Staff estimates the additional revenue in FY08 would be in excess of \$1 million and additional revenue beginning in FY09 would approximate \$200,000 annually.

CITY ATTORNEY MEMORANDUM

At its meeting of May 14, 2007, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance increasing the local communication services tax rate ordinance in accordance with Chapter 202.20(2) Florida Statutes.

The City Attorney requested technical advice from the Florida Department of Revenue to confirm that the City is not prohibited from adopting a second emergency rate setting ordinance. In an informal letter of technical advice dated May 25, 2007, Vincent C. Aldridge, Deputy Director of Technical Assistance and Dispute Resolution for the Florida Department of Revenue, confirmed that the City's proposed adoption of a second emergency rate setting ordinance appears to be based upon a reasonable reading of applicable law. A copy of the letter is attached hereto.

This ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on Monday, June 25, 2007.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

5/14/07 City Commission Approved as Recommended (5 - 0 - 2 Absent)

6/11/07 City Commission Adopted on First Reading (Ordinance) (7 - 0)

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RESOLUTIONS- ROLL CALL REQUIRED

070143.

Request for support for the Alachua County Fairgrounds - Agriculture Education and Promotion Facility Grant. (B)

Alachua County is requesting the City Commission adopt a Resolution supporting the new fairgrounds and its Agriculture Education and Promotion Facility Grant application.

Explanation: Alachua County is developing a new Fairgrounds that will provide vital event facilities and benefit to the County and the municipalities. Specifically, the project is the construction of a new Alachua County Fairgrounds located on a 100 acre parcel of land in the northeast corner of Waldo Road (SR 24) and NE 63rd Avenue.

Alachua County is applying to the State of Florida for the Agriculture Education and Promotion Facility Grant. The County has advised that they believe they have an excellent opportunity to receive this grant and is asking for support from the governing bodies of the various municipalities in the county by the adoption of a Resolution in support of the new Fairgrounds and their grant application.

Fiscal Note: None

RECOMMENDATION

The City Commission adopt the resolution as requested by Alachua County subject to approval by the City Attorney as to form and legality.

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070173.

Rules of the City Commission (B)

RECOMMENDATION

The City Commission adopt the Rules of the Commission to amend the procedure for workshop/informal meetings.

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PLAN BOARD PETITIONS

061125.

Clarify Building Height Regulations - Legislative Matter No. 061125 (B)

Petition 35TCH-07 PB. City of Gainesville. Amend the City of Gainesville Land Development Code to clarify the building height regulations.

Explanation: This petition would correct maximum building height ambiguities in certain zoning districts within the city. The City Commission referred this issue to the Community Development Committee, which discussed it at two meetings.

Staff and the Committee discussed that a developer recently argued, at a special use permit hearing, that since the developer was allowed to build to the not-to-exceed height limit of 104 feet for the College Park Special Area Plan, the developer should be entitled to the two additional stories allowed by special use permit, as the developer indicated she would build to 104 feet whether the building was approved at six stories or eight stories.

While it is unlikely that a developer will build a 6-story building to 104 feet, the safest approach for the future is to add a provision to the Land Development Code so that the allowed height is the approved number of stories times a certain number of feet per story.

Staff recommends that in each instance where the maximum building height is specified in number of stories, that number of stories be multiplied by 13 feet to specify the maximum building height.

The Plan Board heard the petition, recommended approval of the added provision in the definition of building height, and revised the staff recommended changes to maximum building height for Type I Construction (pertaining to shopfronts, offices, apartments, or mixed-use buildings with apartments) in the College Park Special Area Plan to read: "Maximum building height shall not exceed six stories by right."

Staff does not support the City Plan Board recommendation for allowing six stories by right as the maximum building height. Staff stands by its recommendation to the Plan Board for allowing five stories by right, and for allowing one additional story only if approved by rezoning to PD (Planned Development district).

Public notice was published in the Gainesville Sun on May 1, 2007. The Plan Board held a public hearing on May 17, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 35TCH-07 PB as revised by the Plan Board. Plan Board vote 6-0.

Staff to City Commission - The City Commission approve Petition 35TCH-07 PB as recommended by Staff.

Alternative Recommendation - The City Commission deny Petition 35TCH-07PB.

Staff to Plan Board - Approve Petition 35TCH-07 PB.

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061124.

Amend UMU-1 to Change Height Limits (B)

Petition 34TCH-07 PB. City of Gainesville. Amend the City of Gainesville Land Development Code, UMU-1 District (Urban Mixed-Use 1: up to 75 units per acre) to change the height limit to five stories by right and six stories by Planned Development.

