

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

April 4, 2019

1:00 PM

City Hall Auditorium

City Commission

Mayor Lauren Poe (At Large)

Commissioner Helen Warren (At Large)

Commissioner Gail Johnson (At Large)

Commissioner Gigi Simmons (District 1)

Commissioner Harvey Ward (District 2)

Commissioner David Arreola (District 3)

Mayor-Commissioner Pro Tem Adrian Hayes-Santos (District 4)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Office of Equal Opportunity at (352)334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

1:00pm - CALL TO ORDER - Afternoon Session**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****PROPHET GEORGE YOUNG****ADOPTION OF CONSENT ITEMS - GRU, General Government, Audit & Finance Committee and General Policy Committee Items**[180880.](#)**City Commission Minutes (B)****RECOMMENDATION**

The City Commission approve the minutes of February 28, March 20 and March 21, 2019.

[180880 February 28 Minutes 20190404.pdf](#)

[180880A March 20 Minutes 20190404.pdf](#)

[180880B March 21 Minutes 20190404.pdf](#)

[180873.](#)**Resignation of Anne Taylor from the Affordable Housing Advisory Committee SHIP and Brent Hartman from the Citizens' Advisory Committee for Community Development (B)****RECOMMENDATION**

The City Commission accepts the resignation of Anne Taylor and Brent Hartman, effective immediately.

[180873 Resignation Anne Taylor 20190404.pdf](#)

[180873 Resignation Brent Hartman 20190404.pdf](#)

[180886.](#)**Appointments to City Commission Advisory Boards and Committees (NB)****RECOMMENDATION**

*The City Commission appoint:
Larissa Krinos as a Student Member to the
Development Review Board for a term to expire
9/30/2019*

*Zachariah Chou as Student Member to the
Regional Transit Systems Advisory Board for a
term to expire 9/30/2019*

*Harjot Sodhi as a Student Member to the Citizens'
Advisory Committee for Community Development
for a term to expire 9/30/2019*

*Elizabeth Hauck to the Regional Transit Systems
Advisory Board for a term to expire 9/30/2022*

*Shaun Jensen to the Nature Centers Commission
for a term to expire 11/1/2022.*

[180851.](#)**Authorization for the Construction of Field Improvements at Fred Cone Park (B)**

**This item is a request for the City Commission to approve the
Guaranteed Maximum Price in the amount of \$343,288.63 for the
construction of field improvements at Fred Cone Park with D&M
Construction dba Foresight Construction Group, Inc.**

Explanation: The field inside the track at Fred Cone Park is difficult to maintain because of poor drainage. The field holds water which makes it unplayable for multiple days after any significant rain events. The City would like to improve drainage and turf on this field to use for Pop Warner Football and other youth league sporting events. This is one of the only lit public sports fields in Gainesville.

Foresight Construction Group, Inc. is one of the City's approved construction management firms for small projects (under \$2M). Foresight Construction Group is a minority owned small business who has experience facilitating similar projects. The field design was facilitated by JBrown Professional Group, a small, local engineering firm.

The Wild Spaces & Public Places (WSPP) Department recommends authorizing this contract to Foresight Construction Group, Inc. in the amount of \$343,288.63 so that Fred Cone Park's lit sports field can be utilized after rain events. The Fred Cone Park field improvement project is funded through the Wild Spaces & Public Places ½ cent sales tax and

a Capital Improvement (CIP) Fund.

Fiscal Note: Funds in the amount of \$343,288.63 are available for the construction of field improvements at Fred Cone Park; \$13,601.51 from the Fred Cone Park CIP account, \$21,129.42 from the Fred Cone Park WSPP ½ cent sales tax account, \$299,821.86 from the Greentree Park Athletic Fields WSPP ½ cent sales tax account and \$8,725.73 from the Small Project/Contingency WSPP ½ cent sales tax account. The WSPP Department is asking to reallocate funds from the Greentree Park Athletic Fields project account to Fred Cone Park as staff feels that this project is a higher priority.

RECOMMENDATION

The City Commission: 1) approve the project task; and 2) authorize the Interim City Manager or designee to execute all contract documents and other necessary documents, subject to approval by the City Attorney as to form and legality.

