

# City of Gainesville

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



## **Meeting Agenda**

**July 28, 2008**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

***Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Jack Donovan (District 3)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Craig Lowe (District 4)***

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

## CALL TO ORDER

## AGENDA STATEMENT

*"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

## ROLL CALL

## INVOCATION

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 080106.

#### **Request to Declare as Surplus and Dispose of City Owned Property (B)**

**This item is a request to declare as surplus and dispose of City Owned Property, Tax Parcel 9229-000-000, located at 2036 Northwest 8th Avenue.**

*Explanation: The City acquired the vacant property, 2036 Northwest 8th Avenue, Tax Parcel 9229-000-000, by Warranty Deed on August 10, 1973 (OR Book 847, Page 483). The parcel measured 75 feet, north and south by 110.33 feet, east and west. The southerly 30 feet was used for the expansion of Northwest 8th Avenue, leaving the property 45 feet by 110.33 feet.*

*In and of itself, this property is not conducive to development. The adjacent property owner has requested to acquire the property. Current guidelines allow the sale of surplus property to the adjacent property, if that property has a value of less than \$25,000. Staff believes that it would be in the City's best interest to declare this property as surplus and return this property to the tax roll by selling the property to the adjacent property owner. Gainesville Regional Utilities has requested retainage of the westerly 10 feet for existing utilities. Public Works is requesting the retainage of the southerly 20 feet and eastern 5 feet as public right-of-way easements. Considering the retainage of the easements, the adjacent property owner has offered \$10,500 for the parcel.*

*Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works FY 2008 operating budget. Expenses incurred will be paid from Public Works operating funds and will be reimbursed from the sale proceeds, with the remainder deposited into the General Fund.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) declare 2036 Northwest 8th Avenue, Tax Parcel 9229-000-000 as surplus; 2) authorize the City Manager to execute a Purchase and Sale Agreement for 2036 Northwest 8th Avenue, Tax Parcel 9229-000-000 to the adjacent property owner; 3) authorize the City Manager to prepare a Special Warranty Deed, retaining a utility easement over the westerly 10 feet and a public right-of-way easement over the southerly 20 feet and eastern 5 feet of the surplused property, subject to approval by the City Attorney as to form and legality; and 4) authorize the Mayor to execute, and the Clerk to attest, the Special Warranty Deed to convey, 2036 Northwest 8th Avenue, Tax Parcel 9229-000-000 to the adjacent property owner.*

*Alternative Recommendation: The City Commission deny the request for surplus and sale of the property to the adjacent property owner and keep the property off the tax rolls.*

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**080140.****Second Extension to Contracts for Professional Civil Engineering Services for FY 2009 (B)**

**This item involves an extension to the Contracts for Professional Civil Engineering Services with Volkert & Associates, Inc., and Causseaux, Hewett, and Walpole, Inc.**

*Explanation: The contract dated November 9, 2006 and first extension dated December 14, 2007 with Causseaux, Hewett, and Walpole, Inc. and the contract dated December 5, 2006 and first extension dated July 14, 2007 with Volkert & Associates, Inc. will expire on September 30, 2008. The vendors have responded to the City's requests for services promptly and their services have been reliable and accurate.*

*The contracts allow for five one-year extensions. This is the second request for an extension to each contract.*

*Fiscal Note: Funding sources will be identified as needed through the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts.*

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extensions to the contracts with Volkert & Associates, Inc. and Causseaux, Hewett, and Walpole, Inc., extending the term of the contract from October 1, 2008 to September 30, 2009, subject to final appropriation of funds for FY2009.*

*Alternative Recommendation: The City Commission deny the recommendation for the Second Extensions and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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080140b\_200807281300.pdf

### **080141.**

#### **Second Extension to a Contract for Professional Civil Engineering Services for FY 2009 (B)**

**This item involves an extension to the Contract for Professional Civil Engineering Services with Dyer, Riddle, Mills & Precourt, Inc.**

*Explanation: The contract dated December 19, 2006 and first extension dated July 14, 2007 with Dyer, Riddle, Mills & Precourt, Inc. will expire on September 30, 2008. The vendor has responded to the City's requests for services promptly and their services have been reliable and accurate. After 22 months the vendor has requested an average hourly rate increase of 9.0%, an annual equivalent increase of 4.9%.*

*The contract allows for five one-year extensions. This is the second request for an extension to the contract.*

*Fiscal Note: Funding sources will be identified as needed through the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts*

#### **RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Second Extension to the contract with Dyer, Riddle, Mills & Precourt, Inc., for Professional Civil Engineering Services, extending the term of the contract from October 1, 2008 to September 30, 2009, subject to final appropriation of funds for FY2009.*

*Alternative Recommendation: The City Commission deny the recommendation for the Second Extension and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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### **080142.**

#### **Third Extension to the Contract for Professional Surveying and Mapping**

**Services for FY 2009 (B)**

**This item involves an extension to the Contract for Professional Surveying and Mapping Services with Terrence Brannan Land Surveyor, Inc.**

*Explanation:* The contract dated June 2, 2006, First Extension dated December 12, 2006 and Second Extension dated December 14, 2007 with Terrence Brannan Land Surveyor, Inc. will expire on September 30, 2008. This vendor has responded to the City's requests for services promptly and their services have been reliable and accurate.

*The contract allows for five one-year extensions. This is the third request for an extension to the contract.*

*Fiscal Note:* Funding sources will be identified as needed from the Public Works Department fiscal year operating budget and the City's Capital Improvement Plan capital project accounts.

