

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, September 13, 2007**

**3:00 PM**

**Room 16, City Hall**

## **Community Development Committee**

*Commissioner Scherwin Henry, Chair  
Commissioner Jack Donovan, Member  
Commissioner Craig Lowe, Member*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER

*The meeting was called to order at 3:05 PM.*

## ROLL CALL

Present: Craig Lowe, Jack Donovan and Scherwin Henry

## ADOPTION OF THE AGENDA

*Commissioner Lowe stated that Legislative File No. 050298 title should be changed to "Implementation of the Countywide Visioning and Planning Committee Recommendations".*

### 070399.

#### **Fleet Maintenance Facility Expansion at 405 NW 39th Avenue (NB)**

*Fred Murry, Assistant City Manager, stated that staff would provide an overview of the selection and recommendation process relating to the Northwest 39th Avenue Fleet Management Site. He stated that in 2002, staff wanted to close the 5th Avenue garage, and a study with a cost analysis was performed at that time. That study included information regarding centralization and decentralization of the Fleet Management Facility, and an alternative site, which GRU proposed to purchase (Northwest 39th Avenue/Waldo Road). He indicated that the Northwest 39th Avenue/Waldo Road site was no longer available, and that GRU was never able to purchase it. He explained that staff looked at another site GRU proposed to purchase (south of Northwest 53rd Avenue and Main Street). Staff could not accept that site because there were issues as to whether two facilities could operate on the same grounds, and concerns regarding wellfield protection. He stated that staff would address environmental issues that had arisen regarding noise at the Northwest 39th Avenue site. He indicated that staff had heard concerns of the residents about the operational noises of street sweepers early in the morning. He stated that the noise came from a safety detection device that indicated that the vehicle was backing up. He explained that, in the future, the vehicles would turn around which would eliminate the noise. He stated that there was also an issue in the recycling area at the south end of the property where a front end loader also has a safety back up detection device. Those operations normally start around 7:00 am and end about 4:30 pm. He stated that the Northwest 39th Avenue site plan went to the Development Review Board (DRB) and was denied. He noted that staff did understand that the nearby residents had concerns, and those concerns were shared by the DRB. He explained that staff had developed an alternative plan to move the facility from the western portion of the site to the eastern side, and there would be restrictions on the permitted uses. The facility would not operate evenings and weekends and there would be additional buffers for the neighborhoods. He noted that nearby residents could offer suggestions on the design of the facility, so that it would meet the public's needs. He stated that to move the centralized facility away from Northwest 39th Avenue would cost about 11 million dollars and if the entire facility were to be moved, it would cost over 30 million dollars.*

*Nicolle Smith, City Attorney II, discussed the history of the item. She explained that staff had submitted a development application which was heard and denied by the DRB in June 2007. Staff and the City did not appeal that denial, therefore, that particular plan was no longer at issue. She noted that the Committee, as members of the City Commission, needed to determine whether to move forward with the expansion project, and if so, how to proceed with the fact finding process*

*Commissioner Lowe suggested that the information be reviewed in the Committee in order to identify the information the Commission would need to make a decision. He noted that it was not necessary to make a recommendation at the present meeting. He asked about hours of operation for fleet maintenance and recycling, and the cost of the relocation of fleet maintenance alone, and at the Public Works Compound.*

*Mr. Murry indicated that normal hours of operation are 7:00 AM to 7:00 PM, Monday through Friday for fleet maintenance, and 7:00 AM to 4:30 PM, Monday through Friday for recycling.*

*Larry Abbott, Facilities Manager, stated that there were two shifts from 7:00 AM to 5:30 PM, but operations usually shut down by 4:30 PM. He noted that there were two four-day shifts, with some employees working Monday thru Thursday, others Tuesday thru Friday. He indicated that street operations crews arrive at 6:00 am and go home at 2:30 pm.*

