



MEMORANDUM
Office of the City Attorney

LEGISLATIVE ITEM NO. 070447

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: January 26, 2008

FROM: City Attorney

CITY ATTORNEY
ADOPTION READING

SUBJECT: Ordinance No. 0-07-119, Petition 28LUC-07PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of "Rural/Agriculture" and the City of Gainesville land use category of "Agriculture" to the land use categories of "Single-Family (up to 8 units per acre)", "Residential Low-Density (up to 12 units per acre)," and "Conservation", and by overlaying the "Planned Use District" category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 1778 acres; generally located north of U.S. 441 and Northwest 74th Place lying east and west of SR 121 and CR 231, and south of Northwest 121st Avenue; providing for time limitations; creating and adopting Policy 4.3.4; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance as amended.

PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT

On June 9, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On August 26, 2008, DCA issued its Objections, Recommendation and Comments (ORC) Report to the City (attached as **Exhibit "A"**). In the ORC Report, DCA objected that the comprehensive plan amendment was not in compliance with Sections 163 and 187, Florida Statutes, and various sections of Rule 9J-5, Florida Administrative Code. Planning staff reviewed the DCA's Report with City legal staff and has met with the applicant, and to address the Report has made numerous changes to Policy 4.3.4 (the proposed Future Land Use Element policy pertaining to the subject property). Among the proposed changes is the addition of the Residential Low Density land use category (365 acres), a decrease in Single-Family land use area (from 1,080 to 545 acres), an increase in Conservation land use area (from 608 to 700 acres), an increase in PUD land use area (from 90 to 167 acres), and a decrease in the number of PUD areas from two to one. The City staff response to the ORC Report is attached as **Exhibit "B"**.

Pursuant to Section 163.3184(7)(a), Florida Statutes, the City has 60 days from receipt of the ORC report (in this case August 26, 2008) to "adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment." The adoption hearing was scheduled by the City for October 16, 2008. On October 6, 2008, the City received a letter from the applicant's attorney (attached as **Exhibit "C"**) requesting a continuation of the adoption reading to allow sufficient time to respond to the ORC Report.

The City Commission held a public hearing on the Ordinance on October 16, 2008, and approved 1) continuing the Ordinance until the adoption hearing for the DCA No. 08-02 cycle; and 2) directed staff to communicate with the petitioner.

BACKGROUND

The 1,778-acre subject property* is in the northwest portion of Gainesville. All except approximately 460 acres in the southern part of the subject property were annexed into the city on February 12, 2007. The property is north of NW 53rd Avenue, is largely split by State Road 121 (which, south of NW 53rd Avenue, is NW 34th Street), and is bounded to the southwest by NW 13th Street (US 441).

Adjacent to the west of the subject property is the Deerhaven Power Plant operated by Gainesville Regional Utilities. Most of the property adjacent to the east and west of the subject property is undeveloped or pine plantation (silviculture). The subject property is currently used for silviculture operations and both the subject property and surrounding areas are rural in character. One of the most noteworthy features of the subject property is that at least a third of it is wetland. The property has important environmental features and the headwaters for three creek systems/basins are within it.

The applicant proposes to establish City land use designations for this recently-annexed property. Those designations would be SF (Single-Family, up to 8 dwelling units per acre), Residential Low-Density (up to 12 units per acre), CON (Conservation, up to one dwelling unit per five acres), and PUD (Planned Use District). Currently, the subject property carries the Alachua County land use designation of Rural/Agriculture (allowing up to one dwelling unit per five acres).

The PUD designation, if approved, will establish the land use for what the applicant proposes to be a future, mixed-use development consisting of up to 100,000 square feet of non-residential uses, of which 80,000 square feet can be commercial uses. The PUD designation would apply to approximately 9 percent (167 acres) of the 1,778 acres, and be located along the west side of SR 121 in the southern half of the property. A minimum density of 4 residential units per acre (668 residential units) is required for the PUD land use area. Transfer of residential density from the Residential Low-Density and the Single-Family land use areas to the PUD land use area may be approved during the required re-zonings to PD (Planned development district).

* Original petition filed by the Petitioner and the ordinance at First Reading erroneously stated that the acreage consisted of 1754 acres. In fact the maps and area consist of 1778 acres as determined by a more recent survey. The ordinance has therefore been revised.

Approximately 39 percent (701 acres) of the 1,778-acre subject property is proposed for Conservation land use, 31 percent (545 acres) for Single-Family Residential land use, and 21 percent (366 acres) of the 1,778 acres is proposed for Residential Low-Density land use.

Proposed Policy 4.3.4, among its many provisions, would prohibit the construction of residential units within parcels designated Conservation (the City normally allows up to one single-family residential unit per five acres in the Conservation zoning district). The policy would also require that future development of parcels designated Single-Family Residential or Residential Low-Density land use could not occur until the parcel would be given a Planned Development zoning designation (which requires, among other things, that an ordinance be adopted describing development parameters for the parcel). The maximum residential density allowed in the Single-Family land use areas is 1 residential unit per 2.5 acres (0.4 units per acre) up to a maximum of 218 units. The maximum residential density allowed in the Residential Low-Density land use areas is 2.75 units per acre, up to a maximum of 1,004 residential units. Any transfers of residential density from the Single-Family or Residential Low-Density land use areas to the PUD land use area shall reduce the overall number of units allowed in those land use areas by the number of residential units transferred. The maximum residential development of the entire 1,778-acre subject property shall not exceed 1,890 residential units.

The subject property, before annexation into the city, was designated a Strategic Ecosystem by Alachua County. There are two strategic ecosystems found on the subject property and identified by Alachua County: Buck Bay east of State Road 121 and Hague Flatwoods west of 121. These ecosystems are valuable not because they are pristine, but because they are a major headwaters area within the county. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be protected shall be identified as conservation management areas and protected by a perpetual conservation easement or a tax exempt land trust, as determined by the City.

State Road 121 is the arterial serving the Plum Creek development. Based on the lowest traffic estimates that were provided by the applicant (which subtracts out a substantial number of trips for floodplain/wetlands on the site), the SR 121 road segment can only handle about a quarter of the total trips for the development and meet concurrency. The current capacity of SR 121 is 7,286 average daily trips. The initial traffic study provided by the applicant is estimated (the low estimate) to generate 23,096 average daily trips at build-out. One of the most significant problems with the application for this petition, from the point of view of City staff, is that a full traffic study has not been provided for the land use amendment. The Florida Department of Transportation (FDOT) and Alachua County also had several problems with the information submitted by the applicant for the proposed development, and the impacts that would result.

Updated information from the Alachua County Public Schools (ACPS) was provided in a letter dated January 14, 2009 (attached as **Exhibit "D"**). The letter concluded that projected student demand resulting from LandMar development at the elementary, middle and high school levels can reasonably be accommodated for the five-, ten- and twenty-year planning periods and is consistent with the Public School Facilities Element based upon School District Projections and their District Plan. It does not constitute a school capacity availability determination or concurrency certification, does not reserve school capacity for LandMar, and does not vest LandMar for school concurrency.

After public notice was published in the Gainesville Sun on August 1, 2007, the Plan Board held a public hearing August 16, 2007, and the Plan Board discussed the petition, heard public

comments, expressed serious concerns about environmental issues, traffic, schools, fiscal and sprawl impacts, and recommended that the requested land use changes be denied. On December 10, 2007, the City Commission approved the petition. On June 9, 2008, the City Commission approved this ordinance on first reading. The City Commission held a public hearing on the ordinance October 16, 2008 and continued the adoption hearing to the DCA No. 08-02 cycle.

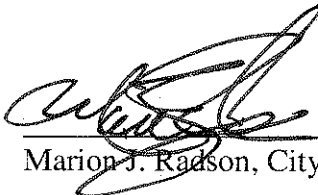
CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. This is the second hearing at the adoption stage of the ordinance, and the hearing was advertised at least five days before the adoption hearing.

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA must be considered by the Commission at the adoption hearing. The City Commission may adopt the ordinance, adopt the ordinance as amended, or not adopt the ordinance.

Following second reading, if the ordinance adopted or adopted with amendments, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared and
submitted by:



Marion J. Radson, City Attorney

Attachment



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August 26, 2008

The Honorable Pegeen Hanrahan
Mayor, City of Gainesville
P.O. Box 490, Station 19
Gainesville, FL 32601-0490

RE: City of Gainesville Proposed Comprehensive Plan Amendment 08-1

Dear Mayor Hanrahan:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Gainesville (DCA 08-1), which was received on June 27, 2008. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the City address the 'objections' set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of two Future Land Use Map amendments each with specific policies guiding the development of the amendment site and amendments to Future Land Use Element Policy 4.1.1 adding a new Business Industrial future land use category and deleting the current allowance for an additional 2 stories of building height by Special Use Permit to the Urban Mixed-Use-1 future land use category. The Department commends the City on its commitment to the protection of natural resources as evidenced in the proposed policies guiding development of the Hatchet Creek and LandMar amendment sites. However, at the same time the Department has concerns that the policy related to the LandMar amendment needs additional guidelines to ensure the compatibility with adjacent uses and to address urban sprawl and long term transportation impacts. The Department has also identified issues with the proposed Hatchet Creek amendment based on a self amending proposed policy. With regards to the proposed Business Industrial future land use category the Department has identified the need for the City to include a measurable intensity standard for the category.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
850-488-8466 (p) • 850-921-0781 (f) • Website www.dca.state.fl.us

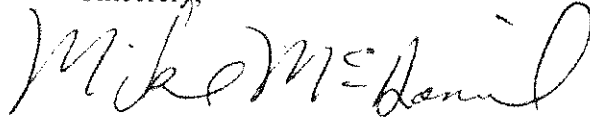
• COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) •
• HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) •

EXHIBIT "A"

The Honorable Pegeen Hanrahan
August 26, 2008
Page 2

I believe the concerns outlined in our report can be resolved with additional attention to the amendment. If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Ana Richmond, Principal Planner, via email at anastasia.richmond@deca.state.fl.us or by phone at (850) 922-1794.

