

City of Gainesville

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



Meeting Agenda

October 20, 2011

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)

Mayor-Commissioner Pro Tem Thomas Hawkins (At Large)

Commissioner Scherwin Henry (District 1)

Commissioner Todd Chase (District 2)

Commissioner Susan Bottcher (District 3)

Commissioner Randy Wells (District 4)

Commissioner Jeanna Mastrodicasa (At Large)

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

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

[110356.](#)

2010 Actuarial Valuation Report for the City of Gainesville Consolidated Police Officers' and Firefighters' Retirement Plan (B)

This item involves the Consolidated Police Officers' and Firefighters' Retirement Plan actuarial valuation as of October 1, 2010.

Explanation: The Consolidated Police Officers' and Firefighters' Retirement Plan Actuarial Valuation Report presents a statement of the financial position of the Consolidated Police Officers' and Firefighters' Retirement Plan (the Plan). The Board of Trustees for the Consolidated Police Officers' and Firefighters' Retirement Plan has approved the 2010 Actuarial Valuation Report, and it is now being submitted to the City Commission for approval of the City contribution rate. The actuarial valuation process assesses the fiscal status of the Plan, and is used to determine the annual contribution to the Plan which is expressed as a percentage of the covered payroll of Plan members.

The 2010 Actuarial Valuation Report indicates that the Plan was 89% funded as of October 1, 2010, with an actuarial value of assets of \$177,250,288 and an actuarial accrued liability of \$199,836,557. The 2010 valuation recommends that the required employer contribution rate for the Consolidated Police Officers' and Firefighters' Retirement Plan should be 11.77% of payroll for fiscal year 2012, up from 9.08% for fiscal year 2011.

Fiscal Note: The 2012 Fiscal Year Consolidated Police Officers' and Firefighters' Retirement Plan contribution rates presented in the 2010 Actuarial Valuation

Report have been included in the 2012 Fiscal Year Budget. At 11.77% of payroll, Fiscal Year 2012 City contributions are projected to be approximately \$2,865,693.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the 2010 Actuarial Valuation Report for the City of Gainesville Consolidated Police Officers' and Firefighters' Retirement Plan; 2) approve the 2012 Fiscal Year Consolidated Police Officers' and Firefighters' Retirement Plan City contribution rate of 11.77% presented in the 2010 Actuarial Valuation Report.

110356_Report_20111020.pdf

110357.

2010 Actuarial Valuation Report for the City of Gainesville Disability Pension Plan (B)

This item involves the Disability Pension Plan actuarial valuation as of October 1, 2010.

Explanation: The City of Gainesville 2010 Disability Pension Plan Actuarial Valuation Report presents a statement of the financial position of the City's Disability Pension Plan (the Plan). The actuarial valuation process assesses the fiscal status of the Plan, and is used to determine the annual contribution to the Plan which is expressed as a percentage of the covered payroll of Plan members.

The 2010 Actuarial Valuation Report indicates that the Plan was 214% funded as of October 1, 2010, with an actuarial value of assets of \$5,459,769 and an actuarial accrued liability of \$2,549,573. The 2010 valuation recommends that the Plan's investment return assumption rate be lowered from 9.25% to 8.5%, and that the required employer contribution rate for the Plan should be .34% of payroll for fiscal year 2012, down from .60% for fiscal year 2011.

Fiscal Note: The 2012 Fiscal Year Disability Pension Plan contribution rates presented in the 2010 Actuarial Valuation Report have been included in the 2012 Fiscal Year Budget. At .34% of payroll, Fiscal Year 2012 City contributions are projected to be approximately \$287,547.

RECOMMENDATION

Recommended Motion: The City Commission: 1) accept the 2010 Actuarial Valuation Report for the City of Gainesville Disability Pension Plan; 2) approve the Plan's investment return assumption rate change from 9.25% to 8.5%; 3) approve the 2012 Fiscal Year Disability Pension Plan City contribution rate of .34% presented in the 2010 Actuarial Valuation Report.

110357_Report_20111020.pdf

110362.**Funding for Gainesville Police Department Police Beat Television Show (B)**

Explanation: The Gainesville Police Department's (GPD) Police Beat Television Show is part of the Department's Crime Prevention program. The show is used to: 1) explain how the Department provides services; 2) explain its community oriented policing initiatives; and 3) showcase crime prevention activities. The Police Department also uses the show to highlight various specialty unit operations.

GPD has been producing the show for over ten years and has produced 120 episodes. In the past year, GPD has highlighted numerous features about the Department. Additionally, GPD continues to use the show as a format to give the citizens of Gainesville crime prevention information and highlight numerous unsolved crimes in the hopes of gathering useful leads or new information. The requested funds will cover the production and airing of 12 new thirty-minute shows to air the second and fourth Saturdays of each month on CBS Channel 4.

Fiscal Note: Funds for this one year agreement, covering the period October 1, 2011 through September 30, 2012, totaling \$49,500 are available in the Federal Law Enforcement Contraband Forfeiture Trust Fund. The balance in the account is \$2,722,767 per the Statement of Expenditures and Encumbrances compared with Appropriations for the Nine months ended June 30, 2011.

RECOMMENDATION

The City Commission: 1) approve the expenditure and issuance of a purchase order to Studio 601, Inc., Gainesville, Florida in the amount of \$49,500 for the continuation of funding for the Police Beat Television show.

110362_TVContract_20111020.pdf

110363.**Human Resources Policies C-2, Performance-Based Merit Awards and E-2, Nepotism (B)**

Explanation: Policy C-2:

This policy allows for Special Merit Awards to be made so long as they are within the annual City Commission-approved budget. For Charter Officers with fewer than 25 employees, the awards are limited to 2% of the budgeted Managerial Administrative and Professional (MAP) personal services dollars. For Charter Officers with 25 or more employees, the awards are limited to 1% of the budgeted MAP personal services dollars.

These awards may only be awarded to high performing employees who score above average on their most recent performance evaluation (e.g., a score of 3.5 or higher on a 5-point scale). Such awards are not an entitlement and are intended for employees who consistently exceed expectations and demonstrate extraordinary performance. As outlined in the Performance Management Policy (C-5), the City of Gainesville has adopted a market mid-point pay structure for non-represented employees. A market mid-point pay structure sets the market rate at the middle of the pay range and builds the range around that

number. Employees shall be normally distributed around the mid-point; the top performers fall above the mid-point and new employees and less effective employees below the mid-point. Those scoring in the top 15-20% would be considered for a special merit award.

Policy E-2:

This policy clarifies familial relationships as they relate to nepotism and amends the restrictions on employment of relatives within the chain of command.

Fiscal Note: The potential fiscal impact of the special merit awards would be less than \$70,000. All awards would be paid from unused budget dollars in the fiscal year awarded.

RECOMMENDATION

The City Commission approve Human Resources Policies C-2, Performance-Based Merit Awards and E-2, Nepotism.

110363A_C-2 Performance-Based Merit Awards Strikeout_20111020.pdf

110363B_C-2 Performance-Based Merit Awards Final_20111020.pdf

110363C_E-2 Nepotism Policy Strikeout_20111020.pdf

110363D_E-2 Nepotism Policy Final_20111020.pdf

110364.

Vacate the Abandoned Northerly Portion of Southeast 3rd Street (B)

This item involves a request for the City Commission to approve a petition to the Planning Department to vacate a portion of Southeast 3rd Street at the request of the Public Works Department.

Explanation: Southeast 3rd Street (State Street) is a Thirty foot right of way by the plat of Veitch's Addition to South Gainesville, Plat Book "A", page 90 of the Public Records of Alachua County, Florida. It is located south of the south right of way line of Southeast 10th Avenue (1st Avenue by plat) and north of the north right of way line of Southeast 10th Place (2nd Avenue by plat). Lots 16 and 17, of the plat, border the right of way on the east side and Lots 21 and 22 of the plat border it on the west. This area has a light mixture of residential with primarily industrial use. Public Works, at the request of a neighboring property owner, has determined this segment of Southeast 3rd Street, south of Southeast 10th Avenue and north of Southeast 10th Place no longer serves a public purpose and would be in the City's best interest to be returned to the tax rolls. The vacation of this right of way still leaves ample grid right of ways and accessibility.

Fiscal Note: Funding in the amount of \$200 for administrative costs is available in the Public Works Fiscal Year 2011 operating budget.

RECOMMENDATION

The City Commission: 1) approve the request of Public Works to vacate a portion of Southeast 3rd Street, a thirty feet wide street, located south of the south right of way line of Southeast 10th Avenue (1st Avenue by plat) and north of the north right of way line of Southeast 10th Place (2nd Avenue by plat); and

2) authorize the Planning Department to circulate a petition to the Plan Board to vacate a portion of Southeast 3rd Street, a thirty feet wide street, located south of the south right of way line of Southeast 10th Avenue (1st Avenue by plat) and north of the north right of way line of Southeast 10th Place (2nd Avenue by plat), retaining an overall utility easement.

