

Community Development Committee

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

Meeting Minutes

Thursday, February 14, 2008

1:30 PM

City Hall, Room 16

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

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

CALL TO ORDER

The meeting was called to order at 1:35 PM.

ROLL CALL

Present: Craig Lowe, Jack Donovan and Scherwin Henry

ADOPTION OF THE AGENDA

A motion was made. The motion carried unanimously.

APPROVAL OF MINUTES

070869. Minutes of January 17, 2008 (B)

RECOMMENDATION *The Community Development Committee approve the minutes of January 17, 2008.*

Approved as Recommended

DISCUSSION OF PENDING REFERRALS

070871. Land Development Code Amendment - Religious Land Use and Institutionalized Persons Act (B)

Chair Henry stated that no recommendations would be going forward from the Committee at the present meeting. He indicated that he wished to give the citizens an opportunity to offer comments and express concerns.

Chair Henry read into the record a letter dated February 11, 2008 that he received from Joe Jackson.

Erik Bredfeldt, Director of Planning and Development Services, reminded the Committee that on February 4, 2008, the City Commission heard the item on second reading. He noted that they moved to: 1) send an ordinance to the CDC for discussion; and 2) instruct staff to write a letter to the Department of Justice and inform them of the City's position on the review. He requested direction from the Committee on the matter. He stated that the issue involved minimum lot sizes as they pertain to religious assemblies, hours of operations, and verbiage regarding compatibility to the neighborhood.

Commissioner Donovan stated that he was not prepared to discuss the issues because he understood that there was to be a special meeting on the matter February 26, 2008. He indicated that he believed the issues were clearly delineated by the City

Commission meeting, and he was not interested in reexamining them.

Commissioner Lowe suggested that the Committee open the floor for citizen comments and Commissioners could request any additional information they wished to have for the special meeting.

Mr. Sam Mutch, Vice-President of Inter-Faith Hospitality Network, stated that they would like to obtain a word version of the proposed ordinance, and then return for the special meeting with recommendations from a majority of the religious community. He stated that he would like to have the entire ordinance go forward as one. He indicated that, in his opinion, the ordinance could lead to more litigation. He stated that his church would not apply for a permit to feed or house people. He noted that one problem with the ordinance was that it permitted feeding 20 people, but did not specify whether those 20 were to be visitors or members of the congregation.

Father John Gillespie, St. Augustine's Catholic Church, stated that he wanted to be sure that those who are deliberating the issues understand that the proposed code changes seemed to be under the radar in order to get them passed quickly. He stated that the community and churches would be affected by it. He indicated that he perceived it to be an attack on churches and the underlying message is that one of Gainesville's serious social problems is churches, and that there were too many people going to church. He noted that he had tried on numerous occasions to persuade the City to allow a capacity expansion at St. Francis House, but the City urged him to disperse the problem out into the community, and not have it concentrated downtown. He pointed out that the 2,000 foot buffer proposed around the University of Florida campus was to prohibit soup kitchens from serving the needy. He explained that when someone discovered that the west and south ends of campus weren't in the City, they retreated from their position and indicated that the 2,000 foot buffer would be on the north and east side of campus to keep the students safe. He noted that, at the same time, the largest soup kitchen in the Gainesville area, the Hare Krishna organization, was operating on the campus of the University of Florida. He stated that the University of Florida has tried to stop the Hare Krishna event, but had been unable to do so because of First Amendment rights. He stated that St. Augustine would not apply for a permit to do what they understand they may do by right in a concentrated fashion, and not in a scattered form. He indicated that there was no basis for the 2,000 foot buffer which was prejudicial and should be removed. He encouraged the Committee to keep in mind where the problem originated and where it seems to be going, and if it was not the Committee's wishes, the Committee should come up with a better solution.

Ms. Beverly Hill, representing the Sugarfoot Neighborhood stated that she was interested in what the lot size would be for taking a home and turning it into a church. She indicated that she volunteers with Gainesville Harvest which delivers food, and there are over 100 drivers every week serving the hungry. She explained that some of the churches serve on site and some open up for people to pick up food and go. She noted that she did not believe there had been any complaints about the sites. She indicated that she is waiting to see if these sites will be impacted by the proposed ordinance.

Mr. Barry Furgerson, Highlands Presbyterian Church, thanked City staff and the City Commission for their hard work. He stated that in his experience, he has not encountered anyone to intentionally create harm or conflict in any way. He pointed out that there were ordinances on the books now to deal with noise and inappropriate behavior that could disrupt a neighborhood. He stated that most of the faith communities in the area wished to be good neighbors and he thinks they could work together to do that.

Ms. Linda Portal, citizen concerned about the issue, stated that staff was attempting to resolve problems that have come up over time regarding the impact of churches on residential areas. She noted that all changes in an ordinance had the effect of either enhancing or taking valuable property. She explained that in this case, there were a lot of churches in residential areas that would like to expand and that there was nothing to show that all churches are generally causing some sort of crime to the community. She stated an ordinance did not have to be written with so broad a brush stroke that it affected all lots and all churches in residential areas. She indicated that she would like to volunteer her time to develop proposals to address the issues, and at the same time, protect the compassion that the community is trying to offer through its churches.

