

**TO: City Plan Board**

**Item Number: 6**

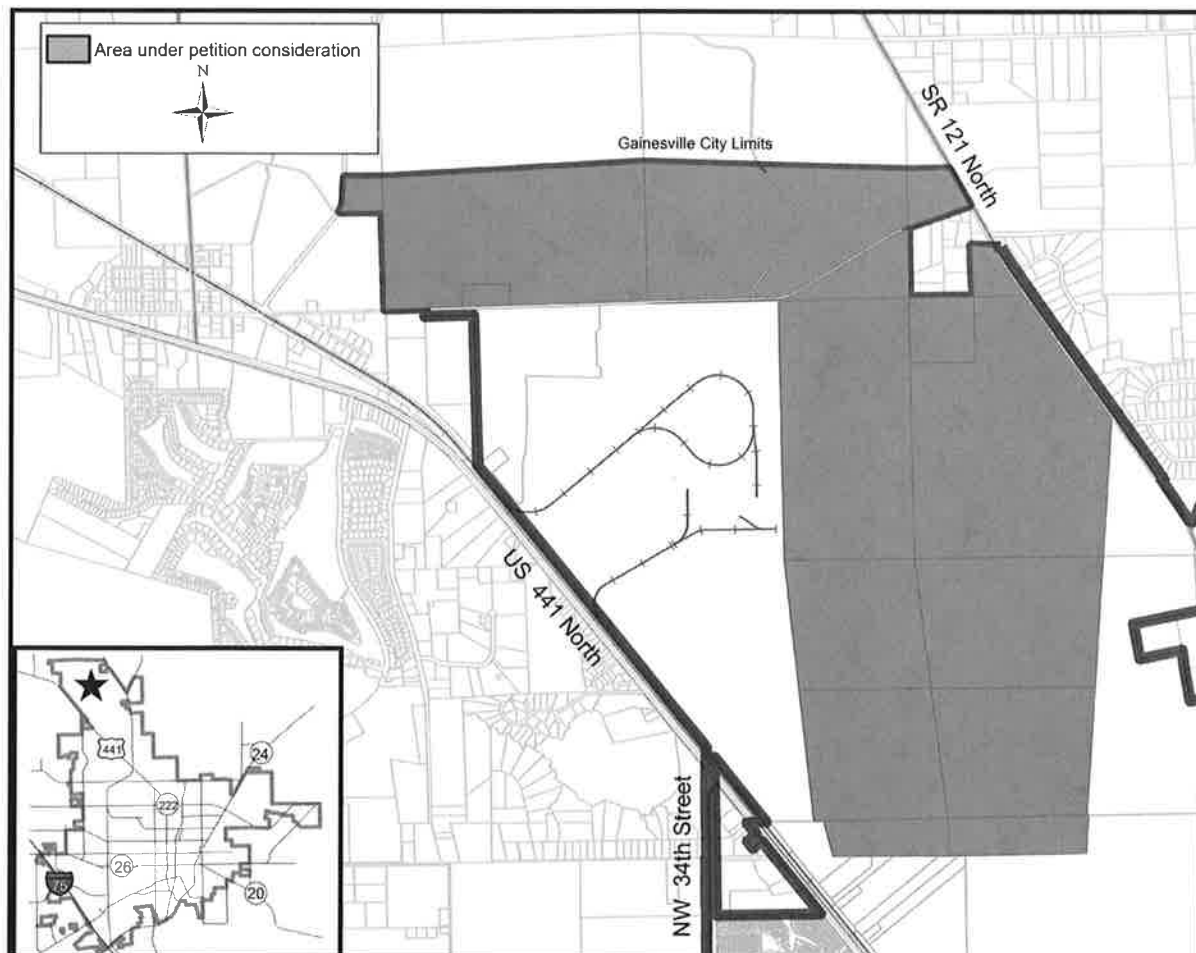
**FROM: Planning & Development Services Department Staff**

**DATE: September 25, 2014**

**SUBJECT: Petition PB-14-73 LUC.** City of Gainesville. Amend the City of Gainesville Future Land Use Map from Alachua County Rural/Agriculture (AG) to City of Gainesville Public and Institutional Facilities (PF). Generally located north and east of the GRU Deerhaven Power Plant and 2,800 feet north of NW 128th Lane; in the 9300 block of US 441; and bounded on the east by the portion of SR 121 generally located between the 11900 and 13100 blocks. Related to PB-14-74 ZON.