110364A_Map_20111020.PDF

110364B_Map_20111020.pdf

110366.

Update of Adopted City of Gainesville Strategic Plan for Fiscal Years 2011/2012 (B)

This item is to update the Adopted City of Gainesville Strategic Plan for Fiscal Years 2011/2012.

Explanation: On January 20, 2011, the City Commission adopted the City of Gainesville Strategic Plan for Fiscal Years 2011/2012. The strategic plan is a living document which features a framework that can be adjusted based on the current needs of the community. To develop the City of Gainesville Strategic Plan for Fiscal Years 2011/2012, the City Commission held two retreats in 2010 and a follow-up retreat in June 2011 to give new Commissioners the opportunity to comment on the goals and initiatives. Tracy Miller, Florida Regional Director at the Alliance for Innovation facilitated the retreat in June 2011.

During the retreat in June 2011, one new strategic initiative was proposed by the City Commission to develop a long-term plan for public safety facilities and personnel. Existing goals and initiatives were also re-examined and refined through a round table discussion with members of the City Commission. During the refinement process, the strategic initiative to increase civic engagement was sunset because it has become part of normal operating procedure.

Since the retreat in June, staff has collaborated to provide a summary of activity on each initiative during FY 2011 and make minor revisions to the action plan and strategy outlined by the champion to accomplish the initiative.

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

RECOMMENDATION

The City Commission: 1) adopt the updated City of Gainesville Strategic Plan for Fiscal Years 2011/2012; 2) refer Strategic Initiative 1.3: "Develop a long-term plan for public safety facilities and personnel" to the Public Safety Committee; and 3) remove Strategic Initiative 4.3 "Increase opportunities for civic engagement" from the Audit, Finance & Legislative Committee Referral List.

110366_Strategic Plan Update_20111020.pdf

110370.**IRS Revenue Ruling 2011-1, Pension Plan Amendments Required by the IRS Related to the Exclusive Benefit Rule (NB)**

This item involves amendments to the City of Gainesville General Employees' Pension Plan and Disability Pension Plan to comply with IRS Revenue Ruling 2011-1, which requires pension plans to have certain exclusive benefit rule language in their plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in.

MODIFICATION - Text file modified by the City Attorney and re-imported 10-13-2011.

Explanation: In order for the City's pension plans to continue to invest in group trusts and not affect the tax status of the group trusts they invest in, IRS Revenue Ruling 2011-1 requires governmental pension plans to expressly provide in their governing documents "that it is impossible for the corpus or income of the group trust retiree benefit plan to be used for, or diverted to, purposes other than the exclusive benefit of the plan participants and their beneficiaries." This language is sometimes referred to as the "exclusive benefit rule."

While the City of Gainesville Employees' Pension Plan currently contains similar language to the language referenced above in Section 2-533(a)(1) of the Gainesville Code of Ordinances ("The City Commission shall have the right, at any time, to amend any or all of the provisions of the employees' pension plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries"), the plan does not contain specific exclusive benefit rule language set forth above. In addition, the City of Gainesville Employees' Disability Pension Plan does not contain the required language. To comply with Revenue Ruling 2011-1, the City is required to amend its pension plans to add the language required by the IRS and referenced above by December 31, 2011. Therefore, it is recommended that the City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending the General Employees' Pension Plan and Disability Pension Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.

The City of Gainesville Police Officers and Firefighters Consolidated Retirement Plan also contains similar language to that required by the IRS in Revenue Ruling 2011-1 in Section 2-605(a)(1) of the Gainesville Code of Ordinances ("The city commission shall have the right, at any time, to amend any or all of the provisions of the plan; provided, however, that no such amendment shall authorize or permit any part of the trust fund to be diverted for purposes other than for the exclusive benefit of members and their beneficiaries."); however, it does not contain the exact language required by the IRS. Because the IAFF has demanded to bargain over making the minor, non-substantive change to the Consolidated Plan required by the IRS, management is not seeking authorization to amend the Consolidated Plan at this time. Although management does not believe bargaining is required over the change required by the IRS because it does not affect a term and condition of employment of IAFF bargaining unit members (instead, it is a

non-substantive change to an existing rule in the plan) management will nonetheless bargain with the IAFF as demanded. It should be noted that a failure to reach an agreement with the IAFF and implement the change required by the IRS by December 31, 2011 will likely require the Consolidated Plan to divest in any group trusts and cause a significant financial impact. Unless benefit levels are reduced or member contribution rates are increased through current pension negotiations, the financial impact from not making the changes required by the IRS may cause the City's contribution rate to increase in the future.

Fiscal Note: There is no fiscal impact related to the recommended ordinance language changes.

RECOMMENDATION

Recommended Motion: The City Commission authorize the City Attorney to draft, and the Clerk to advertise, an ordinance amending the General Employees' Pension Plan and Disability Pension Plan to add the exclusive benefit rule language required by IRS Revenue Ruling 2011-1.

110371.

Amendment to Parking Code (NB)

A request to authorize the City Attorney to prepare and the Clerk of the Commission to advertise amendments to Section 26 of the Code of Ordinances of the City of Gainesville, Florida regarding mid-street parking for loading/unloading.

Explanation: Section 26.3 of the Code of Ordinances authorizes the City Manager to designate loading zones. On June 24, 2004 the City Manager issued a set of procedures for utilization of mid-street parking for loading and unloading in the downtown area. However, these procedures are not codified, and the parking restrictions may not have been widely understood. Therefore, the City Attorney's Office recommended they be codified into the Gainesville Code of Ordinances. The proposed ordinance also clarifies the need to leave room to pass and to avoid blocking traffic, and that such parking procedures are not available when traffic conditions or special events make it unsafe. Finally, it is recommended that the current placard issuance requirements for vehicles without business markings be removed, as these procedures have never been utilized.

Fiscal Note: There is anticipated an estimated \$200 of administrative costs associated with this request.

RECOMMENDATION

The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise amendments to Sections 26 as necessary.

110372.**Request for extension on Butler Plaza Planned Use District - Petition PB-09-74 (B)**

Explanation: On August 5, 2010, the City Commission approved the ordinance for Butler Plaza PUD (Ordinance No. 0-09-75). The Department of Community Affairs found the comprehensive plan amendment to be in compliance and published Notice of Intent on September 6, 2010. The City Commission continued to discuss the Planned Development rezoning during several subsequent hearings and then on May 9, 2011, the City Commission directed the City Attorney to draft an ordinance for the PD. Since that time, the City Attorney has worked with the Planning and Development Services Department, other City departments, and the petitioner to draft the ordinance and revise the associated maps and reports.

The PUD ordinance includes a provision in Section 4 that states that the overlay Planned Use District would expire if the property was not rezoned to PD within 12 months of the land use approval (or by September 6, 2011). This provision allows for the extension of this time period by the approval of the City Commission, provided that an extension application was filed in a timely manner. The PUD ordinance states that timely filing of an extension request tolls the expiration date until such time as the Commission takes final action on the extension application. The Owner's agent submitted a letter requesting extension to the Planning and Development Services Department on August 10, 2011, and the PUD has thus remained in effect until the City Commission takes action on this extension request. The original request was for an extension for two months, but given the current status of the PD ordinance, staff is recommending that the period for obtaining PD zoning approval be extended until January 19, 2012.

Fiscal Note: None.

RECOMMENDATION

Staff to City Commission - The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance extending the date for obtaining PD rezoning for the Butler Plaza PUD to January 19, 2012.

110372_Attorney 8-10-11 Letter_20111020.pdf

110375.**Award of Contract for Group Life Insurance to Standard Life Insurance Company as Proposed by Gallagher Benefits Services (B)**

This item involves a request for the City Commission to approve the selection of Standard Life Insurance Company as the provider for Group Life Insurance Benefit.

Explanation: The City of Gainesville provides employer paid life insurance to all regular employees who work twenty hours or more per week and all retirees. The benefit varies based on the employee's base salary. Most employees receive two

times their annual base salary, up to a maximum benefit of \$50,000. For example, if an employee's base salary is equal to, or greater than \$25,000 per year, they will receive the maximum benefit of \$50,000.

The City issued a Request for Proposal for Group Life Benefits in 2011 for a three year term, but was interested in rate guarantees beyond the initial three year term. As a result of this process, the City received ten responses to the RFP. The proposals were evaluated by staff based on the following criteria:

Cost - (Rate per \$1,000 of benefit	60%
Administrative Capabilities and Experience	20%
Financial Stability (AM Best Rating)	20%
Total	100%

Using the above criteria, staff rated the proposal submitted by Standard Life Insurance Company through Gallagher Benefits Services as the lowest qualified proposal. The proposal of 18 cents per thousand was substantially less than any other proposal. The coverage offered is identical to the coverage currently provided, and includes the additional life insurance for Charter Officers. In addition, Standard agreed to cover all employees/retirees that are eligible whether actively at work or not. The Standard Life Insurance Company has guaranteed the rate of 18 cents per thousand for three years and included a carrier option to negotiate additional rate guarantees based on loss performance for two additional years.

