

Item No. 8

TO: City Plan Board **Date:** August 17, 2000
FROM: Planning Division Staff
SUBJECT: Petition 120CPA-00 PB. Arthur D. Weiss. Amend Future Land Use Element Policy 2.3.10m., to extend the period of time by which PD (Planned Development) zoning for the Gainesville North Community Activity Center must be adopted to August 22, 2001.

Recommendation

Planning Division staff recommends approval of the amended timeframe.

Explanation

This proposed text amendment of the Future Land Use Element of the 1991-2001 Comprehensive Plan is limited to the 716-acre, Gainesville North Community Activity Center. The Activity Center is generally located between NW 68th Avenue on the south and the Turkey Creek Forest single-family subdivision on the north, and between US 441 on the east and NW 43rd Street on the west. The subject property, along with an adjacent, 215-acre parcel west of NW 43rd Street and north of the Blues Creek subdivision, is the subject of the proposed Greenways of Gainesville Development of Regional Impact (DRI). The proposed DRI will be the subject of a future public hearing and is not part of this application.

The Gainesville North Community Activity Center is designated by FLUE Policy 2.3.8, shown below. One of the requirements for development of the Activity Center is that Planned Development (PD) zoning must be in place by August 22, 2000, as specified below in Policy 2.3.10 m., as shown below (the proposed amendment to August 22, 2001 is underlined).

Policy 2.3.8 Establish a mixed use community level activity center along the North US 441 corridor, known as the Gainesville North Community Activity Center using the PUD (Planned Use District) land use category established in policy 2.1.1.

Policy 2.3.10: The following standards shall be used to develop the Gainesville North Community Activity Center:

m. The planned development zoning ordinance consistent with the PUD overlay district must be adopted by the City Commission by August 22, ~~2000~~ 2001 or the overlay district shall be null and void, and the Future Land Use Map shall be amended accordingly upon proper notice. The underlying Future Land Use Map Category is "Single-Family;" such category is inapplicable as

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long as the property is developed and used in accordance with the development plan approved in the ordinance rezoning this property to Planned Development "PD."

Analysis of proposed amendment to Policy 2.3.10m.

The proposed one-year extension of the deadline for adoption of the PUD overlay district is reasonable and necessary because the Greenways of Gainesville DRI application process has proven to be more complex than anticipated when initiated in December of 1997. The applicant has continued to address DRI issues in order to finalize the DRI Application for Development Approval. The proposed extension to August 22, 2001 should provide ample time for completion of the DRI process and, if the DRI is approved, adoption of Planned Development zoning consistent with the PUD overlay district, as contemplated in Policy 2.3.10.

Consistency with the Comprehensive Plan

The proposed amendment is consistent with the Future Land Use Element, as explained above.

Impact on Affordable Housing

This petition will have no impact on the provision of affordable housing.

Respectfully Submitted,



Ralph Hilliard
Planning Manager

RH:DM

8. **Petition 120CPA-00 PB** Arthur D. Weiss. Amend Future Land Use Element Policy 2.3.10m., to extend the period of time by which PD (Planned Development) zoning for the Gainesville North Community Activity Center must be adopted to August 22, 2001.

Mr. Dean Mimms was recognized. Mr. Mimms presented a map of the site and indicated that the proposed amendment was specific to the 716 acre property. He described the site and the surrounding uses. He noted that the property was associated with a Development of Regional Impact (DRI) which had not yet been rescheduled for public hearing. He noted that the DRI was a separate item and not related to the petition before the board. Mr. Mimms explained that the reason for the request was the continuing work on the DRI application. He noted that it was anticipated that the one-year proposed extension would allow ample time for the DRI application to come to closure and go on to public hearings. He explained, if the application was approved, it would begin the PD zoning process. He offered to answer any questions from the board.

Mr. Polshek asked if the one-year extension was intended to complete the application and go through all approval processes that were required.

Mr. Mimms indicated that completion of the application would bring it to the point the petitioner could request that the local government schedule hearings within 90 days. He noted that it would also allow for the PD zoning application.

Mr. Polshek asked why the process had taken so long.

Mr. Mimms explained that the process began in 1997 and had taken some time to progress. He noted that there had been issues regarding transportation and stormwater drainage. He pointed out that there had been two workshops before the City Commission on the application.

Mr. Polshek asked if, in Mr. Mimms' professional opinion, the length of time was due to the complexity of the project or delays on the applicant's part.

Mr. Mimms explained that he would have to defer to the applicant on the question. He agreed, however, that it was a very complex process and there had been challenges with regards to data and analysis on transportation and stormwater. He noted that wetlands had also been an issue.

Chair Guy requested that the petitioner make a presentation.