**RECOMMENDATION**

*Recommended Motion: The City Commission: 1) authorize the City Manager to execute the Third Extension to the contract with Terrence Brannan Land Surveyor, Inc. for Professional Surveying and Mapping Services, extending the term of the contract from October 1, 2008 to September 30, 2009, subject to final appropriation of funds for FY2009.*

*Alternative Recommendation A: The City Commission deny the recommendation for the Third Extension and direct the City Manager to secure the services of individual firms on a project-by-project basis. This would result in project delays and additional administrative costs for both projects and routine tasks that require these services.*

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**080191.**

**Ratification of Amendment to the Agreement with the International Association of Firefighters - District Chiefs (IAFF - DC), Local No. 2157 Collective Bargaining Agreement for October 1, 2005 - September 30, 2008 (B)**

**This item proposes the ratification of an amendment to the Agreement between the International Association of Firefighters - District Chiefs (IAFF - DC), Local No. 2157 Bargaining Unit and the City of Gainesville.**

*Explanation:* This Amendment was ratified by the International Association of Firefighters - District Chiefs (IAFF - DC), Local No. 2157 Bargaining Unit on June 23, 2008. It involves a retroactive increase in base wages for three (3) Fire District Chiefs to correspond to the base wage of a more recently promoted District Chief. It also involves lump sum payments to each of the three employees, to reflect a retroactive adjustment back to January 21, 2008, covering all compensation calculated off-base wages, with the exception of paramedic certification pay,

which will be paid later.

*Fiscal Note: Funds in the amount of \$5,352.89 are currently budgeted in the FY 2008 budget.*

**RECOMMENDATION**

*The City Commission ratify the Amendment to the Agreement between the International Association of Firefighters - District Chiefs (IAFF - DC), Local No. 2157 Bargaining Unit and the City of Gainesville, extending through September 30, 2008.*

080191\_Article\_20080728.pdf

**080211.**

**Senior Center Fixed Capital Outlay Grant (NB)**

**This item authorizes the submission of an application for a Senior Center Fixed Capital Outlay Grant from the Florida Department of Elder Affairs and authorizes the City Manager to execute all related documents on behalf of the City of Gainesville.**

*Explanation: On June 23, 2008, the Florida Department of Elder Affairs (DOEA) announced the availability of grants to support the construction, repair, or maintenance of senior centers under the Senior Center Fixed Capital Outlay Program. The DOEA will award \$9.1 million under this program. A local government or non-profit applicant may apply for up to \$2 million to construct a new multi-service senior center.*

*Earlier this year, the City Commission approved the ranking of potential sites for a senior recreation center to be built on City park property in the event that funding became available to construct such a facility. Northside Park was chosen as the preferred site, and staff has been working with representatives from the Community Coalition for Older Adults, ElderCare of Alachua County, and Alachua County to confirm the suitability of locating a senior recreation center at Northside Park.*

*ElderCare of Alachua County has agreed to co-sponsor an application with the City for a Senior Center Fixed Capital Outlay Grant and will coordinate with the Community Coalition for Older Adults in preparing the grant application. In addition to serving as the co-applicant, the City would provide the necessary 25% match for the grant in the form of the appraised value of the land where the senior center is to be located. The 2007 certified land value of the Northside Park is \$945,000 or \$30,000 per acre for the entire 31.5 acre site.*

*The deadline to submit a grant application to the DOEA is August 1, 2008.*

*Fiscal Note: Grant funding in the amount of \$2 million will be provided by the Florida Department of Elder Affairs. An in-kind match of 25% will be provided by the City of Gainesville through the appraised value of the senior recreation center site.*

**RECOMMENDATION**

*The City Commission authorize the City Manager to submit an application for a Senior Center Fixed Capital Outlay Grant from the Florida Department of*

*Elder Affairs and execute all related documents on behalf of the City of Gainesville, pending approval of the City Attorney as to form and legality.*

*Alternative Recommendation A: The City Commission deny the request to submit an application to the Florida Department of Elder Affairs.*

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

### **080172.**

#### **JOHN SENFT VS. CITY OF GAINESVILLE; ALACHUA COUNTY CIRCUIT COURT; CASE NO.: 01-08-CA-3040 (B)**

*Explanation: On July 2, 2008, the City of Gainesville was served with a Summons and Complaint. Mr. Senft alleges that he was a driver of a vehicle involved in an automobile accident with a City of Gainesville Public Works vehicle. He claims to have sustained bodily injury, loss of capacity for the enjoyment of life, expenses for medical care and treatment in the past and in the future, loss of earnings and ability to earn money. Mr. Senft seeks money damages and attorney's fees.*

#### **RECOMMENDATION**

*The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City in the case styled John Senft vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-08-CA-3040.*

080172\_Senft Complaint\_20080728.pdf

## **CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

### **080212.**

#### **City Commission Minutes (B)**

#### **RECOMMENDATION**

*The City Commission approve the minutes of July 14, 2008 (Regular Meeting); and July 10, 2008 and July 15, 2008 (Special Meetings); as circulated.*

080212\_min\_20080728.pdf

080212a\_min\_20080728.pdf

080212b\_min\_20080728.pdf

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## EQUAL OPPORTUNITY COMMITTEE, CONSENT

### 080219.

#### **Exclusion of Family certain relationships under Registered Domestic Partner Ordinance (NB)**

*Explanation: On July 14, 2008, the Equal Opportunity Committee recommended and the City Commission approved initiation of a petition to expand the definition of family in the City's zoning codes to include registered domestic partners; and also, adding registered domestic partners to City personnel policies with exceptions. In conjunction with that recommendation, The Equal Opportunity Committee has also recommended the following change to the Registered Domestic Partnership ordinance. The current definition of registered domestic partner in the ordinance does not exclude blood relationships, that would prevent marriage under Florida law, from qualifying. Unless changed, this would allow persons in such relationships to become registered domestic partners and gain access to City health insurance and other benefits.*

#### **RECOMMENDATION**

*The City Commission approve changing the definition of registered domestic partner to exclude family relationships from qualifying.*

## REGIONAL UTILITIES COMMITTEE, CONSENT

### 061214.

#### **Regional Utilities Committee Referral Items #061214 - Photovoltaic Policies (NB)**

*Explanation: Shade trees are an excellent form of energy conservation and also provide numerous other community benefits, but some customers might be tempted to remove trees to install solar. To help avoid conflicts that have arisen in other states between solar energy and trees it is important that we explore this issue as a city so that the value of both trees and solar is fully recognized*

#### **RECOMMENDATION**

*The City Commission request the Tree Advisory Board, GEAC and City Planning and Development staff to develop for RUC's consideration guidelines to govern the interaction between solar energy and trees.*