Fiscal Note: Funds of approximately \$250,000 have been included in the proposed Fiscal Year 2011 Employee Health and Accident Benefits Fund operating budget.

RECOMMENDATION

The City Commission authorize: 1) the selection for Group Life Insurance to Standard Life Insurance Company as proposed by Gallagher Benefit Services for three years beginning October 1, 2011, 2) the issuance of a Purchase Order in an amount sufficient to cover the applicable charges for Group Life Insurance, and 3) the City Manager or designee to negotiate and execute, subject to the approval of the City Attorney as to form and legality, a contract with Standard Life Insurance Company and Gallagher Benefits Services.

110375_Award of Contract_20111020.pdf

110385.

Rental Rehabilitation Grant and City Loan to Ken Kraus (B)

This item involves a request for the City Commission to consider the approval of loan financing for the rehabilitation of a rental housing project to provide affordable housing to very low and low-income tenant households.

MODIFICATION: Withdraw from the agenda.

Explanation: The Rental Construction Program (RCP) improves the living conditions of very

low and low-income families through rehabilitation of substandard rental housing units located within the city limits of the City of Gainesville. In order to receive funding for a project, the owner/developer must follow the certain RCP guidelines such as: provide matching funds for the project, rent the units to very low and low-income families, provide annual family income certification information, provide rent levels that are affordable to very low and low-income families as determined by the U.S. Department of Housing and Urban Development (HUD), comply with the Federal Section 8 Housing Quality Standards and City of Gainesville building codes. As with all of the City's housing programs, funding for the RCP is made available to eligible investors on a first-come, first-ready, first-served basis. The RCP is advertised annually and applications are accepted until the funding cycle is determined by the City to be closed.

Mr. Kraus is proposing to renovate an 11-unit apartment building with site improvements (parking lot and fencing) located at 1690-98 NE 16th Avenue. Each unit contains one bedroom and one bathroom. Upon completion, these rental housing units will be leased to very-low and low-income households. The current approved RCP guidelines allows: A maximum due-on-sale loan award of \$7,500 for each one-bedroom unit; a grant to cover any insulation and venting, if any; and a grant to cover project closing costs. Any funding amounts above these maximum grant awards require the approval of the City Commission. The City Commission does not have an approved policy for granting low interest loans to investors; and has historically taken action on these type requests on an individual basis.

HCD staff has completed a financial and construction feasibility of the project. The total cost of the project is estimated to be \$78,000 and requires 50% in matching funds from Mr. Kraus. The City can provide Mr. Kraus with a \$39,000 due on sale loan, plus a \$2,300 grant to cover insulation and venting; and \$550 for project closing costs. Mr. Kraus is required to provide a 50% match of the remaining costs of the project in the amount of \$39,000. At this time, Mr. Kraus does not have the full amount of the matching funds required to complete the project. As a result, Mr. Kraus is requesting for the City to provide a \$20,000 low-interest loan to combine with his \$19,000 cash equity to meet the matching funds requirement as required by the RCP. The overall goal of the RCP is to improve and maintain the stock of housing available to very low and low-income families to provide opportunities for decent, safe and affordable rental housing. If funded, this project will help the City to continue its goals to increase the amount of affordable housing and low cost housing throughout the City.

Fiscal Note: The Investor has cash equity to fund a portion of the rehabilitation (approximately \$19,000). The Housing & Community Development Division has funds available in its HOME Rental Construction Program budget to provide the City's 50% match in the amount of \$39,000, plus the \$2,300 grant to cover insulation and venting, and project \$550 for closing costs; and to finance the \$20,000 grant and loan to Mr. Kraus to complete this rental housing project.

RECOMMENDATION

The City Commission: 1) approve the award of a \$39,000 Rental Rehabilitation due-on-sale loan, \$550 closing cost grant and \$2,300 insulation and venting

grant to Ken Kraus; 2) authorize the award of a \$20,000 loan to KBR Investments, LLC, with a 3% interest rate and 10-year term; 3) authorize the Housing & Community Development Division to use the standard Rehabilitation Program grant and loan closing documents to consummate the grant and loan awards, subject to approval by the City Attorney as to form and legality; and 4) authorize the issuance of purchase orders to the contractors performing the work for the rehabilitation of the units, parking lot improvements and fencing improvements not to exceed a combined total of \$78,000.

110385_Draft Loan Commitment_20111020.pdf

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

110400.

Contract for Cost-of-Service and Utility Rate Studies (B)

Explanation: GRU annually performs in-house cost-of-service studies for four of its five utility systems, excluding the telecommunication system. Revenue requirements and rate development are also performed by staff within GRU. It has been more than ten years since an external firm has conducted cost-of-service or utility rate studies for GRU. GRU seeks an external view on these processes.

Purchasing issued a Request for Proposal for the provision of a cost-of-service and utility rate studies. The Request for Proposal was sent to twelve (12) prospective proposers and six (6) responses were received. Baker Tilly Virchow Krause, LLP submitted the best evaluated proposal for the cost-of-service and utility rate studies for GRU based on the following criteria: fees and expenses, understanding and approach, company qualifications and experience, proposed methodology and references. A tabulation of the scoring is attached for your reference.

Fiscal Note: Funds for these services have been included in the FY 2012 budget.

RECOMMENDATION

The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a one-year contract and a one-year extension with Baker Tilly Virchow Krause, LLP for the provision of cost-of-service and utility rate studies, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services in amounts not exceeding \$190,000, pending final appropriation of funds.

Cost of Service backup item 110400.pdf

CITY ATTORNEY, CONSENT AGENDA ITEMS

110386.**QUIT CLAIM DEED TO PRESTIGE LINCOLN-MERCURY, INC. FOR
VACATED RIGHT-OF-WAY (NB)**

Explanation: The City Commission adopted Ordinance No. 110048 that vacated certain right-of-way that had been conveyed to the City by warranty deed. The current property owner, Prestige Lincoln-Mercury, Inc., requests the City to quit claim the vacated right-of-way because they maintain that the ordinance itself is insufficient to convey clear legal title to Prestige Lincoln-Mercury, Inc.

RECOMMENDATION

The City Commission authorize the Mayor and Clerk of the Commission to execute a Quit Claim Deed to Prestige Lincoln-Mercury, Inc. relating to right-of-way vacated by Ordinance No. 110048.

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**110403.****City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of October 6, 2011, as circulated.

110403_oct.6,_minutes_20111020.pdf

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES**

110398.**Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project (B)**

MODIFICATION: Power Point submitted 10/13/2011. Reviewed by GRU Attorney.

Explanation: The Sweetwater Branch/Paynes Prairie Sheetflow Restoration project is being designed. This project provides substantial benefits: improves water quality, restores wetlands and meets the City's (GRU and stormwater utility) Total Maximum Daily Load regulatory requirements. The project includes a public access component that provides opportunities for passive recreation; hiking, jogging and nature study. Initial construction includes Phase I public use improvements; parking, restroom/entrance, trails, boardwalks and interpretive signage. Additional architectural designs for future public use facilities include a solar viewing tower and visitor center.

Two neighborhood workshops held to present conceptual and preliminary plans to neighboring property owner's generated overwhelmingly supportive comments. One additional neighborhood workshop will take place to present final development plans to neighboring property owners.

The City Commission authorized staff to investigate the possibility of privatizing the operation and maintenance of the public use facilities. It may be possible to operate the park in a manner similar to the Kanapaha Botanical Gardens model, however, the first solicitation for a contract operator ended on September 28, 2011; no responses were received.

Fiscal Note: The 60% construction estimates for the Paynes Prairie Sheetflow Restoration water quality and Phase I public use facilities and Security Residence is approximately \$26 million. Grant funding obtained from outside funding partners is \$3.6 million. Cost share and grant applications totaling an additional \$1.9 million are pending. Cost share and grant funding will offset local funding obligations. Funding for initial construction is included in the Water Wastewater Capital Improvements budget, and in the Public Works Stormwater Capital Improvements budget. Funding needed for future phases including the solar viewing tower and visitor center is estimated at approximately \$2.3 million, and is not included in current budgets.

RECOMMENDATION

The City Commission

- 1) Hear a presentation from staff.*
- 2) Refer Public Use Management of the Sweetwater Branch/Paynes Prairie Sheetflow Restoration Project to the Recreation, Cultural Affairs and Public Works Committee for further discussion.*

110398_MOD_PaynesPrairieSheetflow_60%_CC_20111020.pdf

110377.**Proposed Solar Feed-in-Tariff Rates (B)**

MODIFICATION: Revised ppt. submitted. Legal Review by GRU Attorney.

Explanation: Staff has developed the proposed Solar Feed-in-Tariff (FIT) rates for 2012.