Sincerely,



Mike McDaniel
Chief, Office of Comprehensive Planning

MM/ar

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Scott Koons, AICP, Executive Director, North Central Florida RPC
Mr. Dean Mimms, AICP, Chief of Comprehensive Planning City of Gainesville
Mr. Allan Penska, Gainesville Regional Airport
Ms. Linda Shelly, Esq., Flower, White, Banker and Boggs

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Scott Koons, AICP, Executive Director of the North Central Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR THE CITY OF GAINSEVILLE
COMPREHENSIVE PLAN AMENDMENT 08-1

August 26, 2008
Division of Community Planning
Office of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Gainesville's proposed amendment to their comprehensive plan (DCA number 08-1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Rule 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT

FOR THE CITY OF GAINESVILLE

PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-1

I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C.

A. Future Land Use Map

The City has proposed Ordinance 070447 (LandMar) proposing to convert 1,754 acres from Alachua County Rural/Agriculture and City Agriculture to Single Family, Planned Use District and Conservation.

1. Objection: The City has not adopted its Public School Facilities Element and Interlocal Agreement by the scheduled date of July 1, 2008 as required by Section 163.3177(12)(i), F.S. Therefore, pursuant to Section 163.3177(12) (j), F.S., the City is prohibited from adopting amendments to the comprehensive plan which increase residential density. Therefore, the City cannot adopt proposed LandMar FLUM amendment, which has the potential to increase residential density, until the City adopts and transmits its Public School Facilities Element along with associated comprehensive plan amendments implementing school concurrency along with an executed Public School Interlocal Agreement.

[Section 163.3177(12)(j), F. S.]

Recommendation: The City must first adopt and transmit the Public Educational Facilities Element and executed Interlocal Agreement to the Department. Then based on the level of service standards and concurrency service areas the City should provide adequate data and analysis supporting the LandMar amendment. Should the capacity not be available to serve the amendment site the City should either revise the amendment to reduce school impacts or include mitigation through the appropriate district facilities work plan for the amendment consistent with the mitigation options included in the Public Educational Facilities Element.

2. Objection: As proposed, the majority of the site, approximately 1,000 acres, would be devoted to low density single family housing, creating a pattered that is inefficient, promotes dependence on the automobile, and discourages a diversity of housing types.. The amendment therefore exhibits the following indicators of urban sprawl:

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development.
- Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.
- As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, and other significant natural systems.
- Fails to maximize use of existing public facilities and services.

- Fails to maximize use of future public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Fails to encourage an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space

Authority: Sections 163.3177(2), (5), (6)(a), and (8), F.S., and Rules 9J-5.005(2), (5), 9J-5.006(1)(g), (2)(c), (3)(b)1. & 8., (3)(c)3., and (5), 9J-5.011(2)(b)3., F.A.C.

Recommendation: The Department recommends the City reduce the amendment size and revise the single family density to ensure the amendment will promote a sustainable development pattern that creates a choice in housing opportunities. The amendment should be sized so that housing, jobs, daily needs and other activities are at a scale that will promote interconnectivity and are within easy walking distance of each other. Revise the amendments to include provisions that further address urban form and housing and include an analysis that demonstrates the amendments discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C.

3. Objection: Rule 9J-5.006(3)(c)2., F.A.C., requires provisions for compatibility of adjacent land uses. The proposed Single Family land use is incompatible with the Industrial land use located at the southwest corner of the LandMar amendment site, and the amendment lacks provisions which will ensure the uses will be compatible.

[Sections 163.3177(6)(a) and (8), F.S.; and Rules 9J-5.005(2), 9J-5.006(3)(c)2., F.A.C.]

Recommendation: The City should revise Policy 4.3.4.D to include a substantial buffer from the adjacent Industrial land use on the southwest boundary of the site. The Department recommends a minimum of 300 feet. The buffer should ensure the proposed residential development will not impact the operations or expansion of the existing industrial uses adjacent to the site.

4. Objection: The LandMar amendment represents a significant increase in development potential and impacts to SR 121. Although, the amendment proposes to limit development within the first five years to a level that will not degrade the level of service on SR 121 the City has not identified potential improvements to maintain the level of service on SR 121 within the planning horizon or build out of the amendment site.

[Sections 163.3177(2), (3)(a), (6)(a)&(j), (8), F.S. and Rules 9J-5.005(2); 9J-5.006(3)(b)1, and (3)(c)3.; 9J-5.016(1)(a), (2)(b and c), (3)(b)1, 3, & 5, and (4)(a)1 & 2; 9J-5.019(3)(f, g and h), (4)(b)2 & 3, (5), F.A.C.]

Recommendation: The Department recommends the City include amendments to Capital Improvements Element and Traffic Circulation Map to address long range planning efforts to maintain the level of service standard for SR 121.

B. Future Land Use Element

1. Objection: The City has proposed to amend Policy 4.1.1 to create a new Business Industrial future land use category. The City has not included an intensity standard for the proposed future land use category.

[Sections 163.3177(6)(a), F.S. and Rules 9J-5.005(6), 9J-5.006(3)(c)7., F.A.C.]

Recommendation: The City should revise the policy to establish a standard for intensity of land use for the proposed Business Industrial future land use category. Possible standards for non-residential standards include the use of floor area ratios (FARs) or impervious surface ratios (ISRs), based on square feet per acre, in combination with building height limitations and types of uses allowed.

2. Objection: The City has proposed policy 4.3.5 to guide development on the Hatchet Creek amendment site (Ordinance 070210). As proposed, Policy 4.3.5.d is self-amending. The proposed policy would allow a different version of the Airport Noise Zone Map at the PD zoning stage from that adopted into the Comprehensive Plan through proposed Policy 4.3.5. Land development regulations and development orders are to be consistent with the adopted comprehensive plan. Allowing the PD to control land use and allowing a different version of the Airport Noise Zone map at the PD zoning ordinance stage from that included with the Comprehensive Plan is self-amending and creates potential inconsistency between the PD zoning and the Comprehensive Plan.

[Sections 163.3177(1), (6)(a), F.S. and Rule 9J-5.005(2)(g), F.A.C.]

Recommendation: The City should revise the policy to delete the reference to allowing the PD to control land use and allowing a different map at the PD zoning stage. The Airport Noise Zone map referenced in the Policy needs to be adopted into the plan. Alternatively the City may adopt it by reference however, the City must include the date, author and source of the map should it be adopted by reference. Any updated Airport Noise Zone map should be incorporated into the plan through the plan amendment process.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Future Land Use Map

1. Objection related to the need to adopt school concurrency provisions prior to the adoption of the LandMar amendment: The proposed plan amendments are not consistent with and do not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

(25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

2. Objection related to the proposed LandMar amendment related to the proliferation of urban sprawl: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

3. Objection related to the proposed LandMar amendment related to compatibility: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

4. Objection related to the proposed LandMar amendment related to long range transportation impacts: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)1;
- (17) Public Facilities, Goal (a) and Policies (b)1 and 7;
- (19) Transportation, Goal (a) and Policies (b)3, 7, 9, 12, and 13; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

B. Future Land Use Element

1. Objection related to the proposed Business Institutional future land use category (Ordinance 071154): The proposed plan amendment is not consistent with and does not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

- (25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

2. Objection related to proposed Hatchet Creek Policy 4.3.5.d: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

January 14, 2009

City Staff Responses to:

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT (issued
8/26/08)**

FOR THE CITY OF GAINESVILLE

PROPOSED COMPREHENSIVE PLAN AMENDMENT 08-1

I. CONSISTENCY WITH CHAPTER 163, F.S. and RULE 9J-5, F.A.C.

A. Future Land Use Map

The City has proposed Ordinance 070447 (LandMar) proposing to convert 1,754 acres from Alachua County Rural/Agriculture and City Agriculture to Single Family, Planned Use District and Conservation.

1. Objection: The City has not adopted its Public School Facilities Element and Interlocal Agreement by the scheduled date of July 1, 2008 as required by Section 163.3177(12)(i), F.S. Therefore, pursuant to Section 163.3177(12) (j), F.S., the City is prohibited from adopting amendments to the comprehensive plan which increase residential density. Therefore, the City cannot adopt proposed LandMar FLUM amendment, which has the potential to increase residential density, until the City adopts and transmits its Public School Facilities Element along with associated comprehensive plan amendments implementing school concurrency along with an executed Public School Interlocal Agreement.