#### **Legislative History**

4/23/07	City Commission	Referred (7 - 0)	Regional Utilities Committee
6/12/07	Regional Utilities Committee	Discussed	
7/10/07	Regional Utilities Committee	Approved as shown above (See Motion)	
8/27/07	City Commission	Approved as shown above (See Motion) (5 - 1 - 1 Absent)	
3/19/08	Regional Utilities Committee	Recommended for Approval, as shown above	



4/14/08 City Commission Approved as Recommended (4 - 0 - 3 Absent)  
6/10/08 Regional Utilities Approved as Amended  
Committee  
Backup to RUC item #061214 Mar 19 2008.pdf  
Backup for RUC item #061214 PV policies Mar 19 2008.pdf

## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### END OF CONSENT AGENDA

### ADOPTION OF THE REGULAR AGENDA

### CHARTER OFFICER UPDATES

### CLERK OF THE COMMISSION

### CITY MANAGER

#### 080175.

#### **The City of Gainesville Strategic Plan (B)**

**This item is an update on the City's Strategic Goals and Initiatives based on feedback provided by the City Commission at the Strategic Planning Retreat at Ironwood Golf Course on June 2, 2008. Staff will also seek approval of the City of Gainesville Strategic Plan for Fiscal Years 2009 and 2010.**

*Explanation: At a strategic planning retreat held in December 2007, the Gainesville City Commission identified goals and initiatives that reflect the needs of the community. The goals and initiatives were later adopted and added to the City Commission's strategic priorities on February 25, 2008. With the induction of two new members to the City Commission in May of 2008, the goal setting process was augmented with the addition of a follow-up retreat in early June 2008. At the follow-up retreat, the adopted goals and initiatives were presented and a draft of the City of Gainesville Strategic Plan for Fiscal Years 2009 and 2010 was submitted to the Commission for initial review.*

*Following the presentation of the adopted goals and initiatives at the retreat in June, the Commissioners held a roundtable discussion, where three new initiatives were proposed to address energy policy and climate change, planning in the urban reserve area, and youth programs. Existing goals and initiatives were also re-examined and indicators were added to each initiative involving an Alachua County partnership.*

*Since the follow-up retreat in June, staff has collaborated to develop action plans to accomplish the new City Commission initiatives through the most cost-efficient allocation of resources. Staff has also worked with the Champions of existing initiatives to make minor modifications that were suggested at the follow-up retreat.*

*The City of Gainesville Strategic Plan is a living document which features a framework that can be adjusted based on the current needs of the community. The development and sharing of this document with the community lets citizens know that city government is responsive to its citizens and their needs, and that it is a high priority to provide appropriate service levels. Through the implementation of the strategic plan, and refinement of it on an annual basis, the City Commission can ensure residents that the strategic goals and initiatives align with the needs of residents.*

*Fiscal Note: The strategic planning and budgeting processes are linked to assure that the City's budget reflects the City Commissions strategic priorities.*

**RECOMMENDATION**

*The City Commission: 1) receive a presentation on the updates to the City Commission strategic goals and initiatives; and 2) adopt the City of Gainesville Strategic Plan for Fiscal Years 2009 and 2010.*

*Alternative Recommendation A:*

*The City Commission receive a presentation on the updates to the City Commission strategic goals and initiatives; recommend changes to the submitted City of Gainesville Strategic Plan for Fiscal Years 2009 and 2010; and adopt the City of Gainesville Strategic Plan for Fiscal Years 2009 and 2010.*

*Alternative Recommendation B:*

*The City Commission receive a presentation on the updates to the City Commission strategic goals and initiatives; and does not adopt the City of Gainesville Strategic Plan for Fiscal Years 2009 and 2010 and suggests an alternative system/strategy.*

080175\_Presentation\_2008-0728.pdf

080175a\_Plan\_20080728.pdf

080175b\_Summit Report\_20080728.pdf

## GENERAL MANAGER FOR UTILITIES

## CITY ATTORNEY

### **080128.**

#### **INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY AND THE CITY OF GAINESVILLE FOR DISTRIBUTION OF LOCAL GOVERNMENT ENVIRONMENTAL LANDS, PARKS AND RECREATION ONE-HALF PERCENT INFRASTRUCTURE SALES TAX (B)**

*Explanation: The City Commission, at its meeting of July 14, 2008, approved the capital improvement projects and sensitive lands acquisition list for submission to Alachua County. The list will be included as part of the Ordinance adopted by Alachua County that imposes the surtax, subject to referendum approval. The*

*Interlocal Agreement between Alachua County and the City of Gainesville provides for the distribution of the surtax proceeds for the County and all cities in Alachua County. As of the publication of the agenda, the terms of the Agreement are still under negotiations between the City and the County.*

**RECOMMENDATION**

*The City Commission approve the Interlocal Agreement and authorize the Mayor and Clerk of the Commission to execute the agreement, subject to the approval of the City Attorney as to form and legality.*

**Legislative History**

7/14/08 City Commission Approved as shown above (Divided Question) (7 - 0)

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080128c\_200807141300.pdf

080128b\_PPT\_MOD\_20080714.PDF

080128a\_PPT\_MOD\_20080714.PDF

080128\_Interlocal Agmt - land park\_20080728.pdf

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**COMMUNITY DEVELOPMENT COMMITTEE**

**RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE**

**PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE**

**PUBLIC SAFETY COMMITTEE**

**070941.**

**Commissioner Mastrodicasa - Hospitality Districts (B)**

*Explanation: Gainesville's Hospitality Districts (College Park and Downtown) contain many establishments which are bars. Although some of the bars only allow patrons inside who are 21 or older, many of the bars admit patrons who are 18-20 and give them a different indicator (e.g. wristband or hand stamp) that identifies them as unable to purchase or consume alcohol on the premises. Over the past few years, several initiatives through the City of Gainesville and the Community Redevelopment Agency (the Gainesville Responsible Hospitality Partnership) have focused on reducing the sale to and service of underage patrons in these establishments. At the same time, the Gainesville Police Department and Gainesville Fire Rescue have found continued problems related to the safety and security of the hospitality districts with repeat offending establishments over time.*