Explanation: Recently, the Community Development Committee discussed whether the currently allowed number of stories in the UMU-1 district, an area located on the north side of University Avenue and west side of the Northwest 13th Street corridors in College Park, and a small area close to Audubon Park, should remain as is (six stories by right, eight stories by special use permit) or be adjusted.

The Committee recommended that the allowed heights be changed to five by right and six by Planned Development, instead of what is currently allowed (six by right and eight by special use permit). The allowed densities would stay as

they are: 75 units per acre by right and 100 by special use permit. So that the procedure for approving more stories and approving greater density are consistent, staff also recommends that the 100 units per acre be obtained by Planned Development (PD zoning), rather than by special use permit.

The Plan Board discussed the petition, heard public comments, and recommended that the building height be a maximum of six stories by right. Staff does not agree with the Board, as such a provision would deny the City or the neighborhood from having the leverage to request building design amenities as a condition for achieving the sixth story.

Public Notice was published in the Gainesville Sun on May 1, 2007. The Plan Board held a public hearing May 17, 2007.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 34TCH-07 PB as modified by the Plan Board. Plan Board vote 6-0.

Staff to City Commission - Approve Petition 34TCH-07PB as recommended by staff.

Alternative Recommendation -Deny Petition 34TCH-07PB.

Staff to Plan Board - Approve Petition 34TCH-07 PB.

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060016

Overlay Significant Ecological Communities District on certain property (B)

Petition 42ZON-06 PB. City of Gainesville. Amend the City of Gainesville Land Development Code by overlaying the Significant Ecological Communities District on property zoned AGR (Agriculture district), I-1 (Limited industrial district) and I-2 (General industrial district) and RSF-1 (3.5 units/acre single-family residential district) on approximately 787 acres. Generally located at 1300 and 920 Northwest 53rd Avenue, 4555 Northwest 6th Street, 5300 North Main Street, and 3464 Northwest 21st Place.

Explanation: These parcels were continued by the City Plan Board at their April 20, 2006 meeting. At that meeting, the Board requested that this petition be continued until additional parcel ranking information could be supplied, and until a qualified environmental professional could attend the Board hearing to answer questions about how the parcels are ranked.

Since the April 20, 2006 Board meeting, the City has hired an environmental consultant to respond to the Board's requests regarding this (and other) Significant Ecological Communities petitions. That consultant has prepared

detailed summaries of the environmental conditions found at each of the parcels being proposed for inclusion in the Significant Ecological Communities Overlay District.

There are eight parcels associated with this petition. They are found in the Buck Bay industrial area. Each of the eight parcels are rated "high" for ecological value in 2001.

Since the April 20, 2006 Board meeting, tax parcel 6415-001-000 (a ninth parcel) has been removed from this petition because it has been developed.

Public notice was published in the Gainesville Sun on April 3, 2007. Letters were mailed to surrounding property owners on April 4, 2007. The Plan Board held a public hearing April 19, 2007.

The Plan Board heard the petition and recommended that parcels 6415-001-000 and 07965-002-000 be deleted from the parcels listed in the petition and that the petition be approved.

Fiscal Note: None

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 42ZON-06 PB. Plan Board vote 4-0 and 1 abstain.

Staff to Plan Board - Approve

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DEVELOPMENT REVIEW BOARD PETITIONS

070131.

Petition 192SUB-06DB, Eng, Denman & Associates Inc., agent for Edix Investments Inc. Design plat approval of Hidden Cove Subdivision, seventeen (17) lots on 10.6 acres more-or-less. Located in the vicinity of Northwest 35th Place and Northwest 15th Terrace. Zoned: RSF-4 (B)

This is a petition for a design plat approval of Hidden Cove Subdivision, seventeen lots on approximately 10.6 acres.

Explanation: The City Development Review Board considered a request to approve a design plat of Hidden Cove Subdivision at a public hearing held January 11, 2007. By a vote of 6-1, the Development Review Board approved Petition 192SUB-06DB with staff conditions.

The petitioner is proposing to develop 17 residential lots on 10.6 acres

more-or-less, a density of 1.69 dwelling units per acre. The property is zoned RSF-1 which allows up to 3.5 dwelling units per acre. More than half of the subject property is impacted by the Hogtown Creek system, wetlands and wetland buffer areas of 35 to 50 feet. Although there are two areas where the wetland buffer is only 35 feet, which is allowed, the average (50-feet required) wetland buffer area is 64.5 linear feet in width.

Fiscal Note: None

RECOMMENDATION

Development Review Board to City Commission - The City Commission approve Petition 192SUB-06DB, with staff conditions.

Staff to Development Review Board -The Design Plat is approvable with conditions.

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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)