### Recommendation

Staff recommends approval of Petition PB-14-73 LUC.



## **Description**

This proposed land use change is a large-scale amendment of the Future Land Use Map that pertains to an approximately 2,287-acre, City-owned and GRU-managed, undeveloped, commercially forested property surrounding the GRU Deerhaven Generating Station (power plant facilities) at the northern periphery of the City. It is generally located west of State Road 121 and is north and east of the Deerhaven Generating Station (which is immediately east of US 441). (See map on previous page, and see Exhibit B-1 for an aerial photograph of the property and surrounding area.)

The majority of the property was annexed in 2007 (except for two relatively small parcels that were annexed in 2013). The property has an Alachua County future land use designation of Rural/Agriculture (and zoning designation of Agriculture) and is in need of a land use change (and related rezoning) to an appropriate City of Gainesville category.

The parcels that comprise the property were incrementally acquired by the City of Gainesville in 2001, 2002, 2003 and 2005. The purchase of the land did not include the underlying timber rights (except for 50.8 acres owned outright), that were retained by Plum Creek Timberlands, L.P. in perpetuity. The City does have the option to purchase the timber rights per the terms of the original contract.

The proposed future land use category is Public and Institutional Facilities (PF), which matches that of the abutting, 1,061-acre, GRU Deerhaven Generating Station (which has Public services and operations (PS) district zoning). Please see Table 1 for adjacent uses and land use controls (future land use categories and zoning districts).

The proposed Public and Institutional Facilities (PF) land use category allows for public utilities and is an appropriate land use category for GRU Deerhaven power plant operations. GRU has indicated that there are no immediate plans for the use of the property for utilities.

This petition is related to Petition PB-14-74 ZON, which proposes rezoning from Alachua County Agriculture district (A) to City of Gainesville Public services and operations district (PS). All future development within this property will be subject to the appropriate development review process and other applicable regulations in the Land Development Code.

See Exhibits B-2 and B-3 for the existing and proposed zoning maps and Exhibit C-1 for the Application.

## **Key Issues**

- City land use is required to be placed on land that has been annexed from unincorporated Alachua County.
- The proposed PF land use will allow the property to be used for GRU facilities.
- The City's ownership of the land does not include the timber rights that underlie nearly all of the property.

- Regulated environmental and natural resources (e.g., extensive wetlands) are present on this large public property, and much of the property is within a regulated Strategic Ecosystem unit (Hague Flatwoods).

### **Basis for Recommendation**

The staff recommendation is based on the factors stated in the Future Land Use Element and on State statute criteria, which are discussed below: Consistency with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Support for urban infill and redevelopment; Impacts on affordable housing; Impacts on the transportation system; An analysis of the availability of facilities and services; Need for the additional acreage in the proposed future land use category; Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a)9, F.S.; Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and, Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.

#### **1. Consistency with the Comprehensive Plan**

The proposed land use change from Alachua County Rural/Agriculture (AG) to Public and Institutional Facilities (PF) is consistent with Future Land Use Objective 3.3, Policy 3.3.1, Objective 4.1 and Policy 4.4.1, below, and is required due to annexation. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies.

#### **Future Land Use Element**

**Objective 3.3** Provide adequate land for utility facilities.

**Policy 3.3.1** The City shall coordinate with public and private utilities to ensure that adequate land is available for utility facilities.

**Policy 4.1.1** Land Use Categories on the Future Land Use Map shall be defined as follows:

#### **Public and Institutional Facilities**

This category identifies lands used for: administrative, operational, and utility governmental functions; private utilities; cemeteries; and public-private partnerships or other legal arrangements where the land title is vested in a government and the use(s) serves a public purpose. Maximum lot coverage in this category shall not exceed 80 percent, except in urban core areas where lot coverage is not limited.