*It is recommended that an entertainment permit would be created to be given to bars requesting to admit patrons less than 21 years of age into their establishment. After a trial period and notice to the bars, bars wishing to admit underage patrons would be required to have an entertainment permit to allow 18-20 year olds into the bars. That entertainment permit would be granted based on objective measures related to public safety issues as measured by GPD and GFR.*

*Patrons less than 18 years old are currently prohibited from entering any bars at any time, under the city's "dance hall ordinance." Bars who have approved entertainment permits who wish to allow under 18 year olds in for a special event, such as an all-ages music show, would be allowed to do so with a change to the current ordinance. Those events would be required to be registered with GPD to assist the hospitality districts in public safety management.*

*Fiscal Note: None at this time.*

**RECOMMENDATION**

*The City Commission 1) Hear presentation regarding hospitality districts; 2) Approve the creation of entertainment permits for bars admitting patrons less than 21 years of age and direct the city attorney to draft the ordinance; and 3) Authorize the City Attorney to draft suggested changes to the dance hall ordinance to allow patrons less than 18 years of age entrance into bars for special events.*

**Legislative History**

2/25/08      City Commission      Referred (7 - 0)      Public Safety Committee

070941a\_HospDists\_20080728.pdf

070941b\_HospDists\_20080728.pdf

070941c\_HospDists\_20080728.pdf

070941d\_HospDists\_20080728.pdf

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**AUDIT, FINANCE AND LEGISLATIVE COMMITTEE**

**REGIONAL UTILITIES COMMITTEE**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**080195.**

**Commissioner Lauren Poe - Traffic Signal (NB)**

**RECOMMENDATION**

*The City Commission discuss requesting FDOT to study a location for a traffic signal.*

**080197.**

**Commissioner Scherwin Henry - Rosa Parks Quiet Courage Committee (NB)**

**RECOMMENDATION**

*The City Commission hear an update on Rosa Parks Quiet Courage Committee from Reverend Milford Griner.*

**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****080215.**

**National Night Out - August 5, 2008 (B)**

**RECOMMENDATION**

*Gainesville Police Department Lieutenant Art Adkins to accept the proclamation.*

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**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****ADOPTION READING-ROLL CALL REQUIRED****ORDINANCES, 1ST READING- ROLL CALL REQUIRED****071187.**

**LAND USE CHANGE - 5901 NORTHEAST WALDO ROAD (B)**

**Ordinance No. 0-08-18; Petition No. 33LUC-08PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Heavy Industrial" to the City of Gainesville land use category**

of "Industrial" consisting of approximately 51.5 acres, located in the vicinity of 5901 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

*Explanation: STAFF REPORT*

*This petition requests a large-scale land use amendment to change the Future Land Use designation for the subject property from Alachua County Heavy Industrial to City of Gainesville Industrial. This land was annexed by the City on November 26, 2007 and must be brought into conformance with the City's Generalized Future Land Use map.*

*The subject property is a 51.50-acre parcel on Waldo Road north of the Gainesville Industrial Park. The majority of the property consists of planted pines, and wetlands are mapped as approximately one-half of the property. There is an existing 100,000 square foot warehouse that was built in 1974. The requested land use designation is consistent with surrounding land uses, which include County Heavy Industrial to the north, west, and east, and City Industrial to the south.*

*Public notice was published in the Gainesville Sun on March 5, 2008. The Plan Board held a public hearing on March 20, 2008.*

#### *CITY ATTORNEY MEMORANDUM*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, 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.*

#### **RECOMMENDATION**

*The City Commission: 1) approve Petition 33LUC-08PB; and 2) adopt the proposed ordinance.*

071187-1\_200807281300.pdf

071187A\_staff ppt\_20080728.PDF

071187\_Land Use Change\_2008728.pdf

**071188.**

**LAND USE CHANGE - 4600 SOUTHWEST 41ST BOULEVARD (B)**

**Ordinance No. 0-08-23, Petition 23LUC-08PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Heavy Industrial" to the City of Gainesville land use category of "Industrial" consisting of approximately 25.85 acres, located in the vicinity of 4600 Southwest 41st Boulevard, commonly known as "Bear Archery"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is a large-scale land use amendment to change the Future Land Use designation from Alachua County Heavy Industrial land use to City of Gainesville Industrial land use. This property was annexed by the City on May 14, 2007, and must be brought into conformance with the City's Generalized Future Land Use Map.*

*The 25.85-acre subject property contains Bear Archery, an existing manufacturing facility for archery equipment that was built in 1978. Bear Archery is located west of Interstate 75 and north of Williston Road. It is accessed by a frontage road (SW 41st Boulevard), and is adjacent to undeveloped land. The future land uses on all adjacent properties are Alachua County Light and Heavy Industrial. Given its location adjacent to an interstate frontage road and the surrounding land uses, the Industrial designation is appropriate.*

*Public notice was published in the Gainesville Sun on March 5, 2008. The Plan Board held a public hearing on March 20, 2008.*

*CITY ATTORNEY MEMORANDUM*

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.*

*Following second reading, 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.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition 23LUC-08PB; and 2) adopt the proposed ordinance.*

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071189A\_staff ppt\_20080728.PDF

**071189.****LAND USE CHANGE - 5724 SW 46TH PLACE (B)****Ordinance No. 0-08-27, Petition 24LUC-08PB**

**An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Medium Density Residential" to the City of Gainesville land use category of "Conservation" consisting of approximately 11.00 acres, located in the vicinity of 5724 SW 46th Place, commonly known as "Broken Arrow Bluff Park"; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition is a large-scale land use amendment to change the Future Land Use designation for this property from Alachua County Medium Family Residential to City of Gainesville Conservation. This property was annexed by the City in 2007, and must be brought into conformance with the City's Generalized Future Land Use map. The annexed area is separated from City limits only by a publicly-owned County park.*