[Section 163.3177(12)(j), F. S.]

Recommendation: The City must first adopt and transmit the Public Educational Facilities Element and executed Interlocal Agreement to the Department. Then based on the level of service standards and concurrency service areas the City should provide adequate data and analysis supporting the LandMar amendment. Should the capacity not be available to serve the amendment site the City should either revise the amendment to reduce school impacts or include mitigation through the appropriate district facilities work plan for the amendment consistent with the mitigation options included in the Public Educational Facilities Element.

City Response: The City of Gainesville adopted the Public School Facilities Element (PSFE) and approved the Updated Interlocal Agreement for Public School Facility Planning on December 18, 2008. The adopted PSFE and the executed, Updated Interlocal Agreement were sent to the Department on December 29, 2008. The letter dated January 14, 2009 from the Alachua County Public Schools (separately attached as

Exhibit D to the January 26, 2009 Memorandum from the City Attorney to the Mayor and City Commission) indicated that students generated by the Plum Creek [LandMar] project at the elementary, middle and high school levels can be reasonably accommodated for the five-, ten- and twenty-year planning periods, and that the comprehensive plan amendment is consistent with the Public School Facilities Element.

2. Objection: As proposed, the majority of the site, approximately 1,000 acres, would be devoted to low density single family housing, creating a pattern that is inefficient, promotes dependence on the automobile, and discourages a diversity of housing types. The amendment therefore exhibits the following indicators of urban sprawl:

- Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development.
- Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.
- As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, and other significant natural systems.
- Fails to maximize use of existing public facilities and services.
- Fails to maximize use of future public facilities and services.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- Fails to provide a clear separation between rural and urban uses.
- Fails to encourage an attractive and functional mix of uses.
- Results in poor accessibility among linked or related land uses.
- Results in the loss of significant amounts of functional open space.

Recommendation: The Department recommends the City reduce the amendment size and revise the single family density to ensure the amendment will promote a sustainable development pattern that creates a choice of housing opportunities. The amendment should be sized so that housing, jobs, daily needs and other activities are at a scale that will promote interconnectivity and are within easy walking distance of each other. Revise the amendments to include provisions that further address urban form and housing and include an analysis that demonstrates the amendments discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5, F.A.C.

City Response: The City has revised the amendment to address the DCA Recommendation as follows:

- The pattern of land uses is substantially altered from the configuration previously transmitted. The area previously proposed for a land use designation of Single-Family Residential is reduced from 1080 acres to 545 acres. The area proposed

for a land use designation of Planned Use District (PUD) is increased from 90 acres to 167 acres. The area designated Conservation Land Use is increased from 608 to 700 acres. The entire site is 1,778 acres. Within the 700 acres of Conservation, no residential units are allowed. Within the 545 acres of Single-Family land use, no more than 218 residential units are allowed. Of the total 1,890 residential units authorized by the land use areas, 1,672 or 88% is concentrated on the combined Residential Low-Density and PUD acreage (532 acres). A maximum of 1,004 residential units is allowed for the 365 acres of Residential Low-Density, and a minimum of 668 residential units is required for the 167 acres of Planned Use District. The entire 100,000 square feet of non-residential use is concentrated within the mixed-use PUD area. These changes result in a compact, concentrated, mixed-use land use pattern.

- Some of the area previously designated Single-Family Residential is changed to Residential Low-Density land use. The areas designated Residential Low-Density surround the consolidated and enlarged PUD area. The change in land use is intended to facilitate greater clustering of residential units and allow for a wider diversity of housing types, including attached residential which is not allowed in Single-Family Residential.
- The mixed use Planned Use District areas have been consolidated into a single enlarged area. Within the PUD area, development must generally adhere to the city's mixed-use Traditional Neighborhood Development requirements ensuring that the area develops in the pattern of a walkable, mixed-use traditional town offering a variety of housing types and places for shopping and employment.
- The pattern of land uses have been modified so that the lowest densities are maintained in the north, and in the eastern and western peripheries of the site. This translates into a pattern that curtails sprawl by ensuring that development is reduced to true rural densities in the northern 30% of the property, and within areas designated Single-Family Residential along the east and west periphery of the site.
- The concentration of 88% of the residential units and 100% of the non-residential units within 28% percent of the land (combined acreage of the PUD and Residential Low-Density land use areas) substantially increases the walkability and bikeability of the community compared to the previously transmitted land use configuration.
- A minimum of 4 units residential units per acre (gross residential density) is established for the PUD area, which helps to assure that a true mixed-use, walkable community will result.

Finally to more specifically address the Urban Sprawl indicators, the following is offered:

URBAN SPRAWL ANALYSIS

The table below paraphrases each of the urban sprawl indicators listed in Rule 9J-5.006(5)(g), F.A.C. The table also evaluates whether the indicator is present or mitigated, and if the ORC Report did not identify that indicator as an attribute of the LandMar FLU amendment.

9J-5.006(5)(G)	LANDMAR AMENDMENT
<p>1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development of uses in excess of demonstrated need.</p>	<p>This indicator is not present because the 88% of the residential density and 100% of the non-residential development is concentrated on 28% of the subject property (Residential Low-Density and PUD land use areas) and located within the southern two-thirds of the property. The developed areas are required to generally adhere to the City's Traditional Neighborhood Development requirements that ensure development in a mixed-use, higher density, walkable and sustainable pattern. These requirements minimize (in the Residential Low-Density land use areas) and negate (in the PUD land use area) the ability of the property to develop as low-density, low-intensity or single-use. No residential development is allowed in the Conservation land use areas.</p>
<p>2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.</p>	<p>The site is in the vicinity of several industrial parks with direct access to SR 121 and with substantial employers such as FedEx, North Central Florida Regional Planning Council, Exactech, Inc. to name a few, as well as Gainesville Regional Utility's Deerhaven Power Plant which is scheduled to be substantially enlarged with a new biomass facility. From the southerly boundary of the LandMar land use amendment area (close to the proposed PUD area), the distance along the road to the first industrial park road entrance is approximately 3,831 feet or 0.73 miles. This comprehensive plan amendment has the potential to provide housing and additional employment opportunities for numerous existing significant employers in the area now and in the future. DCA did</p>

9J-5.006(5)(G)	LANDMAR AMENDMENT
	not identify this indicator in its ORC Report.
3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This indicator is not present. The area of the amendment is not configured in a radial, strip, isolated or ribbon pattern.
4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.	This indicator is not present. The policies provide a very substantial level of environmental protection for the site. 700 acres are given a land use designation of Conservation. Development within floodplain areas is limited to 10% of the floodplain (except that recreation and stormwater management may occur within not more than 20% of floodplain areas) recreation. Floodplain, ecosystem, upland habitat, and wetland and wetland buffer provisions of this plan amendment provide substantial additional environmental protections for the 1778-acre property. In addition, low impact development (LID) techniques for the site are required; protection of site hydrology and hydrogeology are among the benefits of LID techniques and strategies.
5. Fails adequately to protect adjacent agricultural areas and activities, including silvicultural activities and dormant, unique and prime farmlands and soils.	This indicator is not present and DCA did not identify this indicator in its ORC Report.
6. Fails to maximize use of existing public facilities and services.	This indicator is not present. The LandMar property is undeveloped and is not currently serviced by central water or wastewater facilities. The site will be required to be served by extension of GRU central water or wastewater facilities which are in the area. Adequate capacity exists for both water and wastewater.
7. Fails to maximize use of future public facilities and services.	This indicator is not present. The LandMar property and its surrounding area will be served by new central water and wastewater facilities that will be provided by GRU at the LandMar owner's expense.
8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing	This indicator is not present. The compact type of mixed-use development provided under the amendment will reduce the

9J-5.006(5)(G)	LANDMAR AMENDMENT
and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	relative cost and quantity of resources spent on providing public services and facilities. The small town scale of development will allow a wide range of travel modes, which include biking, walking, neighborhood electric vehicles, as well as motor vehicle. The timing of development so as to ensure concurrency and that development pay its proportionate share. A condition is imposed that ensures development from the south to the north in a contiguous pattern.
9. Fails to provide a clear separation between rural and urban areas.	This indicator is not present. The land use map will ensure the proper transition from urban to rural from south to north, marking the northernmost urban to rural edge for the City of Gainesville. The same transition from urban to rural is provided for the east and west boundaries of the property. The mixed-use PUD district provides for an integration of rural and urban uses in an area that currently is rural in nature. The scale of development will be that of a small town.
10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This indicator is not present and is not applicable given the non-urban character of LandMar site. DCA did not identify this indicator in its ORC Report.
11. Fails to encourage an attractive and functional mix of uses.	This indicator is not present. The amendment policies specifically require an attractive and functional mix of uses. General adherence to the City's Traditional Neighborhood Development land development regulations is required and assures an attractive and functional mix of uses in a walkable configuration similar to a traditional small town.
12. Results in poor accessibility among linked or related land uses.	This indicator is not present. The revised Landmar SR-121 Overall Site map (dated December 12, 2008) has substantially improved accessibility among linked or related land uses. For example, the southeastern quadrant east of SR-121 has been revised so that the residential areas are now contiguous, as is the large

<p>9J-5.006(5)(G)</p>	<p>LANDMAR AMENDMENT conservation area which occupies the majority of this quadrant. In addition, there no longer are four distinct PUD areas on the Overall Site map; instead there is only one PUD area.</p>
<p>13. Results in the loss of significant amounts of functional open space.</p>	<p>This indicator is not present. Presently, the LandMarropererty is largely in silviculture production, and does not function as a public recreational open space or conservation area. Through the amendment's mixed use development controls and environmental system protections, the amendment will protect existing functional open space and create new functional open space areas for at least 40% of the site and likely well over half of the site.</p>

3. Objection: Rule 9J-5.006(3)(c)2., F.A.C., requires provisions for compatibility of adjacent land uses. The proposed Single Family land use is incompatible with the Industrial land use located at the southwest corner of the LandMar amendment site, and the amendment lacks provisions which will ensure the uses will be compatible.