Staff has performed the requisite studies and is proposing new FIT rates to take effect January 1, 2012. No additional changes are being proposed to the ordinance at this time.

Fiscal Note: The purchased power cost of the FIT will be included in the budget proposal for FY 2011 - FY 2012.

RECOMMENDATION

The City Commission receive a presentation from staff and direct the City Attorney to draft and the City Clerk to advertise the ordinance to adopt the recommended 2012 FIT rates.

110377_MOD_GRU_FINAL 2012 FIT Pricing_ppt_20111020.PDF

110425.

GRU Community and Government Relations Update (B)

A presentation will be made regarding the community relations programs and activities currently managed by Gainesville Regional Utilities. A brief report will also be provided highlighting a few of the key legislative and regulatory issues GRU is following and advocating for.

MODIFICATION: New Item with ppt. Legal Review by GRU Attorney.

Explanation: GRU is a publically owned utility and takes its mission of serving the community to heart. The Community and Government Relations Office is responsible for designing, implementing, and evaluating vehicles for two-way communication between the utility and the communities we serve. The office is further responsible for identifying opportunities to invest GRU's limited resources in ways that provide a societal return on investment that enhances our community's quality of life.

The Community Relations Director last updated the City Commission in the fall of 2009. Since that time, the Community Relations office has expanded to include Government Relations responsibilities. This includes coordinating GRU's education and advocacy efforts on the state and federal levels of government. This is accomplished through close relationships with elected officials, agency leaders, and trade associations that represent our customer's interests in the provision of safe, reliable, and environmentally responsible energy at affordable prices.

Fiscal Note: None.

RECOMMENDATION

The City Commission hear a presentation from Community and Government Relations Director Nona Jones.

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR**COMMITTEE REPORTS (PULLED FROM CONSENT)****ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)****OUTSIDE AGENCIES****MEMBERS OF THE CITY COMMISSION****110409.****Membership of the City of Gainesville in Mayors for Peace (B)**

Fiscal Note: There is no fiscal impact related to membership in Mayors for Peace.

RECOMMENDATION

The City Commission approve the membership of the City of Gainesville in Mayors for Peace.

110409_Mayors for Peace_20111020.pdf

COMMISSION COMMENTS (if time available)**RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****110395.****Gainesville Community Planning Month - October 2011 (B)****RECOMMENDATION**

American Planning Association Chairman San Felasco Chapter Doug Robinson, Planning Division Planning Manager Ralph Hilliard and Planning Principal Onelia Lazzari to accept the proclamation.

110395_PlanningMonth_20111020.pdf

110396.**National Arts and Humanities Month - October 2011 (B)****RECOMMENDATION**

Gainesville Alachua County Cultural Affairs Board Chair Joe Savastano to accept the proclamation.

110396_ArtsHumanities_20111020.pdf

110397.

DECA Week - October 9-15, 2011 (B)

RECOMMENDATION

Buchholz DECA President Cameron Gera and Executive Vice President Nicole Puente-Solis to accept the proclamation.

110397_DECAWeek_20111020.pdf

110408.

One Less Car (B)

RECOMMENDATION

to accept the proclamation.

CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

110358.

Bond Resolution Related to the Refunding of the First Florida Governmental Financing Commission Series 2002 (FFGFC 2002) Bonds (B)

This item involves a request for the City Commission to adopt the proposed resolution authorizing the issuance of bonds to refund the outstanding FFGFC 2002 bonds.

Explanation: With the recent rally in the municipal bond market, rates have fallen to the point where it is financially prudent to refund the City's outstanding FFGFC 2002 bonds. The proposed Capital Improvement Revenue Refunding Bonds, Series 2011 issue would refund \$6.2 million of the original FFGFC 2002 issue, with the final maturity of the refunding issue equal to that of the original bonds. Given the relatively small size of the proposed refunding, staff and the City's financial advisor have determined that the most cost-effective method for accessing the capital markets for this transaction is the utilization of a bank-qualified loan.

Fiscal Note: Given current market rates the City's financial advisor projects savings to the City over the 10 year life of the refunding issue of approximately \$700,000.

RECOMMENDATION

The City Commission: 1) adopt the proposed resolution authorizing issuance of the Capital Improvement Revenue Refunding Bonds, Series 2011;

2) authorize the City Manager, Administrative Services Director, and Finance Director to retain the required professional services to execute the proposed bond issue; and 3) authorize the Clerk of the Commission, City Attorney, City Manager, Administrative Services Director, and Finance Director to execute documents required to close the proposed bond issue.

110358_Resolution_20111020.PDF

ADOPTION READING-ROLL CALL REQUIRED

TRANSMITTAL HEARING

110046.

LAND USE CHANGE - NORTH SIDE OF N. 53RD AVENUE IN THE VICINITY FROM THE NORTHWEST 3400 BLOCK TO THE NE 3000 BLOCK (B)

Ordinance No.110046; Petition No. PB-11-29 LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from undesignated right-of-way and the Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use category of "Public Facilities"; consisting of approximately 35 acres, and located in the vicinity of the north side of North 53rd Avenue, extending from the Northwest 3400 block to the Northeast 3000 block; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This petition is a large-scale land use amendment to change the Future Land Use category for two City-owned parcels. Parcel 1 is 75 feet wide and approximately 2 miles long, totaling 25.1 acres; it extends along the north side of North 53rd Avenue in three segments from NW 34th Street to NE 15th Street. This parcel is not currently designated with any land use category. Approximately one-third of this parcel was annexed in 2010, and the remainder was created from right-of-way in 2008.

Parcel 2 (07874-001-001) is located on the north side of NE 53rd Avenue east of the Murphree Water Treatment Plant and is 150 feet wide and approximately 2,900 feet long, totaling 9.9 acres. It was annexed in 2010 and its current land use designation is Alachua County Rural/Agriculture.

Parcel 1 is currently in use as a utility corridor for Gainesville Regional Utilities (GRU) power lines; Parcel 2 is undeveloped. No other development is anticipated. The Public Facilities land use category is proposed for both parcels.

Public notice was published in the Gainesville Sun on May 9, 2011. The Plan Board held a public hearing on May 26, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published. In accordance with Chapter 163.3184, Florida Statutes, the City must consider the written comments, if any, received concerning the plan amendment.

This ordinance, if adopted on second reading, will be sent to the state land planning agency and any party that submitted written comments, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-29LUC; and 2) adopt the proposed ordinance.

110046A_draft ordinance_20111020.pdf
110046B_staff report_20111020.pdf
110046C_append A_20111020.pdf
110046D appendix B_maps_20111020.pdf
110046E_appendix C_supplemental docs_20111020.pdf
110046F_application amended_20111020.pdf
110046G_cpb minutes_20111020.pdf
110046H_staff ppt_20111020.pdf

110110.

LAND USE CHANGE – 7200 – 7300 BLOCK OF NW 4TH BLVD (B)

Ordinance No. 110110; Petition No. PB-11-47 LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of “Commercial” to the City of Gainesville land use category “Commercial”; consisting of approximately 27.8 acres, and located in the vicinity of the 7200-7300 block of Northwest 4th Blvd; providing directions to the City Manager; providing a severability clause; providing a repealing clause and providing an effective date.

Explanation: STAFF REPORT

This proposed large-scale amendment of the Future Land Use Map from

Alachua County Commercial to City of Gainesville Commercial pertains to an approximately 27.8-acre property that was voluntarily annexed into the City on April 15, 2010. The property is located east of Tower Road (Northwest 75th Street), west of Interstate 75, north of West University Avenue, and is in the general vicinity of the 7200 - 7300 blocks of Northwest 4th Boulevard. This developed property includes the 65,000 square-foot, commercial (retail) Tower Center that was built in 1989 and that is adjacent to and west of the previously annexed Home Depot store, and a very large stormwater retention pond to the north across NW 4th Boulevard.

The proposed land use change from Alachua County Commercial to City of Gainesville Commercial is appropriate for the property's established and continuing use as a commercial center close to the major arterial roadways of State Road 26 (Newberry Road), Northwest 75th Street (Tower Road), and Interstate 75. This large-scale land use amendment entails no major transportation issues, and will have no impact on adopted levels of service for potable water and wastewater, solid waste, stormwater management, recreation, and public school facilities. There are no major environmental impacts and constraints associated with this petition.

This petition is related to Petition PB-11-48 ZON, which is a request for rezoning from Alachua County Highway oriented business services district (BH) and Administrative and Professional district (AP), to City of Gainesville General business district (BUS).

The Plan Board discussed the petition and recommended approval with a 4-0 vote.

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published. In accordance with Chapter 163.3184, Florida Statutes, the City must consider the written comments, if any, received concerning the plan amendment.

This ordinance, if adopted on second reading, will be sent to the state land planning agency and any party that submitted written comments, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission: 1) approve Petition No.

PB-11-47LUC and; 2) adopt the proposed ordinance.