[180851A Fred Cone Park Field Improvements -Community Outreach 2019040](#)

[180851B Fred Cone Park Soccer Field Renov GMP 20190404](#)

[180788.](#)

Rental Housing Subcommittee Sunset Date (NB)

RECOMMENDATION

The City Commission extend the sunset date to June 1, 2019.

Legislative History

3/5/19	Rental Housing Subcommittee	Approved, as shown above
--------	-----------------------------	--------------------------

ADOPTION OF REGULAR AGENDA

GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

BUSINESS DISCUSSION ITEMS - GRU and General Government items placed on the agenda by the Charter Officers or moved from Consent.

[180872.](#)

City Charter Review Commission Process (CRCC) (B)

Additional Backup

RECOMMENDATION

The City Commission discuss parameters for advertising and appointment criteria for the CRCC and take action as deemed necessary.

[180872_CRCC_Process_20190404.pdf](#)

[180872_Ordinance - Charter Review_20190404.pdf](#)

[180872_City Charter Review Commission Sample Timeline Options_20190404.](#)

[180872_Sample CCRC News Release_20190404.pdf](#)

[180872_Sample Public Notice CCRC 2019_20190404.pdf](#)

[180871.](#)

Commissioner Harvey Ward - Dangerous Dogs (NB)

RECOMMENDATION

The City Commission discuss and take action deemed necessary.

[180855.](#)

2019 Comprehensive Plan Evaluation and Appraisal Process and Land Development Code Update (B)

Explanation: Evaluation and Appraisal Review (EAR) of the Comprehensive Plan: At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, local governments must determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. In accordance with the EAR schedule published by the state Department of Economic Opportunity, the City of Gainesville must inform the state by letter whether any changes to the Comprehensive Plan are needed to comply with state law on or before May 1, 2019.

Changes in State law enacted in 2011 gave local governments much more discretion in determining whether they need to update their local comprehensive plan. As such, local governments no longer need to submit evaluation and appraisal reports to the department for a sufficiency determination. Instead, local governments must follow these new provisions:

- 1. Notify the State Land Planning Agency by letter if there are any state law changes that necessitate updating the City's Comprehensive Plan.*
- 2. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.*
- 3. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.*

As a general rule, the City periodically amends the Comprehensive Plan in accordance with state law changes as needed. By example, on September 20, 2018, the City Commission adopted amendments to the City of Gainesville Comprehensive Plan to provide for water supply

planning as required by state law.

Staff has determined that there haven't been any state law changes that necessitate updating the City's Comprehensive Plan. Staff is eager to begin work and community discussion on updating the Comprehensive Plan to respond to local issues and recognizes that this undertaking may extend beyond the State's one-year limit for processing EAR based amendments. To this end, staff is recommending that the City Commission authorize the City Manager to draft a letter informing the Department of Economic Opportunity that the City of Gainesville has not identified any necessary changes to the Comprehensive Plan related to changes to state law and direct staff to begin community outreach to start working on updating the City's Comprehensive Plan to address local issues.

2019 Update of the Land Development Code:

The City of Gainesville's Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances) was completely restructured and re-written in 2017. After the adoption of the new code, the City Commission directed the Department of Doing (DoD) to prepare an annual update of code amendments to include any regulatory changes proposed by the City Commission, city staff, and any privately-initiated applications. The process for the 2018 annual update was completed in August 2018, with the adoption of the ordinances by the City Commission commencing in February 2019. Approved amendments included changes to tree regulations, correction of scrivener errors, urban development standards, and permitted uses.

Staff has received several privately initiated requests for code amendments in addition to a number of code related requests made by the City Commission, advisory boards, and other advocacy organizations. To that end, staff has begun compiling potential code changes for the 2019 annual update to the Land Development Code. To date, potential amendments may include:

1. Additional neighborhood notification requirements (CC)
2. Zoning Changes - Pleasant Street Historic District (CC)
3. Sign Code- Target sign at Standard (CC)
4. Amendments to permit a range of urban agriculture uses (A)
5. Historic Preservation register nomination process (A)
6. Tree mitigation for new single family dwellings (A)
7. Allowing RV Parks as a use in Industrial zoning (P)
8. Allow mini-warehousing in business automotive zoning (P)
9. Clarify definition of metal recycling facility (P)
10. Doggie daycare regulations (P)
11. Any other citizen initiated requests
12. Any other Commission directed code changes