[Sections 163.3177(6)(a) and (8), F.S.; and Rules 9J-5.005(2), 9J-5.006(3)(c)2., F.A.C.]

Recommendation: The City should revise Policy 4.3.4.D to include a substantial buffer from the adjacent Industrial land use on the southwest boundary of the site. The Department recommends a minimum of 300 feet. The buffer should ensure the proposed residential development will not impact the operations or expansion of the existing industrial uses adjacent to the site.

City Response: The City has revised Policy 4.3.4 to address the DCA Recommendation as follows:

- A. 12. A natural and/or planted buffer with a minimum average width of 100 feet that at no location is less than 25 feet wide, shall be retained along the entire western boundary property line beginning at SR 121 at the north and ending at US 441 at the south, but shall not include the southwesterly property line abutting US 441 abutting the Gainesville Regional Utilities Deerhaven power plant site.
- A. 13. A natural and/or planted buffer with a minimum average width of 200 feet that at no location can be less than 50 feet wide, shall be retained along the

southern boundary of LandMar, west of SR 121, between industrial and residential uses.

4. Objection: The LandMar amendment represents a significant increase in development potential and impacts to SR 121. Although, the amendment proposes to limit development within the first five years to a level that will not degrade the level of service on SR 121 the City has not identified potential improvements to maintain the level of service on SR 121 within the planning horizon or build out of the amendment site.

Recommendation: The Department recommends the City include amendments to Capital Improvements Element and Traffic Circulation Map to address long range planning efforts to maintain the level of service standard for SR 121.

City Response: The City does not have any funding for roadway modifications to maintain the adopted LOS on SR 121. The Florida Department of Transportation (FDOT) has also indicated that they have no funding or plans for any roadway widening on the impacted segment of SR 121. Therefore, the City cannot amend its Capital Improvements Element (CIE) to address this until a funding source is identified. The City has revised the amendment to address the DCA Recommendation by inserting new language that is intended to clarify that prior to issuance of any development approvals that would cause SR 121 to drop below an acceptable level of service, the most appropriate transportation modifications will be identified and included in an amendment to the City's CIE. It is further clarified that the developer will enter an agreement that acknowledges the developer's responsibility for its proportionate share of future transportation improvements needed to maintain an acceptable LOS on impacted roadways and that modifications such as adding two lanes to SR 121, creation of new interconnectivity between SR 121 and US 441 and enhancements to public transit will be evaluated and considered as possible alternative mitigation options. The developer has been notified that unless and until the LOS issues are resolved on the impacted segment of SR 121, no development beyond the first phase is allowed. Further, policies in the amendment indicate clearly that the developer is not vested for transportation concurrency by the amendment and that at the time of development (PD zoning), transportation concurrency requirements will have to be met. It is possible that by the time an application is made for PD rezoning there will not be sufficient capacity on SR 121 for even the first phase of development. In that case, the developer and the City understand (Policy 4.3.4 G.2.) that no development order could be issued at the site unless the developer identifies a mitigation project that could be funded by a Proportionate Fair-Share Agreement with the developer. The City would then amend the 5-Year Schedule of Capital Improvements to show the mitigation project.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Future Land Use Map

1. Objection related to the need to adopt school concurrency provisions prior to the adoption of the LandMar amendment: The proposed plan amendments are not

consistent with and do not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

(25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: Please see City Response to Objection No. 1 above (under I. A. Future Land Use Map).

The referenced sub-sections of F.S. 187.201 (25) Plan Implementation are:

(a) Goal. Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

(b) Policies.

7. Insure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

2. Objection related to the proposed LandMar amendment related to the proliferation of urban sprawl: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

(15) Land use, Goal (a) and Policies (b)2; and

(25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: Please see City Response to Objection No. 2 above (under I. A. Future Land Use Map).

The referenced sub-sections of F.S. 187.201, in addition to the above-referenced sub-sections on Plan Implementation, are:

15) Land Use.

(a) Goal. In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) Policies.

2. *Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.*

3. Objection related to the proposed LandMar amendment related to compatibility:

The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- (15) Land use, Goal (a) and Policies (b)2; and
- (25) Plan Implementation, Goal (a) and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: *Please see City Response to Objection No. 3 above (under I. A. Future Land Use Map).*

The referenced sub-sections of F.S. 187.201 are shown in the two preceding Responses.

4. Objection related to the proposed LandMar amendment related to long range transportation impacts:

The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

- Goal (15), Land use, Goal (a) and Policies (b)1, 2, 3, and 6;
- (17) Public Facilities, Goal (a) and Policies (b)1 and 7;
- Goal (19), Transportation, Goal (a) and Policies (b)2, 3, 7, 9, 12, and 13; and
- Goal (265), Plan Implementation, Goal (a) and Policy (b) 57.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report

City Response: *Please see City Response to Objection No. 4 above (under I. A. Future Land Use Map).*

The referenced sub-sections of F.S. 187.201, in addition to the previously shown sub-sections on Land Use and Plan Implementation, include:

17) Public Facilities.

(a) Goal.--Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies.--

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.

19) *Transportation.*

(a) *Goal.--Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.*

(b) *Policies.--*

3. *Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans.*

7. *Develop a revenue base for transportation which is consistent with the goals and policies of this plan.*

9. *Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.*

12. *Avoid transportation improvements which encourage or subsidize increased development in coastal high-hazard areas or in identified environmentally sensitive areas such as wetlands, floodways, or productive marine areas.*

13. *Coordinate transportation improvements with state, local, and regional plans.*

B. Future Land Use Element

1. Objection related to the proposed Business Institutional future land use category (Ordinance 071154): The proposed plan amendment is not consistent with and does not further the following goal and policy of the State Comprehensive Plan [Section 187.201, F.S.]:

(25) Plan Implementation, Goal (a) and Policy (b)7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: The City Response was previously provided to DCA with the adopted amendment to the Future Land Use Element that established the Business Industrial land use category. The amendment was revised in response to the DCA Objection by establishing a maximum floor area ratio, and is in effect.

2. Objection related to proposed Hatchet Creek Policy 4.3.5.d: The proposed plan amendment is not consistent with and does not further the following goals and policies of the State Comprehensive Plan [Section 187.201, F.S.]:

Goal (15), Land use, Goal (a) and Policies (b)1, 2, 3, and 6; and
Goal (265), Plan Implementation, Goal (a) and Policy (b) 57.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objection cited previously in this report.

City Response: *The City Response is provided as an Exhibit to the staff report for the Hatchet Creek comprehensive plan amendment (Ordinance 070210) that is scheduled for adoption by the City Commission on January 26, 2009. It will be provided to DCA along with the ordinance, subsequent to adoption of the ordinance.*

Exhibit "C"

C. DAVID COFFEY, P.A.
ATTORNEYS AT LAW

C. DAVID COFFEY, ESQ.
coffeypa@bellsouth.net

HOLLY A. BLUMENTHAL, ESQ.
hollyblu@bellsouth.net

PETER G. KELEGIAN, ESQ.
Peter.Kelegian@bellsouth.net

Haile Village Center
5346 S.W. 91st Terrace
Gainesville, Florida 32608-4399
Tel. (352) 335-8442
Fax (352) 376-0026

October 6, 2008

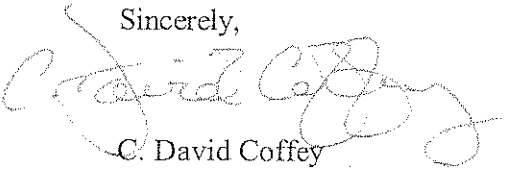
Ralph Hilliard, Planning Manager
City of Gainesville
P.O. Box 490, Station 12
Gainesville, Florida 32602-0490

Re: LandMar CPA – Ordinance 070447
DCA – 08-1

Dear Ralph:

As you know, this firm represents the applicant for the large scale comprehensive plan amendment known as the LandMar CPA (Ordinance 070447) which is the subject of objections, recommendations and comments from the Florida Department of Community Affairs in its ORC report dated August 25, 2008. In order to allow sufficient time to adequately address the ORC report, it has been recommended that the amendment be moved from the 08-1 to the 08-2 amendment cycle. It is our understanding that this may mean that final action on the amendment will occur in the first couple of months in 2009 (as 09-1) rather than in December of 2008 as previously anticipated, though there is a possibility that final adoption might still occur before the end of the year. This letter is to provide you with written confirmation that this delay in taking final action on the amendment is acceptable to the applicant.