#### **2. Compatibility and Surrounding Land Uses**

The proposed Public and Institutional Facilities (PF) category for this undeveloped public utilities property at the northern edge of the City is compatible with the surrounding area and its

various land uses. See Table 1 on Page 11 of this staff report for a tabular summary of adjacent existing uses and adjacent land use and zoning categories. As noted in the Description section of this report, see Exhibit B-1 for the aerial photograph, and Exhibits B-2 and B-3 for maps of the existing and proposed land use for the property and surrounding area.

### **3. Environmental Impacts and Constraints**

It should be noted that although this is a large property, the extensive wetlands that have been preliminarily identified and are generally depicted on the concept plan (“Public Services Zoning Plan Conceptual Site Map”) (see last page of the Land Use Change & Rezoning Justification Report in Exhibit C-1 – Application) will limit the amount of development of this property. In addition, the presence of other regulated natural resources will further limit the amount of development.

The comments below are from a September 9, 2014 memorandum provided by the City’s Environmental Coordinator:

The subject petitions for a proposed change in land use and zoning for sixteen (16) annexed parcels (2,287 acres) adjoining the existing Deerhaven Power Generating Station on the north and east, have been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code Section 30-300 *Regulated surface waters and wetlands*, or Section 30-310.2 *Regulation of natural and archaeological resources*. The petition proposes a land use change from Alachua County Rural/Agriculture to City of Gainesville Public and Institutional Facilities (PF) land use designation, and rezoning from Alachua County Agriculture to City of Gainesville Public Services and Operations (PS) district. These contiguous properties (referred to as the Deerhaven Annex, or just Annex) were acquired by the City of Gainesville between 2001 and 2005 to provide buffer and potential expansion area for the existing GRU generating facilities. The proposed land use and zoning designations are the same which exist for the adjacent Deerhaven Generating Station property. Proposed permitted uses which would be allowed on the Annex property are specified in the zoning petition (PB-14-74 ZON) and on its “Public Services Zoning Plan – Conceptual Site Map,” dated September 15, 2014. These consist of a broad range of utility and public service facilities, including utilities for power generation, ancillary storage and transportation, training, communication, and other types of outdoor storage, including regulated hazardous materials. Also permitted would be timber planting, harvesting, and wildlife management.

The petition and conceptual site map propose a list of development standards that would be applicable to the Annex area. These include the requirement for a minimum 50-foot building setback from adjacent properties, a 100-foot landscape buffer along the east and southeast boundary with the Plum Creek PUD, and generally that all future development activity shall be reviewed and approved in compliance with the City Land Development Code. Specifically, Standard 4 requires that any future development activity shall be directed away from environmentally sensitive areas to the greatest extent possible, and that all development in and around these environmentally sensitive areas shall comply with the natural and archaeological resource protection standards and the wetlands protection standards outlined in the land

development code. Standard 5 specifies that existing internal roads may continue to be utilized and improved for non-public use.

Gainesville Code Section 30-310(c) requires the review of an application for a land use map amendment and rezoning to determine whether the proposed uses and development may impact a regulated natural or archaeological resource, and if so, whether the proposed development complies with the Land Development Code with respect to these environmental resources. A Basic level of resource review is required for a future land use amendment and/or rezoning, based on a resources assessment which covers a planning parcel study area of all contiguous properties under single ownership. The petition includes a recent *Natural Areas Resource Assessment* performed by Ecosystem Research Corporation (ERC) which describes the environmental characteristics of the planning parcel, consisting of both the subject 2,286-acre Annex area and the adjoining 1,058-acre Deerhaven Station properties. A 2008 ERC *Environmental Resources Assessment* for the GRU-Deerhaven Annexation parcels provides considerable supplemental information for the Annex land which is the subject of these petitions. These combined assessments include reports and maps of all pertinent information regarding the presence and approximate extent of regulated resources, to the level required for Basic review.