Key: CC: City Commission

P: Private

A: Advocacy group or Advisory Board

S: Staff

RECOMMENDATION

Staff to City Commission - 1) authorize the Interim City Manager to draft a letter informing the Department of Economic Opportunity that the City of Gainesville has not identified any necessary

changes to the Comprehensive Plan related to changes in state law and direct staff to begin community outreach to start working on updating the City's Comprehensive Plan to address local issues, and 2) provide feedback regarding the proposed code update list, other potential amendments, timing, and outreach and stakeholder input efforts.

[180855A_Staff PPT_20190404.pdf](#)

[180869.](#)

Contract for Purchase and Sale of Real Property - Airport Industrial Park (B)

This item seeks City Commission approval of a Contract for Purchase and Sale of Real Property in the City's Airport Industrial Park to facilitate the relocation of a small package and sorting distribution center.

Explanation: On February 7, 2019, the City Commission directed that staff prepare a Contract for Sale and Purchase of Real Property for property in the City's Airport Industrial Park (AIP) based upon a Letter of Interest received by staff on December 21, 2018.

The proposed acquisition of the subject property (Parcel ID # 08162-006-000) would be to facilitate the relocation and development of a new small package and sorting distribution center.

Proposed terms of the Contract are as follows;

- 1. Purchase price of \$296,000 for the 8.45 acre lot (Lot #6) or \$35,000 per acre*
- 2. Acceptable Title/Survey*
- 3. City/Airport approval of proposed site plan and building permits*
- 4. Seller agrees to indemnify Buyer for pre-existing environmental condition*
- 5. 150 day due diligence period (with up to two 60 day extensions)*
- 6. Closing to occur 30 days following due diligence period*
- 7. Reverter provision requiring project commencement*

In terms of background, the City of Gainesville over time has sold property fee simple in the Airport Industrial Park to assist in retaining, expanding and attracting industrial development.

The Airport Industrial Park represents an economic development partnership between the City and Airport and per prior agreement proceeds of the sale of property go to the Airport with the City benefitting from proceeds derived from increases in ad valorem revenue over time associated with development of the property and the related creation of

jobs.

The development of the subject property would be in keeping with the City's development review process/procedures and the recorded Airport Industrial Park Deed Restrictions. The Gainesville Alachua County Regional Airport Authority (GACRAA) provided their initial consent to the sale at their February 28, 2019 regular meeting.

Fiscal Note: The purchase price offered for Parcel ID # 08162-006-000 is \$296,000 or \$35,000 per acre which is generally in line with the industrial market for property in this area based upon a recent appraisal.

RECOMMENDATION

The City Commission direct: 1) the Interim City Manager to execute the Contract for Purchase and Sale of Real Property regarding Parcel ID #08162-006-000 in the Airport Industrial Park and all related documents.

[180869A_LOI AIPLot6_20190404.pdf](#)

[180869B_Resolution for Airport Industrial Park Unit 1 Unit II and Unit III_201904](#)

[180869C_AIP_GACRAAConsentResolution_3-25-19_20190404.pdf](#)

[180869D_AIP Aerial_Lot6_20190404.pdf](#)

[180869E_Contract AIP Lot 6_20190404.pdf](#)

[180858.](#)

Purchase of Motorola Radios (B)

This item requests the City Commission approve the purchase of updated Motorola radios compatible with the new GRUCom trunked radio system in the FY19 capital plan.

Explanation: On September 20th, 2018, the City Commission approved the General Government Financial and Operating Plan for FY19 which included funding for department-wide radio replacement in the Capital Improvement Plan. This capital plan item was approved to replace aging radios to new equipment compatible with recent changes to make the Trunked Radio System fully digital and P25 compliant. The radio system update was completed in December 2018. Radio users that are currently operating on the legacy system must migrate to the new system soon as GRUCom does not intend to maintain the older system beyond 2019, or sooner should a serious failure occur.

Staff have evaluated a quote for Motorola radio equipment and recommend approval of the purchase at a price not to exceed \$685,000.

Fiscal Note: Funding not to exceed \$685,000 will be funded through fund balance.