Sincerely,



C. David Coffey
Attorney at Law

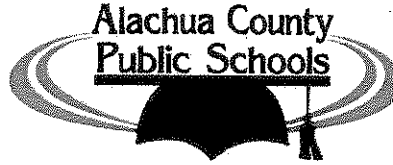
Copy: Todd Powell, Director of Development - Florida
Plum Creek Land Company

BOARD MEMBERS

Virginia S. Childs
F. Wesley Eubank
Tina Pinkoson
Eileen F. Roy
Barbara Sharpe

SUPERINTENDENT OF SCHOOLS

W. Daniel Boyd, Jr., Ed.D.



Kirby-Smith Administration Center
620 East University Avenue
Gainesville, Florida 32601-5498
www.sbac.edu
(352) 955-7300
Fax (352) 955-6700
Suncom 625-7300
Suncom Fax 625-6700

January 14, 2009

Mr. Dean Mimms
Chief of Comprehensive Planning
City of Gainesville
PO Box 490, Station 11
Gainesville, Florida 32602-0490

RE: **Ordinance No. 0-07-119, Petition 28LCU-07BP:** Proposed Comprehensive Plan Amendment for the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map requested by Plum Creek Timberlands/LandMar Development ("LandMar"). The maximum residential development of the entire 1778 acre subject property shall not exceed 1890 residential units.

Mr. Mimms:

Per our discussions with the City of Gainesville and the additional information received, we completed an updated School Capacity Review for the above referenced project. The review was conducted in accordance with the City of Gainesville Public School Facilities Element as follows:

POLICY PSFE 1.1.2: Coordinating School Capacity with Growth

City of Gainesville shall coordinate land use decisions rezonings with the SBAC's Long Range Facilities Plans over the 5-year, 10-year and 20-year periods.

POLICY PSFE 1.1.3: Geographic Basis for School Capacity Planning.

For purposes of coordinating land use decisions with school capacity planning, the School Concurrency Service Areas (SCSAs) that are established for high, middle and elementary schools as part of the Interlocal Agreement for Public School Facility Planning shall be used for school capacity planning. The relationship of high, middle and elementary capacity and students anticipated to be generated as a result of land use decisions shall be assessed in terms of its impact (1) on the school system as a whole and (2) on the applicable SCSA(s). For purposes of this planning assessment, existing or planned capacity in adjacent SCSAs shall not be considered.

POLICY PSFE 1.1.5: SBAC Report to City

The SBAC shall report its findings and recommendations regarding the land use decision to the City. If the SBAC determines that capacity is insufficient to support the proposed land use decision, the SBAC shall include its recommendations to remedy the capacity deficiency including estimated cost and financial feasibility. The SBAC shall forward the Report to all municipalities within the County.

POLICY PSFE 1.1.6 City to Consider SBAC Report

The City shall consider and review the SBAC's comments and findings regarding the availability of school capacity in the evaluation of land use decisions.

EXHIBIT "D"

This review does not constitute a “concurrency determination” and may not be construed to relieve the development of such review at the final plat or final site plan stages as required by state statutes and by the City of Gainesville Comprehensive Plan. It is intended to provide an assessment of the relationship between the project proposed and school capacity – both existing and planned.

The Plum Creek Project is projected to provide 1,890 dwelling units at buildout. The developer's best projection is 1,228 single family units and 662 multi-family units. Table 1 shows the estimated student enrollment based on adopted “student generation multipliers”.

Table 1: Plum Creek – Projected Student Generation at Buildout

	Elementary	Middle	High	Total
Single Family	1,228 units			
Multiplier	0.153	0.130	0.142	0.425
Students	188	160	174	522
Multi Family	662 units			
Multiplier	.084	.068	.060	0.212
Students	56	45	40	141
Total Students	244	205	214	663

Phase 1 will consist of 481 single family units and 100 multi family units. This phase is scheduled for completion within five years.

Table 2: Plum Creek – Phase 1 Projected Student Generation

	Elementary	Middle	High	Total
Single Family	481 units			
Multiplier	0.153	0.130	0.142	0.425
Students	74	63	68	205
Multi Family	100 units			
Multiplier	.084	.068	.060	0.212
Students	8	7	6	21
Total Students	82	70	74	226

Elementary Schools. The Plum Creek Project is situated in the northwest portion of the East Gainesville Concurrency Service Area and adjoins the Northwest Gainesville Concurrency Service Area. The East Gainesville Concurrency Service Area currently contains five elementary schools with a combined capacity of 2,938 seats. The current enrollment is 2,077 students representing a 70.7% utilization compared to an adopted LOS standard of 100%. This utilization rate is projected to increase to 73.9% in five years and to 81.1% in ten years.

No new capacity is planned for the East Gainesville Concurrency Service Area during the five, ten and twenty year planning periods. The adjoining Northwest Gainesville Concurrency Service Area is projected for the addition of an elementary school during the ten year planning period.

Student generation estimates for the Plum Creek Project indicate that 244 elementary seats would be required at buildout with 82 seats required within five years. Capacity and level of service projections indicate that this demand can be reasonably accommodated during the five, ten and twenty year planning period.

East Gainesville Concurrency Service Area currently has the lowest utilization rate among the elementary CSA's within Alachua County. Residential development in this area has the potential for better utilizing existing elementary school capacity.

Middle Schools. The Plum Creek Project is situated along the western boundary of the Bishop Concurrency Service Area and adjoins the Westwood and Fort Clarke CSA's. The Bishop Concurrency Service Area contains one middle school (Bishop) with a capacity of 1,140 seats. The current enrollment is 825 students

representing a 72.4% utilization compared to an adopted LOS standard of 100%. This utilization rate is projected to decline to 66.5% in five years and to be 67.7% in ten years.

No new capacity is planned for the Bishop Concurrency Service Area during the five, ten and twenty year planning periods. The addition of approximately 500 middle school seats is projected for the twenty year period predominantly in the western areas of the county.

Student generation estimates for the Plum Creek Project indicate that 205 middle seats would be required at buildout with 70 seats required within five years. Capacity and level of service projections indicate that this demand can be reasonably accommodated during the five, ten and twenty year planning period.

Residential development in this area has the potential for better utilizing existing middle school capacity.

High Schools. The Plum Creek Project is situated in the northwest portion of the Eastside Concurrency Service Area and adjoins the Gainesville Concurrency Service Area. The Eastside Concurrency Service Area currently has a capacity of 2,195 seats. The current enrollment is 1,756 students representing a 82.5% utilization compared to an adopted LOS standard of 100%. This utilization rate is projected to decrease to 73.4% in five years and to be 74.2% in ten years.

No new capacity is planned for the Eastside Concurrency Service Area during the five, ten and twenty year planning periods. One new high school is projected for the twenty year planning period to be located in the western portion of the County.

Student generation estimates for the Plum Creek Project indicate that 214 high seats would be required at build out with 74 seats required within five years. Capacity and level of service projections indicate that this demand can be reasonably accommodated during the five, ten and twenty year planning period.

Residential development in this area has the potential for better utilizing existing high school capacity.

Summary Conclusion. Students generated by the Plum Creek project at the elementary, middle and high school levels can be reasonably accommodated for the five, ten and twenty year planning periods and is consistent with the Public School Facilities Element. From a school capacity perspective, residential development within the City of Gainesville is generally desirable because of its potential to utilize existing capacity.

This evaluation is based on best projections and upon the 2008-09 Five Year District Facilities Plan adopted by the School Board of Alachua County. The Plum Creek project is subject to concurrency review and determination at the final plat (single family) and final site plan (multi family) stages and the availability of school capacity at the time of such review.

This letter and review is to replace the December 12, 2008 letter from the School Board that was provided to you by Mr. C. David Coffey, P.A. for this project.

If you have any questions, please contact me.