*Milton Reid, General Facilities Manager; David Richardson, AGM, Water and Wastewater Facilities; Stu Pearson, Engineering Manager; Fred Murry, Assistant City Manager; and Ralph Hilliard, Planning Manager, gave a PowerPoint presentation to the Committee.*

*Barbara Ruth, Stephen Foster Neighborhood, asked about the open trench for Koppers, and if Koppers had a variance from their site through the south of the creek.*

*Mr. Pearson stated that was separate drainage that adjoins City property.*

*Dr. Parsons indicated that one of the retention ponds overflowed during a heavy period of rain and that the City is pumping that retention pond out to the north side of the site. He asked if the retention pond overflows into a spring fed creek.*

*Mr. Pearson stated that a pump sits alongside the basin, and the pump is on the north side, so that it can get to the filter system.*

*Ms. Parsons asked about a Departmental Environmental Protection report.*

*Mr. Reid stated that unless there is a violation, there will not be a Departmental Environmental Protection report.*

*Mr. Murry stated that he will ask the Department of Environmental Protection for a report and provide that letter to the citizens.*

*Mr. Murry concluded his presentation and stated that the City had hired a noise consultant and a report would be available in October. He stated that 15-20*

*additional vehicles will be serviced at the Fleet Management site in the future because of proposed growth. He stated that the City was going to leave the underground gas station at its present location, and would add 13,000 square feet of additional garage space. He noted that orientation of the addition bays would depend on the consultant, and that there would be no night of operation of facilities, except during declared emergencies as designated by the City Commission or City Manager. He invited the members of the community to participate in the design and operating procedures for the facility.*

*Russ Blackburn, City Manager, stated that the City Commission has indicated that they wish to have a special meeting to discuss the proposal. He noted that the special meeting was originally set for October 15th, however, a conflict has arisen so it was scheduled for November 5, 2007, 6:00 P.M. He stated that any recommendations from the Community Development Committee would go to that full City Commission meeting.*

*Commissioner Donovan asked about the proposed expansion to the site, and why it required 23,000 square feet for 20 vehicles a day.*

*Mr. Reid explained that the proposed expansion is 13,000 square feet and the original plan included storage space for Facilities Management and Streets Operations.*

*Commissioner Donovan asked how many vehicles were maintained at the existing site.*

*Mr. Reid indicated that an average of 18 to 19 vehicles were serviced per day, but there was the maintenance of control vehicles.*

*Commissioner Donovan asked about the five criteria used for the fleet operation study. He noted that it did not include any measure of impact on the neighborhood or quality of life. He suggested that any evaluation should have those criteria of a matter of course. He asked for information on the hourly rates, shared administrative facilities at GRU and General Government, and the 5.6 million cost for a new GRU site. He also asked about the operating costs at the garages.*

*Mr. Reid explained that two independent facilities would require more administrative staff and separate equipment. He pointed out that it would be cost-driven and therefore there would be performance and inefficiency issues. He indicated that if it takes fewer hours for technicians to do the same job, it would reduce costs to the departments. He stated that the City expected a combined operation which would reduce a demand on staff time.*

*Commissioner Donovan asked why GRU moved its site to an environmentally sensitive area.*

*Mr. Richardson stated that GRU assessed 23 sites (including Southeast 43rd Street, Waldo Road, University Avenue, and just north of Tacachale which was the preferred site. He noted that there were problems with transportation access, connection roads and signalization. He explained that the site adjacent to Ironwood Golf Course had the same types of issues, as well as issues with wetlands and environmental overlays.*

*He indicated that the proposed site was the most feasible site, and had been endorsed by the City Commission.*

*Commissioner Donovan asked if GRU had a criterion for impact on the neighborhoods.*

*Mr. Richardson stated that if site improvements required to make a project compatible with surrounding neighborhoods, then GRU included costs for those improvements.*

*Commissioner Donovan cited a concern about the number of developable acres not being determined until the wetland and floodplain issues have been resolved. He asked staff how long the City has owned the property. He also cited a concern that the City could purchase property without knowing how it could be developed.*