Joe Jackson stated that there are already provisions in the Code of Ordinances, and it was his understanding that the existing regulations would be on the table for discussion by the Committee at a special meeting. He suggested that as the Committee moves forward, it should get clarification from staff as to the existing churches in RSF districts that would be affected by the proposed new lot size and setback requirements. He stated that staff indicated that there were 62 such congregations, and 20 of them are on parcels of one acre or less, and 12 parcels on ½ acre or less. He suggested it would be useful to know more detail about what those congregations are, building code capacity for the structures, and if they comply with the new setback requirements. He noted that it would also be useful to have information on any complaints from neighbors concerning the congregation's activities. He submitted a letter for the record and asked the Committee to direct staff to request this information.

Dr. Jimmy Harnsberger, President of the UNPA, stated that he had been contacted by a number of leaders and residents of many neighborhoods expressing great concern about the impact of some of the proposed revisions. He stated there is a need to keep neighborhoods viable and increasing institutional uses, whether a school, meeting house, or church, by providing special exceptions for them is something of great concern.

Mr. Mutch asked Dr. Harnsberger if he and neighborhood representatives would like to work together as a group to come up with a draft to present to the Committee.

Dr. Harnsberger stated that would be fine.

Chair Henry stated that he does not believe that there is a vendetta against churches, but at the same time he appeals to the churches to understand that there is an impact on the community (whether intentional or unintentional). He believes that he and fellow Commissioners want to come to a solution that is best for all.

Chair Henry stated that he did not believe that there was a vendetta against churches. He noted, however, the same time he appealed to the churches to understand that their activities, whether intentional or unintentional, had an impact on the community and neighborhoods. He indicated that he and his fellow Commissioners wished to come to a solution that is best for all.

Commissioner Donovan stated that he has yet to find any place in the ordinance that speaks to a limit of 20 people being feed at any given time. He indicated that, to place the matter in context, would be to state that it is a failure of policy that some institutions have a catastrophic effect on communities. He noted that he feels uncomfortable when he hears that staff and Commissioners are questioned about their motivations. He indicated that, in summary, his goals were: 1) to empower the congregations to serve the needy; 2) to remember that moving the privileged parts of our community away from the poor did not mean you can ban the poor from your midst; 3) people in neighborhoods are citizens and have certain expectations and rights regarding disturbance of the peace and the effect of activities on property values; and 4) in the long-run, Gainesville's health rests on the common well-being of every person, rich or poor.

RECOMMENDATION *Community Development Committee: 1) Staff to report back on Mr. Jackson's recommendations and email; 2) Report to the City Commission any recommended amendments to the ordinance on 2nd reading; and 3) Remove this item from the referral list.*

Approved as Recommended

070707. Public School Concurrency (B)

Mr. Bredfeldt stated that there is a timeline for school concurrency, the Public Schools Facility Element, to be added to Comprehensive Plan. He explained that the Public Schools Element was a mechanism to regulate concurrency for schools in residential development. He asked that the Committee hear a presentation on the different components and to refer the item back to the City Commission to refer it to the City Plan Board.

Mr. Dean Mimms, Chief of Comprehensive Planning, welcomed Gene Bowles, Director of the Center for Building Better Communities at the University of Florida. He stated that Mr. Bowles had been a major consultant to the School Board and staff on the update and data analysis preparation of the Comprehensive Plan Element.

Mr. Dean Mimms gave a powerpoint presentation to the Committee on public school concurrency.

Chair Henry asked who the elected official for Alachua County was.

Mr. Mimms stated that a representative was appointed by each local government, and Commissioner Donovan served for the City.

Mr. Bowles stated that State law specifically requires that the level of service (LOS) must be jointly adopted by the School Board and all local governments.

Mr. Bowles discussed school capacity and a timeline for new school construction. He noted that the Department of Education required a demonstration that there is a need for a new school before it could be constructed.

Commissioner Donovan stated that when new schools are proposed, it is for areas outside the City limits to the west. He indicated that he believed the County was not protecting green spaces between municipalities. He explained that it creates a problem for the City of Gainesville with regard to renewed investment in the neighborhood housing stock and subsequently in the capital investment in the schools themselves. He noted that on the surface, it appeared to guarantee Gainesville's existing schools, but as funding is decreased, it could create a situation of deteriorating schools. He indicated that he was concerned about levels of sustainability if growth continues outward away from the City. He also cited concerns about the impact of growth on green space, property values and the quality of life.

Mr. Bowles stated that school concurrency has made a remarkable difference in how schools view growth, and it also places local governments in a communication and planning process. He pointed out that locating a school has nothing to do with the community, but with the availability of land. He explained that the idea was that schools should be in the municipalities, and the Comprehensive Plan was a way to direct growth.

RECOMMENDATION *Community Development Committee to the City Commission: 1) Refer this item to the City Commission and authorize staff to take school concurrency-related comprehensive plan amendments to the City Plan Board; and 2) remove this item from the referral list.*

Approved as Recommended

070629. 2002/2008 NW 3rd Avenue Project - Status Report (B)

This item seeks to provide a status report to the City Commission on the project currently being constructed at 2002/2008 NW 3rd Avenue and recommends referral of the matter to the Community Development Committee.

RECOMMENDATION *The City Commission: 1) refer review of the project and issues regarding remedial action to the Community Development Committee.*

Continued

070826. Rental Assistance Using TIF in the CRA Districts (NB)

RECOMMENDATION *The City Commission refer the issue of using TIF Funds for*

rental assistance in the CRA Districts (similar to Section 8) to the Community Development Committee.

Continued

060285. Student Behavior Tracking (B)

RECOMMENDATION *Staff to report back on moving forward with the letters that were sent out to the University of Florida and Santa Fe Community College.*

Continued

ADJOURNMENT

The meeting adjourned at 3:09 PM.