Regards,


Terry L. Tougan
Director of Community Planning

CC: C. David Coffey
Gene Boles
Ed Gable

ORDINANCE NO. _____
0-07-119

1
2
3
4 An Ordinance amending the City of Gainesville 2000-2010
5 Comprehensive Plan Future Land Use Plan and Map; changing
6 the land use categories of certain property from the Alachua
7 County land use category of "Rural/Agriculture" and the City of
8 Gainesville land use category of "Agriculture" to the land use
9 categories of "Single-Family (up to 8 units per acre)",
10 "Residential Low-Density (up to 12 units per acre)", and
11 "Conservation", and by overlaying the "Planned Use District"
12 category over certain portions of the property, as more
13 specifically described and shown in this ordinance, consisting of
14 approximately 1754 1778 acres; generally located north of U.S.
15 441 and Northwest 74th Place lying east and west of SR 121 and
16 CR 231, and south of Northwest 121st Avenue; providing for
17 time limitations; creating and adopting Policy 4.3.4; providing
18 directions to the City Manager; providing a severability clause;
19 providing a repealing clause; and providing an effective date.
20

21
22 **WHEREAS**, publication of notice of a public hearing that the Future Land Use Map be
23 amended by changing the land use categories of certain property from the Alachua County land use
24 category of "Rural/Agriculture" and the City of Gainesville land use category of "Agriculture" to
25 the land use categories of "Single-Family (up to 8 units per acre)" and "Conservation", and by
26 overlaying the "Planned Use District" category over certain portions of the property, as more
27 specifically described and shown in this ordinance; and

28 **WHEREAS**, notice by the Plan Board was given and publication made as required by law
29 and a public hearing was held by the City Plan Board on August 16, 2007; and

30 **WHEREAS**, notice was given and publication made of Public Hearings which were then

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 held by the City Commission on November 26, 2007 and December 10, 2007; and

2 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
3 inches long was placed in a newspaper of general circulation notifying the public of this proposed
4 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,
5 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
6 published; and

7 **WHEREAS**, pursuant to law, after the Public Hearings at the transmittal stage held on June
8 9, 2008, the City of Gainesville transmitted copies of this proposed change to the State Land
9 Planning Agency; and

10 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
11 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at
12 the adoption stage at least five (5) days after the day the second advertisement was published; and

13 **WHEREAS**, public hearings were held pursuant to the published and mailed notices
14 described above at which hearings the parties in interest and all others had an opportunity to be and
15 were, in fact, heard.

16 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the
17 comments, recommendations and objections, if any, of the State Land Planning Agency.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
19 **CITY OF GAINESVILLE, FLORIDA:**

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on
June 9, 2008.

1 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
 2 Plan is amended by: 1) changing the land use category of certain property from the Alachua County
 3 land use category of "Rural/Agriculture" to the underlying City of Gainesville land use category of
 4 "Agriculture"; 2) changing the land use categories of certain property from the underlying City of
 5 Gainesville land use category of "Agriculture" to the land use categories of "Single-Family (up to 8
 6 units per acre)", "Residential Low-Density (up to 12 units per acre)" and "Conservation", and 3) by
 7 overlaying the "Planned Use District" category over certain portions of the property with the
 8 underlying land use category of "Agriculture", all as more specifically described and shown as
 9 follows:

10 See map, labeled as "Landmar SR-121" dated ~~March 21, 2007~~, last
 11 revised ~~May 2, 2008~~ December 12, 2008, attached hereto as Exhibit
 12 Attachment "A", and made a part hereof as if set forth in full.
 13

14 The map attached as Exhibit Attachment "A" is adopted and added to the Future
 15 Land Use Map Series A of the City of Gainesville Comprehensive Plan.

16 **Section 2.** A PD (planned development) zoning ordinance consistent with the planned
 17 use district must be adopted by the City Commission within 18 months of the effective date of
 18 the land use change. The obligation to timely apply for and obtain PD zoning shall be on the
 19 owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period,
 20 then the overlay planned use district shall automatically be null and void and of no further force
 21 and effect and the overlay land use category of "Planned Use District" shall ministerially be

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on
 June 9, 2008.

1 removed from the Future Land Use Map, and the underlying land use shall be the City of
2 Gainesville land use category of "Agriculture". The timely filing of an extension application by
3 the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until
4 final City Commission action on the extension application.

5 **Section 3.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville
6 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.4 to Objective 4.3
7 which shall govern and control the use and development of the property described in ~~Exhibit~~
8 Attachment "A", as follows (no change to Policies 4.3.1, 4.3.2 and 4.3.3):

9 GOAL 4. THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF
10 THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER
11 THAT USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND
12 SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS;
13 DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE
14 CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES
15 QUALITY OPEN SPACE AND PRESERVES THE TREE CANOPY OF THE
16 CITY. THE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS
17 FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF
18 INFRASTRUCTURE.

19 **Objective 4.3**

20
21 The City shall establish protection and enhancement policies, as needed, for selected
22 neighborhood (activity) and regional centers.

23
24 4.3.4 The property governed by this policy shall be known as the LandMar Development
25 ("LandMar") for land use purposes. Due to the unique infrastructure and environmental
26 constraints of "LandMar" as depicted on the map labeled "LandMar SR 121 Overall Site" in the
27 Future Land Use Map Series A, LandMar shall be governed by the following policies:
28

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

A. Within all land use areas of LandMar:

- 1. Maximum residential development of the entire 1,778 acres shall not exceed 1,890 residential units and 100,000 square feet of non-residential uses of which a maximum of 80,000 square feet shall be permitted as Commercial, and these densities and square footage may be less unless the developer establishes to the City at the time of rezoning by competent substantial evidence, that the development meets the criteria and standards of this Policy 4.3.4 and the Land Development Code.
- ~~1.2.~~ Development shall be clustered to inhibit encroachment upon the environmentally significant features of LandMar; and
- ~~2.3.~~ Wetlands shall not be impacted other than where necessary to achieve interconnectivity between upland properties; and
- ~~3.4.~~ Wetlands shall be protected by wetland buffers that shall be a minimum of fifty (50) feet and an average of seventy-five (75) feet; and
- ~~4.5.~~ Stormwater treatment facilities shall not be permitted within required wetland buffers; and
- ~~5.6.~~ Floodplain areas shall be protected so that at least ninety (90%) percent of existing floodplain areas shall not be altered by development, except that recreation and stormwater management may occur within not more than twenty (20%) of floodplain areas, and the existing floodplain storage volume will be maintained; and
- ~~6.7.~~ Stormwater best management practices and/or low impact development (LID) practices shall be used to the maximum extent practicable to maintain or replicate the pre-development hydrologic regime, as determined by the City, and consistent with state requirements; and
- ~~7.8.~~ Existing functioning ecological systems within LandMar shall be retained to the maximum extent practicable while accommodating the uses and intensity of uses authorized by the land use policies governing LandMar, as determined by the City.

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

8-9. Maintain and enhance plant and animal species habitat and distribution by protecting significant plant and animal habitats, provide for habitat corridors, prevent habitat fragmentation by requiring a detailed survey of listed species, identify habitat needs for maintaining species diversity and sustainability; preserve wetlands and at least 40% and up to 50% of the upland area. Listed species are those species of plants and animals listed as endangered, threatened, rare, or species of special concern by the state and federal plant and wildlife agencies, or species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI) on November 1, 2007.

9-10. Wetlands, wetland buffers, floodplain and upland habitat areas that are to be protected shall be identified as Conservation Management Areas and protected by a perpetual conservation easement in favor of the City, or a tax exempt land trust doing business within Alachua County, Florida, as determined by the City. Activities within the Conservation Management Areas shall be as set forth in a Conservation Management Plan approved by the City. ~~In addition, the 500-foot wide natural buffer along the entire eastern edge of the LandMar Area, is hereby identified as a Conservation Management Area that shall be protected by a perpetual easement in favor of the City, or a tax exempt land trust doing business within Alachua County, Florida, as determined by the City.~~

10-11. Planned Developments adopted by zoning ordinances within LandMar shall impose standards that address minimum required setback from SR 121 and CR 231, retention of existing vegetation and supplemental vegetative plantings, fencing and other forms of screening. Except where access to the property is provided, a minimum 50 foot vegetative buffer shall be retained along both sides of SR 121 and CR 231 within LandMar.

12. A natural and/or planted buffer with a minimum average width of 100 feet that at no location is less than 25 feet wide, shall be retained along the entire western boundary property line beginning at SR 121 at the north and ending at US 441 at the south, but shall not include the southwesterly property line abutting US 441.

13. A natural and/or planted buffer with a minimum average width of 200 feet that at no location is less than 50 feet wide, shall be retained along the southern boundary of LandMar, west of SR 121, between industrial and residential uses.

B. Conservation Land Use Areas

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 All areas designated Conservation land use shall receive a zoning district designation of
2 Conservation and are not permitted to have any residential units. There shall be no
3 transfer of density to other areas. No development, other than minimum crossings
4 necessary to achieve interconnectivity between upland properties, and passive
5 recreational uses is allowed within the Conservation Areas, as determined by the City.