*Chair Henry stated that GRU receives information from the St. John's Water District what they can develop, but they still have to come in compliance with the City of Gainesville's regulations as far as wetlands.*

*Mr. Richardson stated that, with the changes in the floodplain maps, many people in the community were having to recalculate what is available. He noted that GRU also had the issue of determining creek setbacks. He stated that the Alachua County Hazardous Materials Ordinance prohibits fleet maintenance facilities, though it didn't prohibit any of the activities that GRU originally proposed on the site.*

*Mr. Reid stated that in January of 2005, the City Commission approved the City to hire an architect to design the expansion of the Northwest 39th Avenue garage.*

*Commissioner Donovan asked about the impact of the Koppers trench, and if it was, in fact, on City property. He indicated that he would like to know the consequences of its location and what control the City had over it. He asked if there were hazardous materials flowing through the trench.*

*Mr. Pearson stated that staff will report back as to whether the Cooper's trench runs through City property.*

*Mr. Murry stated that a railroad line ran to the east of the property and it was not known if the trench is on the railroad property. He stated that he would have the properties surveyed.*

*Commissioner Lowe asked if staff could provide the Committee a breakdown as to how the costs were determined and the different options. He agreed that the quality of life issues should be a criterion for selection of a site. He suggested that there were issues of concern with respect to the Fleet Maintenance Facility in the context of the overall Public Works Compound. He noted that, if the issues were in the Public Works Compound, there would be a different cost with relocation. He indicated that the City should examine that issue. He pointed out that relocating the Fleet Maintenance Facility somewhere else wouldn't solve all the problems that might exist.*

*Robert Pearce, citizen, distributed Land Development Code material to the Committee. He stated that the first issue that needed to be addressed was that a motor repair facility was not specified as a permitted use on the parcel. He stated that the City regulates permitted uses on parcels through the Land Development Code, which is adopted by the City Commission. He indicated that the ordinance required that specific uses permitted on a property should be specified. He noted that there was no language in the written text of the Code, nor on the associated zoning maps, that specified that a motor vehicle repair facility was a permitted use on the parcel. He indicated that there was no language specifying that stockpiling and distribution of road building materials was permitted on the parcel. He stated that the fact that the rezoning of the parcel was part of a citywide rezoning was irrelevant, since the property was being used for vehicle repair for the stockpiling of road building materials at the time of rezoning. He indicated that those were the reasons that Planning Division staff justified issuing a Zoning Compliance Permit for a motor vehicle repair facility. He stated that was staff's position that, because the uses were in place at the time of the 1982 rezoning, it was a conforming use.*

*Chair Henry stated that the City wanted to improve the land and the structures so the neighborhood wouldn't be affected. He pointed out that the quality of life and public health wouldn't be affected by a use that has been grandfathered in.*

*Mr. Pearce stated that, if the City wished to expand or build new buildings for uses that are not currently specified as permitted uses, then the City was required, by code, to hold the appropriate public hearings before the City Plan Board and the City Commission. He indicated that, if the City wished to expand an existing nonconforming use, or if they wish to build a new facility for something that is not specified as a permitted use in the Code, then the City could add and modify the permitted uses allowed on the parcel. He stated that amendment of the permitted uses should be completed prior to any site plan considerations. He stated that the DRB made finding of fact that a motor vehicle repair facility was not specified as a permitted use in the ordinance that placed the Public Service (PS) classification on the parcel. He provided an example of a recent PS zoning ordinance for the Cotton Club. Regarding the hazmat regulations, he stated that it is not a waiver from the hazmat regulations that was necessary, only a variance. He read the variance language into the record. He stated that the City property on North Main Street is approximately 120 acres, and the site plan for the expanded fleet maintenance facility is six acres. He presented photos of the site. Regarding the original site plan, he stated that if it was not built within six months, the building permit would be null and void.*