*This 11-acre parcel is known as Broken Arrow Bluff Park and is located at the back of a neighborhood north of Archer Road. This land was part of a planned development but the residential units intended for this area were not built. These parcels were later purchased by the City and developed as a nature-based park. Previously composed of seven separate parcels, the park is adjacent to Kanapaha Botanical Gardens and is part of the County's Hogtown Prairie Strategic Ecosystem.*

*The proposed Conservation land use is consistent with the surrounding Alachua County land uses, which include Recreation to the north, east, and west, and Medium Density Residential for the existing neighborhood to the south.*

*Public notice was published in the Gainesville Sun on March 5, 2008. The Plan Board held a public hearing on March 20, 2008.*

**CITY ATTORNEY MEMORANDUM**

*Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.*

*If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA*



*will be considered by the Commission at the second public hearing.*

*Following second reading, 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.*

**RECOMMENDATION**            *The City Commission: 1) approve Petition 24LUC-08PB; and 2) adopt the proposed ordinance.*

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## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **070688**

#### **LOBBYIST REGISTRATION (B)**

##### **Ordinance No. 0-08-12**

**An ordinance of the City of Gainesville, Florida, relating to registration of lobbyists; creating and adding a new Chapter 29, City of Gainesville Lobbyist Registration Act, creating and adding a new section 29-1, Intent and purpose; creating and adding a new section 29-2, Definitions; creating and adding a new section 29-3, Registration of lobbyists required; registration statements; creating and adding a new section 29-4, Exceptions; creating and adding a new section 29-5, Penalties; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: AUDIT, FINANCE, AND LEGISLATIVE COMMITTEE REPORT*

*On June 11, 2007, the City Commission referred the issue of lobbyist registration to the Charter Officers for further development and a recommendation back to the Audit, Finance and Legislative Committee.*

*The Charter Officers appointed staff to research and present information regarding various lobbyist registration options utilized within other Florida local government agencies. The Charter Officers then presented several options to the Audit, Finance and Legislative Committee at their November 29, 2007 and June 10, 2008 meetings regarding. Based on the information presented, a recommendation was made by the Committee to the City Commission to authorize the City Attorney to draft an ordinance for City Commission consideration addressing the key issues discussed in Committee.*

*At its meeting of June 23, 2008, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance establishing lobbyist registration requirements.*

**CITY ATTORNEY MEMORANDUM**

*This ordinance creates the Lobbyist Registration Act and sets forth requirements for lobbyists who engage in efforts to influence City Commissioners or Board members of the CRA on matters within Commission or CRA jurisdiction. Prior to engaging in lobbying, each lobbyist will be required to file with the Clerk of the Commission a registration statement which contains general identification information as to the lobbyist and their client(s). The ordinance contains definitions, registration requirements, exemptions and enforcement provisions. To allow adequate time for those affected persons to comply with the requirements of this Ordinance, the Ordinance has a delayed effective date of November 1, 2008.*

*The City Attorney's Office has amended the Ordinance to clarify that references to the Community Redevelopment Agency (CRA) are references to Board members of the CRA. These were the only changes made to the ordinance.*

**RECOMMENDATION**

*The City Commission adopt the proposed ordinance as amended.*

**Legislative History**

11/29/07	Audit, Finance and Legislative Committee	Approved as shown above (See Motion)
6/10/08	Audit, Finance and Legislative Committee	Recommended for Approval, as shown above
6/23/08	City Commission	Approved as Recommended (7 - 0)
7/14/08	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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070688\_PPT\_20080714.pdf

070688\_Lobbyist Registration\_20080728.pdf

**070819.**

**PLANNED DEVELOPMENT REZONING - FAT TUSCAN (B)**

**Ordinance No. 0-08-05; Petition 112PDV-07 PB**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City, as more specifically described in this ordinance, and amending the Zoning Map Atlas from "OR: 20 units/acre office residential district" to "PD: Planned Development District"; located in the vicinity of 725 Northeast 1st Street; commonly known as "Fat Tuscan Planned Development"; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an effective date.**

*Explanation: PLANNING DEPARTMENT STAFF REPORT*

*The purpose of this PD zoning overlay is to allow for the creation of a small, pedestrian oriented neighborhood café in an office/residential (OR) zoning*

*district having an office (O) land use designation. The neighborhood café will be established within a portion of the first floor of an existing two-story historic structure which is currently being used as a professional office building for an architectural firm. The existing structure is located within the Northeast Residential Historic District and the Traditional City special area. The Traditional City designation has been established for this area to improve the sense of place and community; improve the environment for business, including smaller, locally owned businesses; and facilitate a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity.*

*The unique aspect of this location is its pedestrian accessibility. It can be accessed via tree lined neighborhood sidewalks/streets that encourage patrons to walk and not drive to this destination. The addition of the café should contribute to the vitality of the area.*

*The applicant's request is for a neighborhood café to be open for breakfast and lunch six (6) days a week. The proposed development is unique and would provide an eatery within a short walking distance of many offices and residences. The petitioner indicates that the scale of the eatery will be small providing a total of no more than 30 seats. The total of 30 seats will be divided between the interior of the building and a new courtyard plaza area to be installed in the rear of the lot. The courtyard will provide seating in a garden like setting complete with water features and extensive landscaping.*

*This Petition is related to Petition 115 LUC-07 PB.*

*After notice was published in the Gainesville Sun on October 31, 2007, the Plan Board held a public hearing on November 15, 2007, and by a vote of 7-0 recommended the City Commission approve the petition.*

*After notice, the City Commission heard and approved the Petition by a vote of 7-0 at its meeting on January 28, 2008.*

#### **CITY ATTORNEY MEMORANDUM**

*The City Commission, at its meeting of January 28, 2008 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Fat Tuscan Planned Development" within the City of Gainesville.*

*This Ordinance requires two public hearings. If adopted on first reading, the second and final reading will be held on July 28, 2008.*

#### **RECOMMENDATION**

*The City Commission adopt the proposed ordinance.*

#### **Legislative History**

1/28/08	City Commission	Approved (Petition) as revised by the City Plan Board, as amended (7 - 0)
7/14/08	City Commission	Adopted on First Reading (Ordinance) (7 - 0)