6
7 C. Single-Family, Residential Low-Density and Planned Use District Land Use Areas –

- 8
- 9 1. All areas designated Single-Family, Residential Low-Density and Planned
- 10 Use District land use shall be implemented by Planned Development (PD)
- 11 zoning. The required rezoning to PD of the areas designated Single-Family
- 12 and Residential Low-Density may occur in increments over time upon
- 13 request of the property owner and approval by the City; however, rezoning
- 14 of the Planned Use District (PUD) area to PD shall occur as provided in
- 15 Paragraph F below entitled “Planned Use District Land Use Area”. Until
- 16 such rezonings to PD are effective, the zoning district designations shall
- 17 remain Agriculture for all areas designated Single-Family, Residential
- 18 Low-Density and Planned Use District land use; and
- 19
- 20 2. All areas that are rezoned to PD shall be designed to be traffic-calmed and
- 21 pedestrian friendly; and
- 22
- 23 3. The PD rezonings for LandMar shall ensure that allowed uses are
- 24 integrated within the existing site landscape in a way that reasonably
- 25 assures the following:
- 26
- 27 a. Preservation of the ecological integrity of the ecosystems of LandMar by
- 28 creating and maintaining connectivity between habitats, minimizing
- 29 natural area fragmentation, and protecting wetlands, associated uplands,
- 30 and floodplains as indicated in Policy 4.3.4 A above; and
- 31
- 32 b. Preservation or enhancement of existing wetlands with approved treated
- 33 stormwater to wetlands, limiting impacts to such wetlands to crossings
- 34 necessary to achieve interconnectivity between upland properties, and
- 35 requiring that any such crossings be designed to minimize wetland
- 36 impacts.
- 37
- 38 4. The PD rezonings for LandMar shall require that appropriate “low impact

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 development” (LID) techniques for the site must be implemented. The applicant
 2 shall provide proof at each rezoning to PD that a responsible entity (e.g.,
 3 community development district, developer and/or homeowner’s association) will
 4 permanently provide for proper maintenance of the LID functional landscape. LID
 5 is a site design strategy for maintaining or replicating the pre-development
 6 hydrologic regime through the use of design techniques that create a functionally
 7 equivalent hydrologic landscape. Hydrologic functions of storage, infiltration,
 8 and ground water recharge, plus discharge volume and frequency shall be
 9 maintained by integrated and distributed micro-scale stormwater retention and
 10 detention areas, by the reduction of impervious surfaces, and by the lengthening of
 11 flow paths and runoff time. Other LID strategies include, but are not limited to,
 12 the preservation/protection of environmentally sensitive site features such as
 13 wetlands, wetland buffers and flood plains. Each rezoning to PD shall include
 14 conditions requiring appropriate LID practices, subject to the approval of the City.
 15 Such practices shall include, but are not limited to:

- 16
- 17 a. Development that adheres to the principles of “New Urbanism” or
 18 “Traditional Neighborhood Development”.
- 19 b. Clustering of development.
- 20 c. Bioretention areas or ‘rain gardens.’
- 21 d. Grass swales
- 22 e. Permeable pavements
- 23 f. Redirecting rooftop runoff to functional landscape areas, rain barrels or
 24 cisterns.
- 25 g. Narrowing street widths to the minimum width required to support traffic,
 26 on-street parking where appropriate, and emergency vehicle access.
- 27 h. Elimination of curb and gutter where appropriate.
- 28 i. Minimization of impervious surfaces through use of shared driveways and
 29 parking lots.
- 30 j. Reduction in impervious driveways through reduced building setbacks.
- 31 k. Reduction in street paving by providing reduced street frontages for lots.

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

- 1 l. Permanent educational programs to ensure that future owners and
2 residents of the site have an opportunity to fully understand the purpose,
3 function, and maintenance of each LID component.
- 4 m. Limitations on the amount of turf allowed within the site and standards for
5 implementation of best management practices for such turf, including
6 minimum fertilizer applications.
- 7 n. Reuse of stormwater.
- 8
- 9 o. Use of "Florida Friendly" plant species and preferably native species for
10 landscaping.
- 11
- 12 p. Use of low-volume irrigation technologies and soil moisture sensors if
13 potable water supply is used for irrigation.
- 14
- 15 5. Implementation of appropriate "firewise" community planning practices shall be
16 identified during the rezoning process and required by the PD zoning ordinances.
- 17
- 18 6. A master storm water management plan for each geographic area proposed for
19 rezoning to PD must be prepared and submitted to the City for review and
20 approval before final development orders can be approved.
- 21
- 22 D. Single-Family Land Use Areas:
- 23
- 24 1. All areas designated Single-Family land use shall be rezoned to PD prior to
25 undertaking any development for single-family use issuance of development
26 permits within the rezoned area; and
- 27
- 28 2. All of the areas designated Single-Family land use within LandMar (Future Land
29 Use Map, Series A) shall be limited to a total maximum gross residential density
30 of 1.25 residential units per 2.5 acres (0.4 residential units per acre) up to a
31 maximum of 1350 218 residential units; and
- 32
- 33 3. The 500 foot wide natural buffer along the entire eastern edge of LandMar shall
34 be retained as a Conservation Management Area;
- 35
- 36 4. A natural and/or planted 25 foot wide buffer shall be retained along the
37 entire western boundary property line abutting the Gainesville Regional

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

Utilities-Deerhaven power plant site.

E. Residential Low-Density Land Use Areas:

- 1. All areas designated Residential Low-Density land use shall be rezoned to PD prior to undertaking any development for multi-family or single-family use or any other housing type.
- 2. Development of a range of housing types, including, but not limited to single-family detached, single-family attached, townhomes and apartments is allowed. The mix of housing types shall be specifically provided in the PD zoning ordinances. Clustering of residential uses to allow for greater environmental sensitivity is allowed.
- 3. Development shall provide for pedestrian and bicyclist safety and comfort.
- 4. All of the areas designated Residential Low-Density land use within LandMar (Future Land Use Map, Series A) shall be limited to a total maximum gross residential density of 2.75 residential units per acre, up to a maximum of 1,004 residential units, or less, as transfers of density may occur as provided in Paragraph F.3.c. below.

E.F. Planned Use District Land Use Areas:

- 1. Development within the Planned Use District areas shall maximize pedestrian/bicycle connections among all uses (residential and non-residential) and shall maximize pedestrian and bicyclist safety and comfort. A network of sidewalks and street trees shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the public right of way adjoining the Planned Use District. To minimize traffic impacts on SR 121, the implementing PDs shall maximize internal roadway connectivity between residential and areas with mixed uses.
- 2. The PDs associated with the Planned Use District shall provide for transit access approve by the City's Regional Transit System (RTS), and the owner/developer may be required to provide comfortable, multi-use transit stations if transit service is made available to LandMar by the RTS.

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

- 3. The implementing PDs district zoning for the Planned Use District areas shall be subject to the following standards:
 - a. A PD (planned development) zoning ordinance consistent with the planned use district must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to timely apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay planned use district shall automatically be null and void and of no further force and effect and the overlay land use category shall ministerially be removed from the Future Land Use Map, and the underlying land use shall be "Agriculture". The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application.
 - b. The Planned Use District areas shall allow mixed uses such as residential, office, business retail, professional and financial services, schools, places of religious assembly and community facilities. The areas shall be implemented by PD zoning which shall generally adhere to the requirements of the City's Traditional Neighborhood Development District standards.
 - c. A ~~maximum of~~ minimum gross density of 4 residential units per acre 540 (668 residential units) shall be permitted throughout is required for the entire 90 166.89 acres of Planned Use District (PUD) land use. A transfer of density from the Residential Low-Density Land Use Areas or the Single-Family Residential Land Use Areas into the PUD area may be approved during PD rezonings. Any transfers of density from the Residential Low-Density Land Use Areas and the Single-Family Land Use Areas to PUD shall reduce the overall number of units for the Residential Low-Density Land Use Areas and Single-Family Residential Land Use Area, respectively, allowed by the number of residential units transferred.
 - d. Residential uses that are located above non-residential uses are allowed and encouraged. Residential types allowed include townhouses, apartments, plus attached and detached single-family homes.

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

e.e. A maximum of 100,000 square feet of non-residential use shall be allowed within the Planned Use District land use, of which a maximum of 80,000 square feet shall be permitted as commercial use. Except as may be otherwise provided in the implementing PD zoning ordinance, each building within this zone shall be allowed to be mixed with residential located above non-residential uses. Each implementing PD shall provide detailed and specific design standards governing all aspects of development within the PD.

e.f. Urban design standards that ensure compatibility among the various allowed uses shall be included as part of the PD ordinance. Additional standards may be required to address noise and lighting to further assure compatibility.

f.g. The PD zoning ordinance shall, through design and performance measures, assure the neighborhood, pedestrian quality of LandMar by regulating building type and scale, overall building appearance and orientation, placement and function of parking, loading, waste disposal, access points, outdoor uses and mechanical equipment, signage and landscaping.

g.h. Open space shall be provided, where appropriate, as common open space serving conservation, recreation and civic needs of the Planned Use District Areas, subject to approval of the City.

FG. Miscellaneous Provisions

1. Prior to the second reading of the land use amendment ordinance(s) for LandMar, the developer shall sign a binding agreement acknowledging owner/developer responsibility for proportionate fair-share mitigation for the transportation level of service (LOS) impacts associated with the maximum amount of development identified in the future land use map amendment. Prior to adoption of the second reading of the ordinance for any PD rezoning for any portion of LandMar that would cause degradation of any impacted transportation facility below and the adopted LOS, the City shall amend the 5-Year Schedule of Capital Improvements to show the developer funding for required transportation modifications to maintain the adopted LOS and the funding provided by the proportionate fair share agreement. If sufficient funds are not available for the required

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 transportation modifications and improvements, the owner/developer shall
 2 be required to limit the development program associated with the land use
 3 amendment of Land Mar to that which would not degrade the
 4 transportation LOS below the adopted LOS for impacted roads after taking
 5 into account all improvements funded in the 5-Year Schedule of Capital
 6 Improvements.

- 7
 8 2. LandMar shall be limited to the maximum levels of development specified
 9 below for the initial phase until such time that adequate public facilities
 10 and services at the City's adopted levels of services are demonstrated for
 11 subsequent phases. Each phase of development is required to be
 12 submitted and reviewed in its entirety, and each phase shall be analyzed
 13 showing the cumulative impacts of previously approved phases.