Mr. Rory Causseaux, agent for the petitioner, was recognized. Mr. Causseaux noted that the petitioner had been before the Plan Board and the City Commission with conceptual plans for the project. He explained that the DRI was a very comprehensive and complicated process. He indicated that the amendment would give another year to complete the DRI question and answer process and reach a point where public hearings could begin. He noted that the DRI process had to precede the PD zoning. Mr. Causseaux agreed that there were stormwater, environmental and transportation issues. He indicated that, once the DRI process had been completed, the petitioner could come before the board with the PD zoning which would allow the board to discuss the details of the project. He noted that the only item before the board was the extension. He offered to answer any questions from the board.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.

Chair Guy asked what portion of the delay had come from outside the development team.

Mr. Causseaux indicated that the delay was about 50/50 from inside and outside the project. He noted that the petitioner requested hearings before the City Commission which slowed down the process. He discussed the DRI process and the number of questions that had been raised and answered. Mr. Causseaux explained that there were twenty or thirty complex questions from the Department of Community Affairs that had to be answered to prove compliance with regulations of a DRI.

Chair Guy asked if the petitioner had any interaction with neighborhood groups other than the City Commission public hearings or other regulatory agencies.

Mr. Causseaux indicated that, outside the two City Commission and Plan Board meetings, there had been a number of neighborhood association meetings for discussions.

Chair Guy opened the floor to public comment.

Mr. Peter Rebman, President of the Sutters Landing Homeowners Association and the Northwest Gainesville Coalition of Homeowners Associations, was recognized. Mr. Rebman indicated that the Coalition represented 650 homes and over 1,000 residents located adjacent to the proposed activity center. He noted that he had attended recent Comprehensive Plan update meetings and discussed the problems of getting other residents to attend those meeting. He explained that it had been 10 years since the Gainesville North Activity Center had been included in the Future Land Use Element of the current Comprehensive Plan and that Element gave the developer until August 22, 1999 to obtain a Planned Development Ordinance approved by the City Commission. He pointed out that the developer had requested a one-year extension in 1999 and was requesting another at the present time. Mr. Rebman requested that the board deny the petition. He stated that he did not believe the proposed Greenways development was an example of sustainable development. He discussed the reasons for his statement and concerns about impacts of transportation, water supply, school systems, cul-de-sac subdivisions, wetlands, and multi-storied apartments within 50-feet of the Turkey Creek Retirement Community. Mr. Rebman suggested that the development would pull residents and tenants from the revitalization efforts in downtown Gainesville. He pointed out that, if the time expires on the activity center, the property would revert to its underlying single-family zoning. He stated that the proposed development would overwhelm the infrastructure and resources and adversely impact areas throughout Gainesville. Mr. Rebman requested that the board deny the petition.

Ms. Florence Clemens of the Turkey Creek Homeowners Association, was recognized. Ms. Clemens stated that the Greenways of Gainesville development had ten years to complete the plan and there was no reason to extend it another year. She suggested that the underlying single-family zoning was appropriate for the property. She cited concerns about transportation, infrastructure, and the environment. Ms. Clemens requested that the board deny the petition.

Ms. Losie of Lot 42, of Turkey Creek Forest, was recognized. Ms. Losie indicated that her property was very close to the Weiss property. She stated that she opposed the extension to change the zoning from single-family to planned development. She cited concerns about the density and intensity of the proposed development. She requested that the board deny the petition.

Mr. Leonard Eisenberg, resident of Turkey Creek Forest, was recognized. Mr. Eisenberg indicated that the City Planning Division staff seemed to be ready to assist the developer in his request for another extension. He noted that Planning staff recommended approval of the extended timeframe. He discussed a meeting at the North Central Florida Planning Council where he examined documents regarding the DRI process. He read text of conclusions by Lea Gabbay of the Florida Department of Transportation on the proposed roadways and from Water and Air Research on the stormwater plans. Mr. Eisenberg discussed confusion in documents regarding underlying zoning and future land use. He requested that the board deny the extension.

Ms. Walker, resident of Turkey Creek Forest, was recognized. Ms. Walker cited a concern about the existing traffic and how it might increase with the development. She explained that the Florida Department of Transportation had no plans to put a light at the intersection of NW 43rd Street and US 441 within the next five years. She pointed out that the Greenways plan showed NW 43rd Street as being four-laned but there were no plans to do that work in the next five years.

Mr. Jim Henmen, member of the Board of Directors for Millhopper Station North, was recognized. Mr. Henmen requested denial of the petition so that the applicant could return with a plan that would seek community approval of a plan that sought rezoning beyond single-family development. He requested a better review process by the Plan Board and the City on the various components of the plan.

Ms. Mary Hellen Wheeler, representing Endangered Neighborhoods of Alachua County, was recognized. Ms. Wheeler indicated that she supported the efforts of the residents to maintain some control of their neighborhood. She cited concerns about changes in the Comprehensive Plan.

A gentleman speaking to the issue indicated that he doubted that the problems associated with the project could be cleared up within a year.

Dr. Paul Wheeler was recognized. Dr. Wheeler suggested that the development should not consider neighborhoods as an afterthought. He indicated that neighborhoods absorbed the context of decisions made by the board and commission. He suggested that Plan Board members come to the City Commission meetings.