*Regarding the photos presented by Mr. Pearce, Mr. Pearson stated that the road construction sign was an older model, and that the City hadn't purchased one of those signs in several years. He stated that the boom that is floating in the stream was placed there to keep sediments contained away from moving water.*

*Commissioner Lowe asked if a municipal service center was included in the Public Works Compound. He asked if the issue with respect to the zoning aspect is the degree of specificity necessary for this particular use of the Fleet Maintenance Facility.*

*Mr. Pearce stated that a Public Works Compound is different from a motor vehicle repair facility. He stated that a 30,000 square foot vehicle repair facility should be specified in the ordinance, or it needed to be added as a permitted use if the City wishes to expand or build a new one on the property.*

*Commissioner Lowe asked what operations occurred at the Public Works Compound that would be in addition to those that occurred at a fleet maintenance facility. He asked if it was Mr. Pearce's contention that each one of the operations should be individually specified.*

*Mr. Pearce stated that the code states that each use should be specified. He stated that a motor vehicle repair facility and stockpiling and distribution of road building materials were not specified uses on the parcel. He stated that the City neglected to hold the proper hearings for each of its PS district parcels to determine the appropriate on those parcels.*

*Teresa Scott, Public Works Director, stated that a plant nursery, sign shop, traffic signal shop, administrative offices, street sweeping machines, front loaders, material storage, were considered Public Works services. She noted that it also included the servicing the fleet.*

*Ms. Smith stated that staff prepared a memo that detailed the history of the zoning and code requirements. She noted that, very often specific uses are described generally. She gave the example of Section 29-171 where it lists the type of uses that may include museums, art galleries (any type of specific uses that seem to be described generally). Staff has also reviewed recent rezonings to PS classification to allow active recreation for the public parks. She agreed that at times, uses were described specifically, citing the example of the Cotton Club. She indicated that it was acceptable to describe uses in general terms.*

*Commissioner Lowe asked if the traffic management system that is proposed for the City would be located in the Public Works Compound. He stated that FDOT had granted the City 6.6 million dollars for that facility. He asked how relocating the facility would impact the project.*

*Ms. Scott confirmed that the traffic management system that is proposed would be at the Public Works Compound. She stated that if the City located the facility somewhere else, it would lose that portion of the funding, and might jeopardize future funding.*

*Chair Henry indicated that he was concerned with the term "general accepted use," and how it worked with the legality of zoning. He asked why the City would be comfortable with grandfathering uses, except when it came to a public facility, which should be rezoned.*

*Mr. Pearce read from the code (Section 30-75, Public Services zoning district) regarding the specificity that is necessary.*

*Commissioner Lowe stated that Mr. Pearce was pointing out that compatibility needs to be addressed. He asked if the Fleet Maintenance Facility is compatible for the*

*proposed location. He suggested that the next logical step would be to evaluate the Fleet Maintenance Facility on the proposed site.*

*Jimmy Harnsberger, citizen, spoke to alternative locations. He stated that what the neighborhood was hoping for was a specific analysis of the alternative locations so they could evaluate all possibilities. He noted that the list didn't seem to include facts and dollar amounts. The financial impacts on adjacent property owners and the subsequent consequences for City revenue were not put into the equation. He urged the Committee to recommend a much more specific itemization of the costs. He also recommended that any costs associated for the Northwest 39th Avenue site include time involved in dealing with these legal issues, estimates of real mitigation costs, and the cost of revenue on a yearly basis to the City from depressed property values. He asked staff if the higher costs are assuming land purchases, including a purchase from GRU by the City. He asked the Committee to consider his recommendations for five parcels (includes city-owned lands) when it reported back with a breakdown of the figures.*

*Commissioner Lowe asked if that would satisfy the concerns about the Public Works Compound if the City were to locate the Fleet Maintenance Facility elsewhere.*