14
 15 The initial phase of development within the first five years shall consist of:

16
 17 581 residential units, which shall include a maximum of 481 single-family
 18 detached units and a maximum of 100 multi-family units subject to City
 19 approval of a traffic study provided by the owner/developer that shows
 20 adequate transportation LOS. The initial phase may include up to 30,000
 21 square feet of non-residential use in exchange for a portion of the allowed
 22 residential units. The exchange rate shall be based upon applicable trip
 23 generation rates so that the total trips attributable to the initial phase will
 24 not exceed the total trips attributable to the allowed 581 residential units.
 25 The PD approval process shall ensure a balanced mix of residential and
 26 non-residential uses are developed in the first phase. Subsequent to build-
 27 out of the first phase, a complete analysis shall be provided by the
 28 owner/developer that demonstrates to the satisfaction of the City the
 29 availability of adequate public facilities as adopted in the City's LOS
 30 standards. Until such time that the developer can demonstrate or fund
 31 adequate public facilities, the development is limited to the initial phase of
 32 the development.

33
 34 At the time of filing an application for planned development rezoning, the
 35 developer shall submit to the City recommended transportation mitigation
 36 modifications needed to address the full build-out of residential and non-
 37 residential uses authorized by Policy 4.3.4.A.1 and identify funding of
 38 such modifications pursuant to the Agreement required for Policy

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 4.3.4.G.1. herein, subject to approval by the City. Such modifications may
 2 include, but are not limited to, any combination of the following:

- 3
 4 a. Creation of new roadway interconnectivity between SR 121 and US
 5 441 to better distribute vehicular trips on the impacted SR 121
 6 segment(s);
 7
 8 b. Widening of impacted segments of SR 121 to a maximum of four
 9 lanes;
 10
 11 c. Funding of public transit.

12
 13 All recreation facilities that are required to ensure that the City's Recreation LOS
 14 standards are maintained shall be specified in the PD rezoning application and
 15 ordinance. Such recreation facilities shall include both passive and active
 16 recreational facilities including nature trails, a nature park, basketball and/or
 17 tennis courts and various types of play areas. Many of the single-family areas
 18 along with portions of the PUD areas shall be built around pocket parks of various
 19 types, subject to approval by the City. At the development stage for each phase
 20 and section of the project, recreational amenities necessary to meet the demands
 21 of the residential units will be provided by the owner/developer as required by the
 22 Gainesville Comprehensive Plan facilities and substitution lists. All recreational
 23 amenities will be provided at the cost of the owner/developer. Recreation facilities
 24 shall be provided on-site to ensure that the needs of the residents of LandMar are
 25 met on-site, provided that a portion of the recreation need may be met through the
 26 cooperative development of active recreation facilities on the adjacent property
 27 (tax parcel 07781-002-000) owned by the Suwannee River Water Management
 28 District provided that such facilities are under the supervision of and are
 29 controlled by the City of Gainesville, and subject to approval by the City.

- 30
 31 3. All proposed access points to CR 231 are subject to approval by the
 32 Alachua County Public Works Department. All proposed access points
 33 onto SR 121 are subject to approval by the FDOT.
 34
 35 4. Due to the limited capacity of SR 121, the owner/developer shall provide a traffic
 36 study acceptable to the City, Alachua County, and the Florida Department of
 37 Transportation prior to the application for each PD rezoning. The study shall
 38 analyze issues related to transportation concurrency, operational and safety

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 concerns, and shall propose appropriate mitigation for the transportation impacts
 2 of the development.

- 3
- 4 5. Land use changes for LandMar do not vest future development for concurrency.
 5 The owner/developer is required to apply for and meet concurrency management
 6 certification requirements, including transportation, public school facilities, and
 7 recreation mitigation at the time of filing any PD rezoning application.
- 8
- 9 6. At such time that cumulative development of the subject property reaches the
 10 threshold for a Development of Regional Impact (DRI), as provided by Chapter
 11 163, F.S., there shall be no more rezonings to PD and no more development plan
 12 approvals until the DRI development order has been approved by the City and
 13 taken effect.
- 14
- 15 7. The LandMar development shall include in any Planned Development Report the
 16 requirement that five percent of the residential units shall be affordable to
 17 households earning between 80% and 120% of the median income for Alachua
 18 County for a family of four as established from time to time by the U.S.
 19 Department of Housing and Urban Development. Each implementing PD zoning
 20 ordinance shall provide all required methods for ensuring implementation of this
 21 requirement, including the requirement that the owner/developer enter into a
 22 binding agreement that specifies the number of affordable units that must be
 23 constructed on an approved time schedule.
- 24
- 25 8. No rezonings to PD within the area of the map labeled "LandMar SR 121 Overall
 26 Site" in the Future Land Use Map Series A shall be adopted on final reading of
 27 the ordinance for areas north of the line labeled "Phase Line" until all areas south
 28 of the same line have been rezoned to PD zoning, and at least 75 percent of the
 29 infrastructure (e.g., roads, sidewalks, stormwater facilities, utilities) south of the
 30 "Phase Line" has been constructed and completed.
- 31
- 32 9. In accordance with Policy 1.1.5 of the Public School Facilities Element and
 33 School Concurrency—Alachua County, FL, Updated Interlocal Agreement for
 34 Public School Facility Planning (December 23, 2008), the Alachua County School
 35 Board submitted a school facilities capacity report. The report concludes that
 36 projected student demand resulting from LandMar Development at the
 37 elementary, middle and high school levels can reasonably be accommodated for
 38 the five, ten and twenty year planning periods and is consistent with the Public

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 School Facilities Element based upon School District projections and their
 2 District Plan. The report and finding does not constitute a school capacity
 3 availability determination or concurrency certification, it does not reserve school
 4 capacity for LandMar, and it does not vest LandMar for school concurrency. At
 5 the time of application for a development order for LandMar, the developer shall
 6 apply for and obtain concurrency certification in compliance with the City
 7 Comprehensive Plan, Code of Ordinances and state law. Prior to approval of any
 8 development order, the City shall coordinate with the School Board and determine
 9 availability of school capacity within the applicable School Concurrency Service
 10 Area. A Capacity Enhancement Agreement or other mitigation option as provided
 11 for in Policies 1.1.7 and 2.5.1 through 2.5.4 of the Public School Facilities
 12 Element may be required at that time to ensure continued compliance with all
 13 applicable provisions of the City Comprehensive Plan, Code of Ordinances and
 14 state law. In the absence of a Capacity Enhancement Agreement or other
 15 mitigation option being approved fulfilling the concurrency requirement, the City
 16 will not issue a concurrency certification if capacity is unavailable, and such
 17 circumstance can result in a delay or denial of a development order for LandMar.
 18

19 **Section 4.** Those portions of the Planned Use District as shown on the map described in

20 Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long
 21 as the property is developed and used in accordance with the development plan approved in the
 22 ordinance rezoning this property to Planned Development "PD". In the event, however, the
 23 property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned
 24 Development "PD" within 18 months of the effective date of this Ordinance, as provided in Section
 25 8 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be
 26 deemed null and void and of no further force and effect, and the overlay land use category shall
 27 ministerially be removed from the Future Land Use Map, and the underlying land use shall be
 28 "Agriculture".

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on

June 9, 2008.

1 **Section 5.** The City Manager is authorized and directed to make the necessary changes in
2 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
3 portion thereof in order to comply with this ordinance.

4 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
5 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
6 finding shall not affect the other provisions or applications of the ordinance which can be given
7 effect without the invalid or unconstitutional provisions or application, and to this end the
8 provisions of this ordinance are declared severable.

9 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
10 such conflict hereby repealed.

11 **Section 8.** This ordinance shall become effective immediately upon passage on second
12 reading; however, the effective date of this plan amendment shall be the date a final order is issued
13 by the Department of Community Affairs finding the amendment to be in compliance in accordance
14 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission
15 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

16 **PASSED AND ADOPTED** this _____ day of January, 2009.

17
18
19
20
21
22

Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

CODE: Words underlined are additions. Words highlighted are changes after 1st reading on
June 9, 2008.

1
2
3
4
5
6
7
8
9

Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney

This ordinance passed on first reading this 9th day of June, 2008.

This ordinance passed on second reading this _____ day of January, 2009.

CODE: Words underlined are additions. Words **highlighted** are changes after 1st reading on

June 9, 2008.

SITE DATA		
	ACRES	%
PUD	166.87	9
Residential Low - Density	365.80	21
Single Family Residential	545.38	31
Conservation	709.64	39
Total Site Area:		1777.9 ACRES

PHASE LINE



A:\Projects\Plan - Open - Timber\Submittals - 121 - Property\GIS - Plan\2008.12.11\map_key December 15, 2008 - 8:17am - c:\p...



LAND USE	
	Planned Use District with underlying land use of Agriculture
	Residential Low - Density
	Single Family Residential
	CONSERVATION

December 13, 2008

LANDMAR SR-121 OVERALL SITE

SCALE 1" = 500'-0"

Attachment A