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 070819B\_200801281300.pdf  
 070819\_20080128.pdf  
 070819C\_200801281300.pdf  
 070819\_200807141300.pdf

**071210.**

**REZONING - 5200 SOUTHWEST 41ST BOULEVARD (B)**

**Ordinance No. 0-08-22, Petition No. 43ZON-08PB**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from the Alachua County zoning category of "Highway oriented business services (BH) district" to the City of Gainesville zoning category of "BT: Tourist-oriented business district"; located in the vicinity of 5200 Southwest 41st Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: STAFF REPORT*

*This petition requests rezoning of the subject property from Alachua County Highway-oriented business services (BH) to City of Gainesville Tourist-oriented business (BT). This ±7.54-acre property was annexed by the City on February 11, 2008 and still has Alachua County land use and zoning designations.*

*The subject property is undeveloped. It is bounded on the west by Southwest 41st Boulevard and undeveloped land; on the east by the Interstate 75 southbound off-ramp; on the south by a small amount of Williston Road frontage and a gasoline service station; and on the north by developed industrial lands. Surrounding land uses include Heavy Industrial to the west and north and Tourist-Entertainment to the south. Given its location adjacent to an interstate highway frontage road and the surrounding land uses, the BT: Tourist-oriented business district designation is appropriate.*

*Public notice was published in the Gainesville Sun on April 2, 2008. The Plan Board held a public hearing on April 17, 2008.*

**CITY ATTORNEY MEMORANDUM**

*The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.*

**RECOMMENDATION**

*The City Commission: 1) approve Petition 43ZON-08PB; and 2) adopt the proposed ordinance.*

**Legislative History**

7/14/08 City Commission Approved (Petition) and Adopted on First Reading (Ordinance) (7 - 0)

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**080137****ANNEXATION OF AREA AROUND S.W. 20th AVENUE, EAST OF AND INCLUDING I-75 (B)****Ordinance 0-08-45**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally located south of the City limits and north of Butler Plaza and Windmeadows Apartments, west of S.W. 34th Street and the City limits up to and including I-75, and north of the vicinity of S.W. Archer Road and the City limits, as more specifically described in this Ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.**

*Explanation: ANNEXATION ORDINANCE*

*The City Commission, at its meeting of June 9, 2008, authorized the preparation and advertisement of ordinances commencing the process of annexing the area described in this Ordinance. The proposed annexation meets the thresholds that require the City and County to discuss the transition of services under the Interlocal Agreement between Alachua County and the City of Gainesville for the Transition of Services Upon an Annexation by the City of Gainesville Within Its Municipal Reserve Area. The annexation is subject to referendum approval of the voters at the general election scheduled for November 4, 2008.*

*The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area. The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area.*

*In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.*

*The annexation will be effective on June 1, 2009 unless there is a tie vote or majority vote against the annexation. Sections 4, 5 and 6 of the Ordinance provide for the special referendum election which will be held on Tuesday, November 4, 2008.*

*Sections 7 and 8 of the Ordinance relate to special matters which may be of interest to the owners and residents and those persons engaged in any business or occupation. The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area. Those persons engaged in any occupation, business, trade or profession in the area proposed for annexation will have the right to continue their occupations, businesses, trades or professions and shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2009. Those persons engaged in the construction industry within the annexation area will be required to register with the City on or before 4:00 p.m. on June 1, 2010 in order to maintain their certificate of competency issued by Alachua County.*

*This ordinance requires two readings. If approved on first reading, the second and final reading will be July 28, 2008.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

7/21/08            City Commission            Adopted on First Reading (Ordinance) (7 - 0)

080137\_Annex SW 20 Ave\_20080721.pdf

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## **RESOLUTIONS- ROLL CALL REQUIRED**

### **071130.                            Fifth Avenue/Pleasant Street Redevelopment Plan (B)**

*Explanation: Redevelopment activities within a Community Redevelopment Area are guided by the area's Redevelopment Plan. The Plan serves as a blueprint and general guide to CRA activities within an area. The current version of the Redevelopment Plan for the Fifth Avenue/Pleasant Street area was adopted in 1997, and since that time the document has not undergone a major update. In August 2004, the Fifth Avenue/Pleasant Street Redevelopment Advisory Board approved \$15,000 to fund an update of the Plan, and Herbert Halback, Inc. (HHI) was hired to revise the document. HHI submitted a draft plan in June 2005, however due to multiple staff changes and schedule setbacks; the draft was never finalized or brought back to the CRA for approval. Building on the HHI draft, current CRA staff has completed the Redevelopment Plan update. Staff is now bringing the updated plan back with additional revisions.*

*Staff has worked with FAPS residents, the Fifth Avenue/Pleasant Street Redevelopment Advisory Board, and with the CRA Attorney to revise and update the Redevelopment Plan in its entirety. The proposed Plan provides strategies to further redevelop and remove blight from the FAPS area. Redevelopment objectives and initiatives outlined in the Plan include housing revitalization, commercial corridor revitalization, historic preservation, sustainability, infrastructure and utilities improvements, streetscaping, urban design, recreational/cultural activities, and the identification of redevelopment opportunity sites.*

*The document has also received revisions to address legal issues and to satisfy statutory obligations required of Redevelopment Plans. The revised Plan now fulfills the requirements of F.S. 163.360 and 163.362. In addition to correcting these technical issues, Staff has also incorporated language supporting environmentally sustainable "green" building practices into the Plan. The inclusion of such language was unanimously approved by the FAPS Redevelopment Advisory Board on July 24, 2007. Staff also incorporated suggestions from the FAPS Advisory Board's November 21, 2007, special meeting to address the Redevelopment Plan. The majority of these changes relate to the vision for the area, guiding redevelopment principles, and the issues/opportunities facing the Area. Additionally, staff incorporated revised language into the Plan's issues/opportunities matrix based on input received from residents during neighborhood meetings on May 13th and June 10th, 2008. (The CRA authorized Staff to make such changes, as necessary, when it granted approval of the amended Plan.)*