110110B_staff report_20111020.pdf
110110C_append A_GOPs_20111020.pdf
110110D_append B_supplemental docs_20111020.pdf
110110E_append C_application_20111020.pdf
110110F_cpb minutes_20111020.pdf
110110G_staff ppt_20111020.pdf

110246.

COMPREHENSIVE PLAN AMENDMENT - CONSERVATION, OPEN SPACE & GROUNDWATER RECHARGE AND FUTURE LAND USE ELEMENTS (B)

Ordinance No. 110246; Petition No. PB-11-75 CPA

An ordinance amending the City of Gainesville Comprehensive Plan; by amending the Conservation, Open Space & Groundwater Recharge Element Policies 1.1.1, 1.1.1.b, 1.1.1.b.2, 1.1.1.b.3, 1.1.1.b.4, 1.1.1.b.11, 1.1.1.c, 1.1.1.f, Objective 2.4, and Policies 2.4.1, 2.4.2, 2.4.11, and 2.4.12; by amending the Future Land Use Element Policies 3.1.1, and 3.1.2; by creating and adding a Policy 3.2.4 to the Future Land Use Element; by deleting the Uplands map and replacing it with a Strategic Ecosystems map in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series; providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: This petition and ordinance provide Comprehensive Plan support and consistency for the proposed changes being made to the City's regulations for natural and archaeological resource protection as approved by the Plan Board on March 24, 2011 (Petition PB-10-143 TCH) and the City Commission on August 4, 2011 (Legistar #110076).

In addition to the changes made in support of the proposed environmental regulations, staff is proposing several text changes in policies for clarity or consistency with the Land Development Code.

Explanations for the changes are shown in the backup along with the proposed revisions to text in underline and strike-through. The first set of changes includes general policy amendments and additions to support the proposed new Natural and Archeological Resources Protection regulations. This involves amendments to the Conservation, Open Space and Groundwater Recharge and Future Land Use Elements. The second set of changes makes minor corrections and changes for clarity or consistency with the existing Land Development Code regulations for wetlands and other existing environmental features.

Additional changes to the Conservation, Open Space and Groundwater Recharge Element will be made in the next few months as part of a major update to the Comprehensive Plan. This set of changes reflects interim changes that staff deemed important for inclusion in the Plan.

After public notice was published in the Gainesville Sun on July 12, 2011, the City Plan Board held a public hearing on July 28, 2011 and, by a vote of 4-0,

recommended the City Commission approve the petition.

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 (7) days prior to the first public hearing. The second public hearing is held at the adoption stage and must be advertised at least five (5) days before the adoption hearing.

In accordance with Chapter 163.3184, Florida Statutes, within 10 days after the first hearing, the City must transmit the plan amendment to the Reviewing Agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments concerning the plan amendment to the City. The City must consider the written comments received, if any, during the second public hearing.

If adopted on second reading, the ordinance will be sent to the state land planning agency and any party that submitted written comments, and the plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission (1) approve Petition PB-11-75 CPA and (2) adopt the proposed ordinance.

110246B_staff report_20111020.pdf

110246C_exhibit 1_map 1 ecosystems_20111020.pdf

110246D_exhibit 2_application_20111020.pdf

110246E_cpb minutes_20111020.pdf

110246F_staff ppt_20111020.pdf

110249.

COMPREHENSIVE PLAN AMENDMENT – POTABLE WATER & WASTEWATER ELEMENT (B)

Ordinance No.110249; Petition No. PB-11-93 CPA

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Potable Water & Wastewater Element by updating and amending the Objectives and Policies as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

The Potable Water & Wastewater Element was last amended in September 2003 (by Ordinance No. 020721).

The proposed amendments of the Goals, Objectives, and Policies of the Potable Water & Wastewater Element for the updated Gainesville Comprehensive Plan include those that were recommended by the old Evaluation and Appraisal Report (EAR) process (the City's EAR was adopted by the City Commission on October 21, 2010 and deemed sufficient by the Florida Department of Community Affairs on December 27, 2010), and those that reflect State statutory changes since the element was last amended.

The EAR called for various amendments (e.g., "Florida Friendly" landscaping, year-round conservation rate structure for water, better regulation of private wells, and use of reclaimed water) to the goals, objectives and policies of the Potable Water & Wastewater Element, which are proposed by this petition. Other proposed amendments include referencing water/wastewater projects in the 5-Year Schedule of Capital Improvements rather than listing them in this element, adopting a level of service for water supply, and requiring amendment of the Comprehensive Plan to include a 10-year work plan for water supply projects within 18 months of adoption of water supply plans by the Water Management Districts.

The Plan Board discussed Petition PB-11-93 CPA and recommended approval with a 4-0 vote.

Public notice was published in the Gainesville Sun on July 12, 2011. The Plan Board held a public hearing on July 28, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published. In accordance with Chapter 163.3184, Florida Statutes, the City must consider the written comments, if any, received concerning the plan amendment.

This ordinance, if adopted on second reading, will be sent to the state land planning agency and any party that submitted written comments, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission: 1) approve Petition No.

PB-11-93 CPA; and 2) adopt the proposed ordinance.

110249-A_draft ordinance_20111020.pdf
110249B_staff report_20111020.pdf
110249C_append A_potable water & wastewater element_20111020.pdf
110249D_append B_2010 EAR docs_20111020.pdf
110249E_append C_addendum to data analysis_20111020.pdf
110249F_append D_application_20111020.pdf
110249G_CPB minutes_20111020.pdf
110249H_staff ppt_20111020.pdf

110263

LAND USE CHANGE - TRANSPORTATION MOBILITY ELEMENT MAP SERIES AND CONCURRENCY MANAGEMENT ELEMENT MAP SERIES (B)

Ordinance No.110263; Petition No. PB-11-36 LUC

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan; by amending the Future Land Use Element Map Series, the Transportation Mobility Element Map Series, and the Concurrency Management Element Map Series; by incorporating and adding additional parcels of land that were annexed into the City to Transportation Concurrency Exception Area maps of said Series, as more specifically described in this ordinance; including Parcel No. 07874-001-001, located in the vicinity of the 1500 block of NE 53rd Avenue, north side to Zone A, and including the western portion of Parcel No. 07871-000-000 to Zone B; including Parcel Nos. 06654-003-000 and 06654-003-001, located in the vicinity of the 7200-7300 blocks of NW 4th Boulevard, east of NW 75th Street to Zone D; providing directions to the City Manager; providing a severability clause; providing a repealing clause and providing an effective date.

Explanation: STAFF REPORT

This petition is a large-scale comprehensive plan amendment to add four annexed parcels to the City's Transportation Concurrency Exception Area (TCEA) in accordance with the procedure established in Concurrency Management Element Policy 4.3.3. The annexed properties are the subject of two different large-scale land use amendments (PB-11-29 LUC and PB-11-47 LUC). In order to incorporate these parcels into the City's TCEA, two steps must be taken:

- 1. Amendment of relevant maps in the City's Comprehensive Plan*
- 2. Placement of the parcels in a TCEA zone (in accordance with the geographic location of the parcels)*

This petition amends the TCEA maps in the: Future Land Use Element Map Series, Transportation Mobility Element Map Series, and the Concurrency Management Element.

The eastern most annexed parcel (07874-001-001) in the 1500 block of NE 53rd Avenue, north side (locator map is in the backup) is being placed in TCEA Zone

A because it is contiguous to Zone A. The annexed portion of the western parcel (07871-000-000) is being placed in Zone B because it is contiguous to that zone.

The two annexed parcels in the 7200-7300 blocks of NW 4th Boulevard, east of NW 75th Street (locator map is in the backup) are both being placed in TCEA Zone D because they are west of I-75.

Policy 4.4.3 of the Future Land Use Element sets out the procedure for how annexed properties (large-scale) will be added to the TCEA. That policy states:

"Properties that involve a large-scale land use amendment shall be placed in a TCEA zone as part of the large-scale amendment process for the property. This shall be done by simultaneous amendments to the appropriate TCEA maps in the Comprehensive Plan. Consistent with Policy 1.5.6, the City shall provide sufficient Data and Analysis information with the associated Comprehensive Plan amendments to ensure that the City's status as an urban service area is maintained after annexation."

This change to the TCEA reflects interim changes for consistency with the current policies in the Comprehensive Plan. Over the next several months, Planning staff will be in discussions with the Florida Department of Transportation and the state land planning agency concerning overall changes to the City's Comprehensive Plan that may result in amendments that rename the TCEA and its zones to Transportation Mobility Areas (TMA).

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published. In accordance with Chapter 163.3184, Florida Statutes, the City must consider the written comments, if any, received concerning the plan amendment.

This ordinance, if adopted on second reading, will be sent to the state land planning agency and any party that submitted written comments, and the Plan amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-36LUC; and 2) adopt the proposed ordinance.