The subject property is situated in one of the highest topographic positions in Alachua County, and is the source of headwater drainage to Rocky Creek and the Santa Fe River to the north, and to the stream-to-sink basins of Turkey Creek to the south and Cellon Creek to the west. The terrain, soils, and surficial geology combine to form a physiography of poorly drained flatwoods, the most common ecosystem found on the coastal plain of Florida. Through aerial photography dating back to 1937, the assessment documents a historical progression in the land cover of the subject property and surrounding areas from naturally occurring fire-adapted pineland communities and mixed pine/hardwood wetlands and herbaceous marshlands, to the commercially managed and drained pine plantations which exist on the site today. The natural community quality of the upland and wetland forests and remnant herbaceous sites on the property today are mostly poor, due to the impact of several decades of short rotation industrial silviculture, pine plantation management, and wetland harvests, conducted under timber rights which were reserved in perpetuity by the previous owner, Plum Creek Timberlands, L.P.

#### Strategic Ecosystem

The assessment confirms that the majority of the planning parcel study area, including most of the Annex area, falls within a regulated Strategic Ecosystem unit (Hague Flatwoods). The large, approximately 3,300-acre publicly owned land encompassed by the GRU Station and Annex, is significant not only in dominating (along with Plum Creek) the core land area within the Hague Flatwoods Strategic Ecosystem, but also for linking surrounding strategic ecosystems through functional habitat corridors. To the southwest, the protected habitats of San Felasco Hammock, Sanchez Prairie, and Blues Creek, and the wildlife of their unique karst stream to sink basins and calcareous forest communities are critically dependent on linkage through the Hague Flatwoods Strategic Ecosystem for habitat corridor connection with Rocky Creek and Buck Bay, and thereby regionally with the major north Florida riverine systems of the Santa Fe/Suwannee River and the St. Johns River, respectively. Without preservation and restoration of this particular linkage, which is already fragmented and significantly compromised by land use along the US Highway 441 corridor, the genetic and ecological habitat requirements of healthy wildlife

populations of this otherwise isolated San Felasco natural area will be jeopardized and diminished through geographic isolation.

### Listed Species

Field observations made in the petitioner's assessment studies for the subject Annex area, as well as for the GRU Station property, indicate the occurrence of several listed species across the site, particularly, listed wading birds which utilize the extensive man-made and natural surface waters found on the site, such as stormwater ponds, ditches, ponded wetlands and seasonally flooded depressional flats. Well drained habitat suitable for the listed gopher tortoise and associated commensal species is sparse in the study area, although a few observations of tortoise burrows were made in the assessments. Other listed amphibian and reptile species associated with wetlands or the limited tortoise habitat, and herbaceous plants of pine flatwoods have been observed or would be expected to occur. Documented occurrences based on ground survey are not normally verified at this level of review, but the information available confirms that several listed species will be found when systematic field based survey is performed, especially within the surface waters and wetland systems of the property.

### Floridan Aquifer High Recharge Areas

The petition area is located within a regulated Floridan Aquifer High Recharge Area, which are land areas within stream-to-sink basins where the Floridan aquifer system is vulnerable or highly vulnerable. The proposed land use and zoning would allow new facilities and development that may involve handling or storing of hazardous materials. Pursuant to the Land Development Code, these facilities shall be prohibited unless the materials, in the quantity and/or solution stored or the conditions under which it is to be stored, do not pose a hazard to human health or the environment. If permitted, such facilities shall be subject to the general requirements, siting prohibitions, storage facility standards, secondary containment, and monitoring requirements contained in Alachua County's Hazardous Materials Management Code.

### Conclusions

Regulated environmental and natural resources are present on this large public property, and join or closely associate with adjacent undeveloped lands in an ecologically functional landscape context. The headwaters of several watersheds radiate out from the GRU Generating Station and Annex lands, which places this property in a unique position to link regional natural areas which have been identified at the state level as basic elements of Florida's natural environments which form the framework for sustaining ecological systems and biological diversity into the future. The requirements for compliance with City of Gainesville Land Development Code *Regulated surface waters and wetlands* and *Regulation of natural and archaeological resources* provide a basis and an expectation for ensuring that an integrated conservation plan (Conservation Management Area) will be created when development activity occurs, which will meet the functional goals of preserving, restoring, and managing a natural habitat corridor(s) which can provide the watershed and regional ecological linkages described above. The corridor(s) would be built around the extensive existing pattern of wetlands (1,200 acres) of the property, and include associated wetland buffers and other linking uplands which will extend to adjacent lands at key locations for potential continuation offsite.