*Under previous versions of the Redevelopment Plan, CRA activities have been the catalyst for change in the FAPS area. New businesses have emerged, homes have been rehabilitated, and community awareness and pride have deepened. However, FAPS still faces challenges including infrastructure issues, boarded buildings, vacant lots, and lack of retail space. Affordable housing options and appropriate recognition of the neighborhood's unique historic and cultural resources are also important issues in the area. The updated FAPS plan will allow the CRA to build on previous initiatives, facilitate new redevelopment activities, and combat slum and blight in the area.*

*Fiscal Note: In August 2004, the CRA expended \$15,000 from account 9999-613-790-W515 for consulting services related to crafting a revised FAPS Redevelopment Plan. Staff has completed the Redevelopment Plan update with no additional fiscal impact to the CRA. Therefore, there is no additional fiscal impact at this time.*

**RECOMMENDATION**

*CRA to the City Commission: 1) The City Commission adopt the proposed resolution amending the Fifth Avenue/Pleasant Street Redevelopment Plan in its entirety.*

**Legislative History**

4/21/08	Community Redevelopment Agency	Approved as Amended and Referred to (6 - 0 - 1 Absent)	CRA Executive Director
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- 071130\_CRA\_20080421.pdf
- 071130\_CRA\_PPT\_20080421.PDF
- 071130\_Resolution\_20080728.pdf
- 071130\_20080728FAPSPLAN.pdf
- 071130\_PPT\_20080728.PDF

**PLAN BOARD PETITIONS**

**080165.**

**Vacate Unimproved Right-Of-Way Adjacent To The YMCA (B)**

**Petition 107SVA-07PB, Public Works, agent for the City of Gainesville, vacate, abandon and close all of Northeast 13th Terrace and that portion of Northeast 22nd Avenue as described in detail below.**

*Explanation: The purpose of this request is to vacate the right-of-way of Northeast 13th Terrace and that portion of Northeast 22nd Avenue lying one foot west of a line between the Southeast corner of lot 14 and the Northeast corner of lot 29 and that portion of Northeast 21st Avenue lying west of a line between the Southeast corner of lot 35 and the Northeast corner of lot 50, as per the plat of the third addition to Carol Estates. The City of Gainesville entered into a License Agreement with the North Central Florida Young Men's Christian Association, Inc. (YMCA) in August of 2002 for the use of the unimproved rights-of-way that loop through their property and separate two major sections of the property. The rights-of-way are not paved or maintained and are overgrown with vegetation. One of the stipulations of the agreement was that the City will initiate a petition to vacate the unimproved rights-of-way.*

*The rights-of-way to be vacated are 50-feet wide. Northeast 22nd Avenue is paved west from Northeast 15th Street to a point adjacent to Lots 15 and 28. Northeast 21st Avenue is paved west from Northeast 15th Street to a point adjacent to Lots 36 and 49. Northeast 13th Terrace is the connector right of way between Northwest 21st Avenue and 22nd Avenue. Typically, upon vacation of a right of way, an overall utility easement is retained. In this case, Gainesville Regional Utilities (GRU) has requested that the City not retain an overall 50-foot utility easement over the vacated right-of-way. GRU has requested that the YMCA grant a utility easement over the westerly 20 feet of their property. The YMCA has agreed to grant the easement in exchange for the City vacating the subject rights-of-way. Vacating the rights-of-way adjacent to property designated for Single-Family on the Future Land Use Map and zoned for single-family use does not indicate support for those properties to be used for recreation use.*

*Planning Division staff recommended approval of Petition 107SVA-07 PB, with the condition that the City will waive the right to retain an overall 50-foot utility easement over the rights-of-way to be vacated in exchange for a 20-foot utility easement along the western property line of the YMCA.*

*The City Plan Board reviewed the criteria in determining whether the public interest would be best served by the proposed street vacation and recommended approval, Plan Board vote 4-0.*

*Public notice was published in the Gainesville Sun on June 4, 2008. The Plan Board held a public hearing on June 19, 2008.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve petition 107SVA-07 PB. Plan Board vote 4-0.*

*Staff to City Commission - the City Commission approves Plan Board's recommendation.*



Staff to the Plan Board - Approve Petition 107SVA-07  
PB.

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**080167.**

**Gainesville Regional Utilities - Eastside Operations Center (B)**

**Petition 55PSZ-08PB. Eng, Denman and Associates, Inc., agent for Gainesville Regional Utilities (GRU), rezone to PS (Public services and operations district) to establish specific regulations for the development of the GRU Eastside Operations Center. Zoned: I-1 (Limited industrial district).**

*Explanation: Located at the 4500 Block of North Main Street (east side), the approximately 117-acre site was purchased by the City of Gainesville for the establishment of the GRU Eastside Operations Center. This petition will apply PS (Public services and operations district) zoning to the entire site in place of the existing I-1 (Limited industrial district) zoning. The land use designation on the site will remain as 'Industrial', since this land use may be implemented by the PS zoning district under Section 30-46 of the City Land Development Code.*

*The purpose of this petition is to adopt uniform development regulations that are consistent with the intended use and operation of the proposed operations center. The petition is proposed in a manner that is compatible with the surrounding land use and considers the existing site conditions. The operations center will include facilities related to electric, water, wastewater, natural gas, and telecommunications. Proposed development for the site includes offices, maintenance shops, warehouse buildings, a training facility, and a systems control center. The center will house a maximum of 325 employees.*

*Submitted for consideration are an associated rezoning report and a conceptual master plan. These documents propose development standards that are tailored specifically to the intended use of the site by GRU. These standards outline the permitted uses for the site, building setbacks and maximum height, and required landscape buffers. These proposed regulations, if approved, will guide the future development of this site by Gainesville Regional Utilities. The City's Land Development Code will remain applicable in all instances that are not specifically addressed by the PS rezoning report and the conceptual plan. A proposed general layout for the site is also shown on the master plan.*

*Public notice for this petition was published in the Gainesville Sun on June 4, 2008*