Mr. Samuel Mutch was recognized. Mr. Mutch cited a concern about the extension being requested by the petitioner. He discussed the history of the site and noted that, at one time it was specified as greenspace. He stated that the request before the board damaged past and present Comprehensive Plans. He indicated that the area was inappropriate for development. Mr. Mutch requested that the board deny the petition.

Chair Guy closed the public portion of the meeting.

Mr. McGill asked when the last extension was given to the petition.

Mr. Hilliard indicated that an extension was requested nine or ten months ago and was just given approval by the Department of Community Affairs. He explained that that extension was to August 22, 2000. He noted that the board approved the extension along with a change in the percentage of office space in the project.

Mr. Mimms explained that part of that amendment was still pending but the time extension was adopted.

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Mr. McGill asked what the next step for the petitioner would be if the request was denied up through the City Commission.

Mr. Hilliard indicated that he could not answer that question without consultation with the City Attorney. He discussed other procedures available to the petitioner.

Mr. McGill discussed the process and suggested that it could become unwieldy.

Mr. Hilliard agreed that the petitioner and the City and other agencies had been dealing with the project for years. He explained that part of the process was to work through all of the issues and satisfy all agencies. He noted that there had been meetings when all of the agencies had met and walked the site. He pointed out that there would be City Commission and Regional Planning Council meeting on the project. Mr. Hilliard explained that staff did not have any idea of the actual plan since it was not that far into the process.

Mr. McGill cited a concern about the ability of Gainesville Regional Utilities to provide water to the project and citizens of the City.

Mr. Carter indicated that it was very frustrating for the development community to go through the rules and regulations involved in the DRI process. He suggested that to stop the development on a technicality of time was inappropriate. He pointed out that the developer began the development in good faith and was abiding by the rules and regulations put in place by the State of Florida. He explained that all concerns would be dealt with or the project would not go forward. Mr. Carter noted that the Plan Board was dealing with an extension and could not make any other determinations on the project at the present meeting. He indicated that he would support the extension.

Mr. Polshek noted that the comments and quotes presented to the board led him to believe that the developer was aware of the seemingly insurmountable impediments to successful development on the site. He indicated that he was sympathetic with Mr. Carter's comments but, given the complexity of the issues, he thought the developer would be back requesting another extension again. He suggested that there be a term limit on the requested extensions.

Dr. Fried cited his length of service on the Plan Board and historical knowledge of the project. He suggested that, if the petitioner could not meet the requirements there should be some information presented to that effect. He noted that no details had been presented as to why the petitioner needed the extension and what kind of information was lacking to satisfy the appropriate agencies. Dr. Fried indicated that he sympathized with the petitioner on the complexity of the DRI process, however, ten years was a significant amount of time. He stated that he intended to vote against the petition.

Mr. Carter requested clarification on the ten-year timeline. He indicated that he believed the project had only been discussed for about two years.

Mr. Hilliard agreed. He explained that the property had been discussed since 1988 and, at that time, the property was slated to become a new car automotive mall. He noted that the new Comprehensive Plan process changed that and the developer returned about 1993 or 1994 with the proposals for the Gainesville North Activity Center which was adopted. He explained that the amendment before the board was not the

first amendment to the plan. He noted that the petitioner returned in 1997 with more discussion on the project. Mr. Hilliard pointed out that the DRI process was complex and Greenways was the first one in the City of Gainesville. He explained that there had been much back and forth discussion on transportation issues. He pointed out that, if the problems were not solved, the petitioner would never get a development order to go forward with the project.

Mr. Causseaux requested that he be recognized. He stated that the request was that the Plan Board grant an extension to allow the petitioner the ability to present a complete project so it could be judged on its merits. He suggested that the project was being discussed in terms of its merits when no facts had been presented. He agreed that transportation and the environment were valid concerns and would be addressed by the DRI. Mr. Causseaux requested that the board grant the extension to allow the facts to be presented.

Chair Guy agreed that the request was for an extension.

Mr. Polshek asked if the board could limit the number of extensions.

Mr. Hilliard explained that anything in the Comprehensive Plan could be amended.

Mr. McGill stated that he believed the concerns about the project were well founded, but he agreed that he had not seen any facts. He suggested that there were times when the process did work. He further suggested that he would be less inclined to agree to an extension if the petition were to be presented next year.

Mr. Polshek indicated that, while it was difficult for him to support the petition, given the nature of the petition and the process, he would do so. He noted, however, that he could not support future requests. He suggested that, in the future, staff provide more significant background material on extension requests. He pointed out that the petition would also go before the City Commission for final approval and the City Commission would review the minutes of the board's recommendations on the petition.

Chair Guy agreed that the board was approving an extension to continue work on the project and not the project itself. He discussed process and noted that all parties could be heard and had their concerns addressed.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Grant the requested extension.	<u>Upon Vote:</u> Motion Carried 4-1 Yeas: Carter, McGill, Polshek, Guy Nay: Fried