While the proposed permitted uses of the subject property include heavy industrial development and associated infrastructure, and other uses which could significantly impact the natural environment and resources of the site, the requirement for the protection of a strategically designed and managed Conservation Management Area, along with an extensive system of wetlands all across the site, will dictate the extent and location of future development sites, and ultimately allow compatibility and balance between what might otherwise be conflicting land use goals. Any development proposal petition initiated on either the GRU Station or the Annex land subsequent to this land use and zoning change will be required to create the Conservation Management Area, which will specifically define and provide for implementation of the environmental and natural resource protections described above, subject to the Reserved Timber and hunting lease rights retained on the Annex land by Plum Creek Timberlands, L.P., as provided per the terms of Special Warranty Deeds (Official Records Book 2400, Page 1034, and Official Records Book 2579, Page 5). In addition, each new development/facility involved with handling or storing of hazardous materials, which is proposed in the subject Annex area will be required to comply with the specific requirements of the Land Development Code before the proposed facility is allowed.

#### **4. Support for Urban Infill and/or Redevelopment**

This proposed large-scale land use amendment to Public and Institutional Facilities (PF) for this undeveloped 2,287-acre, public utilities property at the northern edge of the City does not pertain to urban infill or redevelopment. However, it is supportive of the future expansion of utility uses by the adjacent Deerhaven Generating Station.

#### **5. Impacts on Affordable Housing**

The proposed Public and Institutional Facilities land use category does not allow residential development, so it will have no impact on the supply of affordable housing in Gainesville.

#### **6. Impacts on the Transportation System**

The property is located within Zone E of the Gainesville Transportation Mobility Program Area (TMPA). The City rescinded transportation concurrency with the adoption of its updated Comprehensive Plan. Therefore, development within Zone E is not required to meet level of service (LOS) standards for concurrency, but is required to comply with Policy 10.1.11 of the Transportation Mobility Element (see Exhibit A-1 - Comprehensive Plan GOPs).

At the time of development plan review, this 2,287-acre property will be subject to the TMPA Zone E requirements of Transportation Mobility Element Policy 10.1.11. Various transportation mobility requirements listed in Policy 10.1.11 must be met by the developer for any development or redevelopment within Zone E. The developer is also required to provide any transportation modifications that are site-related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals. No development activity is proposed at this time, but any future development will require a detailed traffic analysis. Nonetheless, the applicant provided trip generation estimates (Exhibit C-1, page 17 of the Justification Report) based on 100 employees, and calculated that 65 AM

Peak Hour trips and 408 Average Daily Total trips would be generated by future utility development within the property.

The property is adjacent to State Road 121 (two-lane, undivided highway) on the east and NW 128<sup>th</sup> Lane which bisects the entire northern part of the property (and is unpaved except for the segment west of the site of the Alachua County Public Works Department). It is adjacent at its northwest corner to NW 59<sup>th</sup> Drive (local two-lane road), and has indirect access by local or/and County roads to US 441 to the west. This property is not currently served by RTS.

## **7. Availability of Facilities and Services**

This undeveloped property area is not currently served by water and wastewater utilities. According to GRU policy, the developer of the property will be responsible for the cost of extending water and wastewater service connections and for any off-site system improvements that may be necessary to provide service. An allowance to provide water supply capacity for future population growth is included in the Consumptive Use Permit. No issues with providing sufficient water supply capacity are anticipated at this time, but this statement does not constitute a reservation or guarantee of water supply to the property. (Source: July 2, 2014 e-mail from GRU, Alice Rankeillor, P.E., Utility Engineer).

The proposed land use will not impact adopted levels of service for potable water, wastewater, water supply, or solid waste, all of which will be reviewed for concurrency at the time of development plan review. Stormwater level of service requirements will have to be met when a development plan for the site is submitted. There will be no impacts to public schools facilities because residential use is not allowed by the PF land use category.