*The City Plan Board considered Petition 55PSZ-08PB with the associated rezoning report and conceptual master plan at a public hearing held June 19, 2008. By a vote of 4 - 0, the City Plan Board approved the petition with staff conditions.*

*Fiscal Note: None*

**RECOMMENDATION**

*City Plan Board to City Commission - The City*

*Commission approve Petition 55PSZ-08PB with the associated rezoning report and conceptual master plan, subject to staff conditions.*

*Staff to City Plan Board - Approve Petition 55PSZ-08PB with the associated rezoning report and conceptual master plan, subject to staff conditions.*

*Alternate Recommendations - The City Commission deny Petition 55PSZ-08PB.*

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080167-1\_concept master plan\_20080728.pdf

080167A\_Staff PPT\_20080728.pdf

**080174.**

**Petition 76PSZ-08 PB. Cotton Club Museum and Cultural Center Inc. Modify the permitted uses and setback requirements of the PS (Public Services and Operations District) zoning for property located at 837 Southeast 7th Avenue. (B)**

**This item is a request to amend portions of Ordinance #060015 which rezoned the site from RSF-4, Single-Family Residential District, to PS, Public Services and Operations District, and established a list of permitted uses on the site. The request is to modify the list of permitted uses, add building setbacks, modify setbacks for an uncovered deck, and prohibit the moving of the existing historic buildings on the site.**

*Explanation: This is a request to amend four portions of Ordinance #060015 which rezoned the site at 837 Southeast 7th Avenue from RSF-4, Single-Family Residential District, to PS, Public Services and Operations District, and established a list of permitted uses on the site. That ordinance was adopted by the City Commission on October 23, 2006.*

*The applicant for this request is the Cotton Club Museum and Cultural Center, Inc. (CCMCC). The CCMCC is an organization formed to manage the historic rehabilitation of the six vacant historic structures on the site for use as a museum and cultural center. The purpose of this request is to reflect recent changes made by the CCMCC to its long term development plans for the Cotton Club site.*

*The subject parcel is 1.84 acres in size, and is located in Southeast Gainesville's Springhill Neighborhood. The subject parcel is the northern half of a block bounded by 8th Street on the west, 9th Street on the east, 8th Avenue on the south, and 7th Avenue on the north.*

*The largest building on the site was moved from Camp Blanding to its current location after World War II and has been used as a movie theater, nightclub and storage building. In the past, this one-story wood frame building has been known as The Perryman Theater, The Cotton Club and The Blue Note. The subject property also contains five other vacant one-story structures. Those structures are four small wood frame houses and the former Perryman Grocery Store.*

*The subject property is within the PS, Public Services and Operations, zoning district. According to Section 30-75(a) of the City of Gainesville's Land Development Regulations, the purpose of the PS zoning is to provide suitable locations for public and private utility and recreation activities that serve and are used by the public.*

*The subject property is designated REC, Recreation, on the Comprehensive Plan's Future Land Use Map. The Recreation designation identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements.*

*Properties surrounding the site are zoned RSF-4, Single-Family Residential District (up to 8 dwelling units/acre), and are designated RL, Residential Low-Density (up to 12 units/acre) on the Comprehensive Plan's Future Land Use Map. This area of the city is dominated by single-family residences. An exception is the Mount Olive AME Church, which owns the subject property and is located along the western part of the subject property's southern boundary at 721 Southeast 8th Street. A park with a playground is located at the northwest corner of Southeast 8th Avenue and 9th Street.*

*The first portion of the request involves expanding the list of permitted uses. The PS district is similar to a PD, Planned Development District, because City regulations allow the adopting ordinance to contain site specific development and use criteria. In this case, the proposal is to add the following to the list of permitted uses:*

*Small café or restaurant with indoor and outdoor seating;  
Historic-themed general store;  
Outside farmers' market;  
Library and/or historical archive; and  
Outside entertainment events, including weddings and fundraisers.*

*The Plan Board, staff, and the applicant agree that allowing these uses on the site could benefit both the site and the community.*

*The second portion of the request involves minimum building setbacks. The building setback requirements for PS districts are specified in Section 30-75(e) of the City of Gainesville's Land Development Code. Essentially, that section sets dimensional requirements (including setbacks) for the following three types of uses: Office and administrative activities (Section 30-75(e)1), All intensive recreation uses (Section 30-75(e)2), and All other uses (Section 30-75(e)3).*

*Section 30-75(e)3 allows the applicant to propose setbacks for certain uses. In this case, the applicant originally proposed 10 foot setbacks to the front, side, and rear for all uses not specified in Sections 30-75(e)1 and 2. However, at the June 19, 2008 Plan Board Meeting, the applicant agreed with (and the Plan Board approved) staff's recommendation for 20 foot minimum rear setbacks.*

*The third portion of the request involves prohibiting the moving of the existing historic buildings on the site. In this case, the Plan Board determined that the*

*applicant could implement this prohibition through other means such as deed restrictions, rather than implementing a governmental regulation.*

*The applicant made one additional request at the June 19, 2008 Plan Board Meeting. That request is to allow a zero setback from Southeast 8th Street for an uncovered deck and ramp for Americans with Disabilities Act (ADA) ingress and egress to the Perryman building and associated development. The Plan Board approved that request.*

*Fiscal Note: None*

**RECOMMENDATION**

*Plan Board to City Commission: Approve the proposed additions to the list of permitted uses; Approve 10 foot minimum building setbacks from the front and side property lines, and 20 foot minimum building setbacks from the rear property line for uses other than Office and administrative activities, and All intensive recreation uses; Approve a zero setback from Southeast 8th Street for an uncovered deck and ramp for ADA ingress and egress to the Perryman building and associated development; and Deny the prohibition on moving the existing historic buildings.*

*Staff to Plan Board: Approve the proposed additions to the list of permitted uses; Approve 10 foot minimum building setbacks from the front and side property lines, and 20 foot minimum building setbacks from the rear property line; and deny the prohibition on moving the existing historic buildings.*

*Alternative Recommendation: Deny the petition.*

080174\_plan board staff report\_20080728.pdf

080174\_DRAFT PB minutes\_20080728.pdf

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**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**