*Mr. Harnsberger reviewed three scenarios with the Committee: 1) approve the staff recommendation; 2) relocate the expansion to another site, but keeping everything else the same at Northwest 39th Avenue; and 3) create a centralized vehicle service center on another property and sell the 34-acre parcel with the existing facility. He suggested that the third option would allow the property to be sold and redeveloped to stabilize the neighborhood.*

*Chair Henry asked if Mr. Harnsberger considered the loss of potential property value because it would still be adjacent to the Public Works Compound.*

*Mr. Harnsberger stated that when the City considers the pros and cons, the City is going to lose some revenue from the depressed property values.*

*Barbara Ruth, neighborhood resident, stated that the downtown site had been adding and expanding industrial uses for some time. She stated that this issue involved a residential neighborhood where the noise ordinance was exceeded with activity by front-end loaders and dump trucks. She indicated that she feels that the site is not compatible for the use, and to expand it more, is not something the neighborhood would like to see. She handed out a report from the Stephen Foster Neighborhood for the record. She asked if staff intended to leave the existing garage in operation, and build an additional building.*

*Mr. Reid stated that they will be seizing fleet operations and transferring other departments.*

*Susan Fairforest, neighborhood resident, stated that if the Committee reviewed the minutes of the last City Commission meeting, it would note that the Commission asked staff to provide an alternative location, and that has not been done.*

*Dr. Parsons asked the Committee to consider the issues that would affect a*



*well-established neighborhood. He read a portion of Petition No. 163CPA-00 PB, from February 6, 2001 into the record.*

*Commissioner Lowe stated that, if there was no legal finding of incompatibility for the Fleet Maintenance Facility, then there was no issue with respect to rezoning.*

*Commissioner Donovan stated that he would like staff to report back on: 1) how much land needs to be used at the GRU site, and to what uses can be located there; 2) provide more information on the issue of the legality of the expansion and the current uses; 3) find out the comparative costs of alternative sites; and 4) neighborhoods be prepared to answer questions if the analysis of the site favors the compound, and if there is anything that the City could do at the site that would make it feel compatible.*

*Deidre Bryant, neighborhood resident, stated that there were many neighbors unable to attend the present meeting. She asked the Community Development Committee to schedule a night meeting so that more of the neighbors could participate.*

*Mr. Blackburn stated that staff provided general information on the cost to buy land, information based on the number of acres needed to duplicate a 39-acre compound. He noted that cost factors would be different for each individual parcel. He explained that the information provided by staff could not be more specific unless the Commission wanted to place an option on a specific property.*

*Mr. Reid stated that construction costs were determined by square footage. He explained that staff knows the acreage required, but did not mention specific sites and could not determine how much it would cost without knowing an exact location. He stated that unless a location were specified, it would be difficult to judge what mitigation costs would be.*

*Mr. Murry indicated that he would look into what other communities had done with facilities in similar situations and, would review the five parcels that have been proposed by Mr. Harnsberger.*

*Commissioner Lowe stated that the Committee would like to see a breakdown in the costs for alternate sites.*

**RECOMMENDATION** *The Committee recommended that staff provide: 1) a survey of the property; 2) a breakdown of the costs for alternate sites; 3) a report from the Department of Environmental Protection Agency; 4) land that is available on the Northwest 39th Avenue site and comparison costs; 5) information on the GRU site (available acreage); and 6) to continue this item to the next meeting for further discussion.*

**Approved as Recommended**

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**050298**

**Update on Informal Negotiations for Modification of Urban Reserve Area (NB)**

**RECOMMENDATION** *The City Commission at its August 27, 2007 meeting, requested staff to contact Alachua County for their attendance at the next CDC meeting, in order to discuss Countywide Visioning and Joint Planning.*

**Continued**

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**NEXT MEETING DATE**

*October 30, 2007 5:30 PM*

**ADJOURNMENT**

*The meeting adjourned at 6:10 PM.*

*These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the City's Manager's office.*