## **8. Need for the Additional Acreage in the Proposed Future Land Use Category.**

There are approximately 4,466 acres of land in the Public and Institutional Facilities land use category in Gainesville, which will be increased to approximately 6,753 acres if this proposed large-scale land use amendment is approved. Of the City's total area of 62.89 square miles, approximately 10.55 square miles (approximately 16.8 percent) will be in PF land use if this petition is approved.

The designation of this land in the Public and Institutional Facilities category is based upon City ownership of the property for future utility use contiguous to existing utility facilities in anticipation of future expansion to meet the community's future utility needs.

## **9. Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a) 9, F.S.**

Sub-section 163.3164(51), F.S. states that "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. Sub-section 163.3177(6) (a) 9 requires that the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.



This amendment to the future land use element does not encourage urban sprawl because it does not involve a land use change to low-intensity or low-intensity development or uses. It is for the purpose of designating land for public facility use to serve the urban area while providing separation and buffering from adjacent uses. It also meets the following criteria of Sub-section 163.3177(6) (a) 9 b.:

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

*Yes. The proposed Public and Institutional Facilities (PF) land use will support the efficient and cost-effective provision and extension of public utility infrastructure and services at a strategic location contiguous to existing facilities. PF land use for this approximately 2,287-acre property will allow for the long-term future expansion of the adjacent GRU Deerhaven Generating Station that is adjacent to the south and east.*

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

*Yes. The proposed Public and Institutional Facilities land use will allow for the future expansion of GRU Deerhaven Generating Station facilities in order to meet the electrical power needs of future residential and non-residential development. PF is an essential non-residential land use in the City of Gainesville that is part of the balance of land uses that is needed to meet current and future demands of the City's current and future residential population.*

**10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy;**

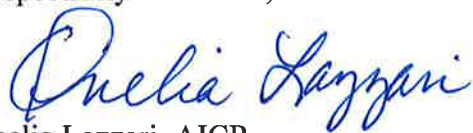
The proposed Public and Institutional Facilities land use will allow for the future development of the GRU Deerhaven Power Plant complex beyond the boundaries of the 1,061-acre parcel on which it is sited and which already has PF land use. Establishment of PF land use on the adjacent 2,287-acre, City-owned and GRU-managed property that is the subject of this petition will help meet the need for job creation, capital investment, and economic development to strengthen and diversify the City's economy. It will do so not only by allowing public utility operations, but also by allowing private utilities and public-private partnerships or other legal arrangements on publicly owned land for uses that serve a public purpose.

**11. Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.**

This is not applicable because the property is not part of an antiquated subdivision.

Petition PB-14-73 LUC  
September 25, 2014

Respectfully submitted,



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Prepared by: 

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**Table 1****Adjacent Existing Uses**

|              |   |
|--------------|---|
| <b>North</b> | timberlands   |
| <b>South</b> | FDOT facility; Alachua County Public Works Dept.; GRU Deerhaven Generating Station; sawmill and lumber business (Griffis Lumber); undeveloped Plum Creek property |
| <b>East</b>  | rural residential; agriculture; SR 121; undeveloped Plum Creek property   |
| <b>West</b>  | GRU Deerhaven Power Plant; UF Dairy Research Unit   |

**Adjacent Zoning and Land Use and Zoning**

|              | <b>Land Use Category</b>   | <b>Zoning Category</b>   |
|--------------|--|--|
| <b>North</b> | Alachua County Rural/Agriculture   | Alachua County Agriculture   |
| <b>South</b> | Alachua County Rural Employment Center; Industrial; Conservation; Single-Family (up to 8 units per acre) | Alachua County Agriculture; General industrial district (I-2); Conservation district |
| <b>East</b>  | Alachua County Rural/Agriculture; Conservation; Single-Family (up to 8 units per acre)                   | Alachua County Agriculture   |
| <b>West</b>  | PF (Public & Institutional Facilities); Alachua County UF Campus Master Plan                             | PS (Public services & operations district); Alachua County Agriculture;              |

## List of Appendices

### Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

### Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph  
Exhibit B-2 Map: Existing Land Use  
Exhibit B-3 Map: Proposed Land Use  
Exhibit B-4 Public Notice Signage Affidavit

### Appendix C Application

Exhibit C-1 Application