RECOMMENDATION

The City Commission authorize the City Manager or designee to execute the purchase of Motorola

Radios as herein described not to exceed \$685,000 and subject to approval by the City Attorney as to form and legality.

[180858A_Radio Quote_20190404](#)

[180858B_MOSS for Radio Purchase_20190404](#)

[180909.](#)

Agreement between the City of Gainesville and Alachua County regarding Community Redevelopment (B)

Explanation: At the February 11, 2019, Joint City of Gainesville and Alachua County meeting a five-part motion was passed by both commissions that directed City and County staff to negotiate an agreement that would effectively move forward the CRA's proposed One District, One Budget, One Decade plan.

This agreement outlines the five parts of the motion that all work towards setting up the CRA as a single redevelopment district that sunsets in 10 years. It also details a funding formula that in year 10 equalizes the financial contributions of the City and County. Lastly, it provides language for a process by which the County will use the increment from the formula to address areas in need of redevelopment activities in East Gainesville, within the City limits, and an accountability structure that requires the City and County to report its redevelopment activities at an annual joint meeting by April 1st of each year.

The Agreement is before the City Commission today for final review and approval for execution. The County Commission has calendared the same on its April 9, 2019, agenda. Next steps will be to work on a draft ordinance that will need to be adopted by the end of Fiscal Year 2019, per the Agreement. CRA Staff will begin to outline decision points and a schedule for those discussions at its April 15, 2019, Board Meeting.

Fiscal Note: None at this time

RECOMMENDATION

City Manager to City Commission: Authorize the Mayor to execute the Agreement, once approved by the City Attorney's office as to form and legality.

[18909\(A\)_Agreement between the City of Gainesville and Alachua County rega](#)

[180909\(B\)_Exhibit A to Agreement Regarding Community Redevelopment_201](#)

[180909\(C\)_02-11-19 Minutes_20190404.pdf](#)

[180879.](#)

Mayor Lauren Poe - Resolution of Support for HB 6033 and SB 88 (B)

RECOMMENDATION

The City Commission discuss and take action

deemed appropriate.

[180879_HB 6033_SB 88_20190404.pdf](#)

COMMISSION COMMENT

4:30 - 5:30pm DINNER BREAK

5:30 - CALL TO ORDER - Evening Session

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/SPECIAL RECOGNITIONS

[180875.](#)

Library Appreciation Week - April 7-13, 2019 (B)

RECOMMENDATION

Alachua County Library Director Shaney T. Livingston to accept the proclamation.

[180875 Library Appreciation Week 20190404.pdf](#)

[180881.](#)

Arab American Heritage Month - April 2019 (B)

RECOMMENDATION

Arab Community in Gainesville Nareeman Jamal and Arab Student Association at UF Rachel Khory Rahbany to accept the proclamation.

[180881 Arab American Heritage Month 20190404.pdf](#)

GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

RESOLUTIONS - ROLL CALL REQUIRED

[180856.](#)

Resolution Accepting Report of Board of Canvassers - Elections 2019 (B)

A resolution of the City Commission of the City of Gainesville, Florida, accepting the report of the Board of Canvassers for the City of Gainesville, Florida, election held March 19, 2019; and providing an immediate effective date.

Explanation: On March 19, 2019, a city election for the election of Mayor, and Commissioner for the District 4 Seat, and a referendum for Charter

Amendment to create a City Charter Review Commission was held.

The Report of the Board of Canvassers for the City of Gainesville showing that Lauren Poe was elected as Mayor and Adrian Hayes-Santos was elected to the District 4 Seat and that the Charter Amendment to create a City Charter Review Commission passed is adopted by this resolution of the City Commission.

RECOMMENDATION *The City Commission adopt the proposed resolution.*

[180856 Resolution Board of Canvassers Report 20190404](#)

[180845.](#)

Public Transit Grant Award Agreements for Florida Department of Transportation Service Development Grant Funds for Regional Transit System (RTS) Projects (B)

This item requests that the City Commission adopt a resolution authorizing the City of Gainesville dba Regional Transit System to enter into Public Transportation Grant Agreements (PTGAs) for the acceptance of grant funds and authorizes the City Manager to execute PTGAs with Florida Department of Transportation for Service Development Grants for RTS projects.