110263-A_draft ordinance_20111020.txt
110263B_staff report_20111020.pdf
110263C_append A_comp plan maps_20111020.pdf
110263D_Appendix B_application_20111020.pdf
110263E_cpb minutes_20111020.pdf
110263F_staff ppt_20111020.pdf

110290.**COMPREHENSIVE PLAN AMENDMENT - INTERGOVERNMENTAL COORDINATION ELEMENT - FUTURE LAND USE ELEMENT (INNOVATIVE ECONOMY) (B)****Ordinance No. 110290; Petition No. PB-11-103 CPA**

An ordinance amending the Future Land Use Element of the City of Gainesville 2000-2010 Comprehensive Plan; by updating and amending the Objective and Policies relating to the development of the Innovative Economy within the non-residential areas of the Gainesville Innovation Zone, as more specifically set forth in this ordinance; providing directions to the city manager and the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: STAFF REPORT

This petition amends the Intergovernmental Coordination Element (ICE) by deleting Objective 1.7 and all of its policies and moving them to the Future Land Use Element. This action was recommended by the old Evaluation and Appraisal Report (EAR) that was adopted on October 21, 2010 and deemed sufficient by the Florida Department of Community Affairs on December 27, 2010.

Because the Innovation Zone is an important part of the City's strategy for redevelopment and economic development, the Objective and policies are being moved to the Future Land Use Element to give them more prominence and visibility.

The Plan Board heard a presentation on Petition PB-11-103 CPA and recommended approval with a 4-0 vote.

Public notice was published in the Gainesville Sun on August 9, 2011. The Plan Board held a public hearing on August 25, 2011.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published. In accordance with Chapter 163.3184, Florida Statutes, the City must consider the written comments, if any, received concerning the plan amendment.

This ordinance, if adopted on second reading, will be sent to the state land planning agency and any party that submitted written comments, and the Plan

amendment, if not timely challenged, shall be effective 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If the Plan amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-103 CPA; and 2) adopt the proposed ordinance.

110290B_staff report_20111020.pdf

110290C_exhibit 1_application_20111020.pdf

110290D_cpb minutes_20111020.pdf

110290E_staff ppt_20111020.pdf

ORDINANCES, 1ST READING- ROLL CALL REQUIRED**110247.****LAND DEVELOPMENT CODE - CENTRAL CORRIDORS SPECIAL AREA PLAN (B)****Ordinance No. 110247; Petition No. PB-11-90 TCH**

An ordinance of the City of Gainesville, Florida, amending Section 30-23 of the Land Development Code of the City of Gainesville by defining "service bay" and "service area entrance"; amending Appendix A, Section 5, Exhibit B. Central Corridors Special Area Plan of the Land Development Code, by revising the limitations on service bays for limited automotive services and deleting an obsolete graphics figure; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

MODIFICATION: This item was moved from "Transmittal Hearing" to "First Reading" per the City Attorney.

Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This Petition and Ordinance will allow for an increase in the number of service bays for limited automotive services uses in the Central Corridors Special Area Plan.

The Central Corridors Special Area Plan currently restricts "limited automotive services" (such as tire service and oil change centers) to a maximum of three service bays. This limitation on the number of service bays is intended to limit the noise and visibility impacts from lifts and other equipment, and from ongoing service to motor vehicles. This standard was written to address a building design where the service bays would be facing directly onto a street or adjacent property, but does not consider alternative designs that would orient service bays so that they are not directly exposed to the exterior of buildings. This ordinance will allow for an increase in the number of service bays for limited automotive service uses in the Central Corridors Special Area Plan, but

only when they are designed so that the bays do not face the exterior of the building. The new language distinguishes between two options for designing limited automotive service buildings: 1) with a maximum of three service bays facing the exterior of the building and accessed directly from the exterior of the building; and 2) with a maximum of two service area entrances providing indirect access to internally-oriented service bays.

The proposed text amendment is consistent with the overall intent of Central Corridors to "strike a balance between the needs of the car and pedestrian" and "improve the sense of place and community" while continuing to support a healthy economy. The amendment is also consistent with the specific intent of the Central Corridors auto-oriented use standards, which are designed to protect community character and minimize impacts on neighborhoods and pedestrians in the public realm.

This amendment is consistent with Policy 1.1.2 of the Urban Design Element of the Comprehensive Plan, which states that "The City shall establish urban design standards which protect and promote quality of life, in order to encourage redevelopment and new development within city limits rather than in outlying areas by amending the Land Development Code to adopt additional design standards for any particular parts of the city." By providing additional flexibility for limited automotive services in the Central Corridors overlay, this amendment will allow for certain auto-oriented uses, when they are appropriately designed, to continue to be located in the more central and urban areas of the City.

Public notice was published in the Gainesville Sun on July 12, 2011. On July 28, 2011, the City Plan Board heard the Petition and, by a vote of 4-0, approved the Petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. If this ordinance is passed on first reading, second and final reading will be held on Thursday, November 3, 2011.

RECOMMENDATION

The City Commission (1) approve Petition PB-11-90 TCH and (2) adopt the proposed ordinance.

110247A_draft ordinance_20111020.pdf
110247B_staff report_20111020.pdf
110247C_application & info_20111020.pdf
110247D_cpb minutes_20111020.pdf
110247E_staff ppt_20111020.pdf

110289.

LAND DEVELOPMENT CODE - ICE MANUFACTURING/VENDING MACHINES (B)

Ordinance No.110289; Petition No. PB-11-104 TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code; by creating and adding the definition of Ice Manufacturing/Vending Machines to Section 30-23; adding Ice

Manufacturing/Vending Machines as a specially regulated use by right to the list of permitted uses in the following districts: "BI: Business industrial district", "W: Warehousing and wholesaling district", "I-1: Limited industrial district", "I-2: General industrial district"; adding Ice Manufacturing Vending Machines as a specially regulated use by special use permit in the following districts: "BUS: General business district", "BA: Automotive-oriented business district", and "BT: Tourist-oriented business district"; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition is related to Petition PB-11-55 TCH, which would amend the Land Development Code to add ice manufacturing/vending machines as a specially regulated use and limit the zoning districts in which the use is allowed either by right or by Special Use Permit. The City Plan Board recommended at their April 28, 2011 meeting that staff initiate a petition to change the BI, W, I-1, I-2, BUS, BA, and BT zoning districts to add the specially regulated use with reference to Article VI. The City Commission concurred with the Plan Board recommendation at their public hearing on July 7, 2011. This petition adds a definition for ice manufacturing/vending machines to Section 30-23, Definitions, of the Land Development Code. Ice manufacturing/vending machines will be added as a specially regulated use by right to the list of permitted uses in the BI, W, I-1, and I-2 zoning districts. They will be added as a specially regulated use by Special Use Permit to the list of permitted uses in the BUS, BA, and BT zoning districts.

Planning Division staff recommended approval of Petition PB-11-104 TCH.

The City Plan Board reviewed the petition and recommended approval. Plan Board vote 4-0.

Public notice was published in the Gainesville Sun on August 9, 2011. The Plan Board held a public hearing on August 25, 2011.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are submitted simultaneously for approval. This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on November 3, 2011.

RECOMMENDATION

The City Commission: 1) approve Petition No. PB-11-104 TCH; and 2) adopt the proposed ordinance.

110289-A_draft ordinance_20111020.pdf

110289B_staff report_20111020.pdf

110289C_exhibit 1_text amendment application_20111020.pdf

110289D_cpb minutes_20111020.pdf

110289E_staff ppt_20111020.pdf

110112.**LAND DEVELOPMENT CODE - ICE MANUFACTURING/VENDING MACHINES AS SPECIALLY REGULATED USE (B)****Ordinance No.110112; Petition No. PB-11-55 TCH**

An ordinance of the City of Gainesville, Florida; by creating and adding Section 30-120 to the Land Development Code by adding Ice Manufacturing/Vending Machines as a specially regulated use; as more specifically set forth in this ordinance; providing directions to the City Manager; providing directions to the codifier; providing a severability clause; and providing an immediate effective date.

Explanation: STAFF REPORT

This petition proposes an amendment to Article VI of the Land Development Code to add a new specially regulated use of Ice Manufacturing/Vending Machines. This would be codified as Sec. 30-120.

The petitioner, East Coast Ice, has provided a document with proposed language for the new Sec. 30-120. That document also contains various photos of various buildings already in place in locations and schematics showing the ability to screen machinery.

Staff has reviewed the petitioner's draft language, and while there are some areas of agreement, staff finds that the petitioner's proposed requirements do not adequately protect the City's design and aesthetic principles as embodied in the Comprehensive Plan and Land Development Code. The section in the Staff Report labeled "Recommended Changes to Article VI. Requirements for Specially Regulated Uses" indicates staff's recommended requirements for this use as the preferred alternative to the draft proposed by the petitioner.

In addition, the petitioner's draft language included allowing the use by Special Use Permit in the MU-1 (8-30 units/acre mixed-Use Low Intensity); MU-2 (12-30 units/acre mixed use medium intensity); UMU-1 (up to 75 units/acre urban mixed-use district); UMU-2 (up to 100 units/acre urban mixed-use district); and CCD (up to 150 units/acre central city district) zoning districts.

Staff cannot support the addition of this proposed use even by Special Use Permit in any of the mixed use districts, which includes MU-1, MU-2, UMU-1, UMU-2, and CCD. The Ice Manufacturing/Vending Machines are not consistent with the urban and streetscape vision for these districts as embodied in the Comprehensive Plan and Land Development Code. Each of these districts allow residential, and the Ice Manufacturing/Vending Machines are not compatible with residential use.

This proposal for inclusion in the MU-1, MU-2, UMU-1, UMU-2, and CCD districts is inconsistent with several Comprehensive Plan goals, objectives, and policies. They include: Urban Design Element Objectives 1.2, and 1.8; and Future Land Use Element Policy 1.4.4.

In particular, Future Land Use Element Policy 1.4.4 speaks to the issue of uses

in the mixed-use zoning districts. It states, "In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots."

While the ice machine manufacturing/vending units are not specifically called out in this policy, it is clear that the mixed-use zoning districts should discourage uses that discourage pedestrian activity and residential use. Currently, the MU-1 and MU-2 zoning districts do not allow the use and building type proposed by Ice House America, and this is supported by the Comprehensive Plan.

Staff recognizes that when the City Commission heard an appeal (December 2, 2010) of the Board of Adjustment decision on the classification of this use, there was an additional motion approved at the time that stated, "Direct staff to look at development and architectural standards for businesses such as these in the MU-1 and MU-2 zoning districts."

During the interim period, staff has consistently moved forward on recommended changes to the MU-1 and MU-2 zoning districts. The Plan Board heard and unanimously approved (6-0) Petition PB-11-28 TCH (which includes changes to the MU-1 and MU-2 zoning districts and establishes activity centers in the mixed use zoning districts) at the May 23, 2011 meeting. After a careful review of the proposed changes and the intent of the revised MU-1 and MU-2 zoning regulations, staff does not find the Ice Manufacturing/Vending Machines as a compatible use with those regulations for a more urban form in the MU-1 and MU-2 zoning districts.

The Ice Manufacturing/Vending Machine use is auto-oriented and does not support the pedestrian/bicycle vision for the mixed use districts. Both the City's Transportation Concurrency Exception Area (TCEA) and the mixed use zoning districts promote pedestrian access and a reduction in vehicle trips. As stated in the MU-1 district purpose clause, "The district is intended to reduce the length and number of vehicle trips by providing for basic needs within close proximity to residential area, by encouraging pedestrian access, and by the combining of trips." Access to these ice manufacturing/vending machines is clearly designed for automobiles, and pedestrian/bicycle trips are not encouraged by this use.

The Plan Board discussed the petition and voted to approve the petition 4-0 with modifications to the staff recommendation by deleting the one mile spacing requirement and the skirting requirement for the machines and adding a requirement that the utility connections on the machines be screened from public rights-of-way and from pedestrian rights-of-way.

Public notice was published in the Gainesville Sun on April 12, 2011. The Plan Board held a public hearing on April 28, 2011.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 7, 2011, approved the Petition that authorized the City Attorney to draft the proposed ordinance.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

7/7/11 City Commission Approved as Recommended (Staff to City Commission)
(7 - 0)

110112A_staff ppt_20110707.pdf
110112B_exhibit A-1_20110707.pdf
110112C_exhibit B-1_20110707.pdf
110112D_exhibits C-1 & C-2_20110707.pdf
110112E_updated info from pet.pdf
110112F_cpb minutes_20110707.pdf
110112G_staff ppt_20110707.pdf
110112H_petitioner ppt_20110707.pdf
110112_draft ordinance_20111020.pdf

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

110106.

HOUSE BILL 7207 - PERMIT EXTENSIONS PROVISIONS - EFFECT ON AND IMPLEMENTATION BY THE CITY OF GAINESVILLE (B)

Ordinance No. 110106

An Ordinance of the City of Gainesville, Florida, establishing administrative procedures, fees, requirements and limitations to carry out the development order and building permit extensions authorized by House Bill 7207, now known as Chapter 2011-139, Laws of Florida; providing a severability clause; and providing an immediate effective date.

Explanation: On June 2, 2011, the Governor signed House Bill 7207 entitled the "Community Planning Act" (now Chapter 2011-139, Laws of Florida) ("HB 7207") into law and it became effective on that date. While HB 7207 covers many community development issues, this ordinance is limited to the sections of HB 7207 that provide for additional 2-year extensions to local permits, in addition to the extensions granted by 2009's Senate Bill 360 ("SB 360") and 2010's Senate Bill 1752 ("SB 1752"). Under HB 7207, holders of permits who received a SB 360 extension and holders of permits with an expiration date of January 1, 2012 through January 1, 2014, have until December 31, 2011, to extend and renew their permit for a period of 2 years from its current date of expiration. Provided, however, that the total of all extensions granted under SB 360, SB 1752 or this HB 7207 do not exceed four years.

On August 4, 2011, the City Commission directed the City Attorney to prepare an ordinance to establish procedures and fees to provide clarity in the processing, administration and documentation of the HB 7207 permit extensions, just as the City did previously with SB 360 and SB 1752. On August 1, 2011 litigation challenging the constitutionality of HB 7207 was filed and is pending so this ordinance also attempts to address the effect of subsequent invalidation of HB 7207.

Should the City Commission pass this ordinance on first reading, second and final reading will be held on October 20, 2011.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/4/11 City Commission Approved as Recommended (7 - 0)
10/6/11 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110106_Ch. 2011-139 Laws of Florida_20110804.pdf
110106A_draft ordinance_20111006.pdf
110106B_Ch. 2011-139 Laws of Florida_20111006.pdf

110175.

**RENAMING THE CITY OF GAINESVILLE 2000-2010
COMPREHENSIVE PLAN (B)**

Ordinance No.110175

An Ordinance of the City of Gainesville, Florida relating to the City of Gainesville Comprehensive Plan; by redesignating and renaming the “City of Gainesville 2000-2010 Comprehensive Plan” to the “City of Gainesville Comprehensive Plan”; providing directions to the city manager and the codifier; providing a repealing clause; and providing an immediate effective date.

Explanation: STAFF REPORT

At the August 4, 2011 City Commission meeting, Planning and Development Services staff presented an information update on House Bill (HB) 7207 changes in growth management law and the implications for the City's comprehensive planning process (Legislative Matter 110175). One of the matters discussed concerned staff's strategy for updating the comprehensive plan in light of HB 7207.

A specific recommendation was included to rename the current Gainesville 2000-2010 Comprehensive Plan to the Gainesville Comprehensive Plan as part of the ongoing update process for the plan. The 2000-2010 date period is outdated, and now that the plan will be updated on a regular and ongoing basis under HB 7207 regulations, there is no need to tie it to a specific date range. There was general agreement with staff's strategy for moving forward.

Six comprehensive plan element updates are being transmitted to the state at the October 6, 2011 City Commission meeting. As part of those updates, this ordinance to change the name of the City's Comprehensive Plan is timely and consistent with the strategy proposed under Legislative Matter 110175.

The City Plan Board heard a similar presentation about the HB 7207 changes and implications at their July 28, 2011 meeting. The Plan Board also expressed agreement with Planning staff's strategies for the updating of the plan and the renaming of the plan at that meeting.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

8/4/11 City Commission Heard
10/6/11 City Commission Adopted on First Reading (Ordinance) (6 - 0 - 1 Absent)

110175_FAQ about community plan act_20110804 .pdf
110175_draft ordinance_20111006.pdf

110309.**2012 ELECTION QUALIFYING DATES (B)****Ordinance No. 110309**

An ordinance of the City of Gainesville, Florida, setting the dates for qualifying for the 2012 regular election; providing a severability clause; providing a preemption clause; and providing an immediate effective date.

Explanation: The City Commission, at its meeting of September 15, 2011, authorized the City Attorney's Office to draft an ordinance setting the qualifying dates for the 2012 City Commission regular election.

On June 16, 2011, the City Commission adopted an ordinance setting the 2012 City Commission regular election date for January 31, 2012, the date currently set for the presidential preference primary. Florida law permits a municipality to move the date of any municipal election to a date concurrent with a state or federal election notwithstanding any charter or ordinance provisions to the contrary. The statute requires, however, that the names to appear on the ballot in the presidential preference primary will be furnished to the Supervisor of Elections offices "no later than the third Tuesday after the first Monday in November of the year preceding the presidential preference primary". The Supervisor of Elections notified the City that she will need the names no later than November 22, 2011. For this reason, the qualifying dates will need to be set as described above.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

9/15/11 City Commission Approved as Recommended (7 - 0)
10/6/11 City Commission Adopted on First Reading (Ordinance) (7 - 0)

110309A_MOD_2012 Election Dates_20110915.pdf
110309A_draft ordinance_20111006.pdf
110309B_Supervisor of Elections Memo_20111006.pdf

PLAN BOARD PETITIONS

110373.**Development Review Process and Neighborhood Workshop Text Amendment (B)**

Petition PB-11-74 TCH. City Plan Board. Amend the Land Development Code to revise neighborhood workshop requirements, development plan submittal requirements, and levels of review for development.

Explanation: This petition proposes text amendments to Land Development Code Article VII, Development Review Process (Sections 30-151 through 30-166) and to Section 30-350, Citizen Participation. The proposed changes to Article VII include the reorganization of the levels of development review, an update of the development plan submittal requirements, and clarifications to the process for development review and approval. The changes to Section 30-350 cover the types of projects that will require a neighborhood workshop, the notification requirements, and the timing of workshops.

The proposed changes included in this amendment were presented to the Development Review Board on January 13, 2011, and the board provided some input into this proposal. In addition, the proposed modifications to the levels of development review were discussed with the Community Design Review Committee earlier this year. The proposed changes to the neighborhood workshop requirements result directly from a direction from the City Commission to the Planning and Development Services Department staff.

Public notice was published in the Gainesville Sun on June 7, 2011. The City Plan Board considered petition PB-11-74 TCH at a public hearing on June 23, 2011, and recommended approval of the petition with revisions, by a vote of 3-1. At the hearing, a member of the board expressed concern that the allowance for neighborhood workshops to be held as soon as two weeks prior to a public hearing would not involve the public early enough in the review process. Staff has since amended the proposal to require that neighborhood workshops be held prior to the initial submittal of development plans.

Following the City Plan Board hearing, staff from the Alachua County Planning Department approached City staff about making some adjustments to the Master Plan process described in Article VII of the Land Development Code. Staff agreed that these changes would improve the utility of the Master Plan for applicants, and incorporated these revisions into the text amendment. The amendment has also been revised to allow for the new version of a Master Plan to be submitted with Special Use Permits in lieu of a preliminary development plan.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve petition PB-11-74 TCH, with recommended changes from the City Plan Board.

Staff to City Commission - The City Commission

approve the Plan Board's recommendation, with additional revisions from City staff.

Staff to City Plan Board - The City Plan Board recommend approval of Petition PB-11-74 TCH.

110373A_cpb & staff revisions_dev_review_LDC_new_20111020.pdf
110373B_cpb & staff revisions_Sec 30-350 Citizen Participation_20111020.pdf
110373C_staff report_20111020.pdf
110373D_attach A_proposed amendment to Article VII_20111020.pdf
110373E_attach B_existing article VII dev review_20111020.pdf
110373F_attach C_proposed amendment to Sec 30-350_20111020.pdf
110373G_cpb minutes_20111020.pdf
110373H_staff ppt_20111020.pdf

110222.

Small-scale Comprehensive Plan Amendment from Public Facilities (PF) to MUL (Mixed-Use Low-Intensity (8-30 units per acre)) (B)

Petition PB-11-63 LUC. Eng, Denman and Associates, agent for City of Gainesville. Amend the City of Gainesville Future Land Use Map from PF (Public Facilities) to MUL (Mixed-Use Low-Intensity (8-30 units per acre)). Located at 4322 Northwest 53rd Avenue. Related to Petition PB-11-64 ZON.

Explanation: This proposed small-scale amendment of the Future Land Use Map from Public Facilities (PF) to Mixed-Use Low-Intensity (8-30 units per acre) (MUL) is for the approximately 2.69-acre, City of Gainesville property located on the northwest corner of the intersection of Northwest 43rd Street and Northwest 53rd Avenue (Millhopper Road, County Road 232). This developed property (with its 11,888 square-foot building) for many years was the site of Gainesville Regional Utility's (GRU's) Electrical Systems Control facility, which recently relocated to the new GRU Eastside Operations Center on North Main Street.

The vacated property will become surplus City property and listed for sale. The current PF land use is appropriate for governmental facilities, but is generally inappropriate for private ownership and development (notwithstanding that the stated purpose of the current, related PS zoning district "...is established for the purpose of ...providing suitable locations for ...public and private utility and recreation activities that serve and are used directly by the public ..." (from Sec. 30-75, Land Development Code)). The proposed MUL land use is appropriate for private development and for this location.

There are no compatibility issues between the proposed MUL land use (and MU-1 zoning) with the Public Facilities land use (PS zoning) across NW 43rd Street to the east. Nor are there any compatibility concerns with the MUL land use (PD zoning) across NW 53rd Avenue to the south, with the MUL land use (MU-1 zoning) to the southeast, or with the Office land use (General office district zoning) to the north and west. Compatibility with the single-family residential property (SF land use, RSF-1 zoning) to the west will be achieved by meeting all applicable requirements of the Land Development Code.

The proposed small-scale amendment to Mixed-Use Low-Intensity (8-30 units per acre) is consistent with the City's Comprehensive Plan. This petition is related to Petition PB-11-64 ZON, which is a request for rezoning from PS (Public services and operations district) to MU-1 (8-30 units/acre mixed use low intensity).

Public notice was published in the Gainesville Sun on May 9, 2011. The City Plan Board held a public hearing on May 26, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-11-63 LUC. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-11-63 LUC.

Staff to City Plan Board - The City Plan Board approve Petition PB-11-63 LUC.

110222A_staff report_20111020.pdf

110222B_append A_GOPs_20111020.pdf

110222C_append B_supplemental docs_20111020.pdf

110222D_append C_application_neighbhd wkshop_20111020.pdf

110222E_cpb minutes_20111020.pdf

110222F_staff ppt_20111020.pdf

110222G_petitioner ppt_20111020.pdf

110223.

Rezone from PS (Public services and operations district) to MU-1 (8-30 units/acre mixed use low intensity) (B)

Petition PB-11-64 ZON. Eng, Denman and Associates, agent for City of Gainesville. Rezone property from PS (Public services and operations district) to MU-1 (8-30 units/acre mixed use low intensity). Located at 4322 Northwest 53rd Avenue. Related to Petition PB-11-63 LUC.

Explanation: This proposed rezoning from PS (Public services and operations district) to MU-1 (8-30 units/acre mixed use low intensity) is for the approximately 2.69-acre, City of Gainesville property located on the northwest corner of the intersection of Northwest 43rd Street and Northwest 53rd Avenue (Millhopper Road, County Road 232). This developed property (with its 11,888 square-foot building) for many years was the site of Gainesville Regional Utility's (GRU's) Electrical Systems Control facility, which recently relocated to the new GRU Eastside Operations Center on North Main Street.

The vacated property will become surplus City property and listed for sale. The current PS zoning is appropriate for governmental facilities, but is generally inappropriate for private ownership and development. The proposed MU-1 zoning is appropriate for private development and for this location. There are no compatibility issues between the proposed MU-1 zoning (and MUL land use)

with the PS zoning (Public Facilities land use) across NW 43rd Street to the east. Nor are there any compatibility concerns with the PD (Planned development district) zoning (MUL land use) across NW 53rd Avenue to the south, with the MU-1 zoning (and MUL land use) to the southeast, or with the General office district zoning (Office land use) to the north and west.

Compatibility with the single-family residential property (RSF-1 zoning, SF land use) to the west will be achieved by meeting all applicable requirements of the Land Development Code. An existing brick wall (approximately 5 feet 10 inches in height) separates the abutting single-family lot from the site. Section 30-64 (a) of the Land Development Code states that the MU-1 zoning district "is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other."

The requested MU-1 zoning is consistent with the infill and redevelopment goals of the Future Land Use Element (Goal 2, Objective 2.1), and with the Policy 4.2.1 requirement to provide protection for "residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures." The proposed rezoning to MU-1 (8-30 units/acre mixed use low intensity) is consistent with the City's Comprehensive Plan and the proposed MUL land use category, and it could have a positive impact on redevelopment of the site.

This petition is related to Petition PB-11-63 LUC, which is a request for a small-scale land use amendment from Public Facilities (PF) to Mixed-Use Low-Intensity (8-30 units per acre) (MUL).

Public notice was published in the Gainesville Sun on May 9, 2011. The City Plan Board held a public hearing on May 26, 2011.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-11-64 ZON. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-11-64 ZON.

Staff to City Plan Board - The City Plan Board approve Petition PB-11-64 ZON.

110223A_staff report_20111020.pdf

110223B_append A_GOPs_20111020.pdf

110223C_append B_supplemental docs_20111020.pdf

110223D_append C_application_neighbhd wkshop_20111020.pdf

110223E_cpb minutes_20111020.pdf

110223F_staff ppt_20111020.pdf

110223G_petitioner ppt_20111020.pdf

110223_petition_20111020.pdf

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)