Explanation: The Florida Department of Transportation (FDOT) allocates service development funds to transit agencies each year. The allocations are given at FDOT discretion on a competitive basis for agency projects that meet FDOT Service Development Grant (SDG) criteria. These funds require a 50% match from the agency. RTS utilizes service development grants to offset operational costs for provision of fixed route services, or for capital projects deemed essential for improved transit services. RTS regularly submits proposals and receives grant awards for service development projects, which assist in offsetting operating expenses for City bus routes.

Recently the FDOT transitioned from its previous award agreement system (Joint Participation Agreement, "JPAs," and Supplementary JPAs, "SJPAs") to a new system which utilizes PTGAs. RTS projects eligible for continuation are still being funded by FDOT, but are now transitioned to the new PTGAs which may, at the discretion of FDOT and if eligible, be amended with either increased funding and/or time extensions.

FDOT requires the governing board of each public transit system to adopt a Resolution authorizing the agency to enter into a PTGA for the acceptance of grant funds. Many projects are eligible to receive additional funding from FDOT in future years, so the Resolution provides authorization for the City to execute any PTGA Amendments for the

purpose of scope changes and/or funding adjustments in support of the project.

Route 33: On September 21, 2017, the City adopted Resolution #170324, and approved a JPA authorizing RTS to receive FDOT SDG project funds for Route 33 in the amount of \$407,371 (Year 1 total of \$814,742). For Year 2 funding, FDOT is providing PTGA funding in the amount of \$407,371 (Year 2 total of \$814,742). The Santa Fe College Student Transportation Fee provides the 50% local match funds for this project.

Route 300: on October 20, 2016, the City adopted Resolution #160409 and approved a JPA authorizing RTS to receive FDOT SDG project funds for Route 300 in the amount of \$51,820 (Year 1 total of \$103,640). FDOT amended the JPA and provided Year 2 funding for Route 300 for the same amount of \$51,820 (Year 2 total of \$103,640). For Year 3 funding, FDOT is providing PTGA funding in the amount of \$51,820 (Year 3 total of \$103,640). The University of Florida Student Transportation Fee provides the 50% local match funds for this project.

Route 800X: On September 21, 2017, the City adopted Resolution #170324, and approved a JPA authorizing RTS to receive FDOT SDG project funds for Route 800 in the amount of \$69,746 (Year 1 total of \$139,492). For Year 2 funding, FDOT is providing PTGA funding in the amount of \$69,746 (Year 2 total of \$139,492). The Santa Fe College Student Transportation Fee provides the 50% local match funds for this project.

Routes 600 and 601: Micro-transit project (formerly known as Microbus or Project Connect) is a new service providing on-demand transit service in a demonstration zone (Eastwood Meadows area), where transit service is limited. This project (phase II) includes the implementation of automatic dispatch and routing. First year FDOT funding for the service is in the amount of \$274,000 (Year 1 total of \$548,000). Smaller vehicles are used for this service to pick up passengers in areas where regular 40' buses can't serve and take them to stop locations and transfer stations, to transfer and complete trips using public transit. Local Option Gas Tax funds and other RTS funds provide the 50% match for this project.

Holiday Service: on October 20, 2016, the City adopted Resolution #160409 and approved a JPA authorizing RTS to receive FDOT SDG project funds for Holiday Service in the amount of \$58,006 (Year 1 total of \$116,012). FDOT amended the JPA and provided Year 2 funding for Holiday Service for the same amount of \$58,006 (Year 2 total of \$116,012). For Year 3 funding, FDOT is providing PTGA funding in the amount of \$58,006 (Year 3 total of \$116,012). RTS general funds provide the 50% local match funds for this project.

Capital Project: FDOT is providing capital assistance for the acquisition of equipment to improve the transit experience for riders and streamline work for RTS employees. Passenger information technology allows RTS to communicate with its passengers by providing real-time bus location

and status updates; schedule data; and timely announcements. RTS intends to purchase and install wayside signs at bus stops and transfer stations. Additionally, RTS intends to purchase and install ticket vending machines (TVM). At the TVMs, riders can purchase single fares, add value to cards, and generate proof-of-payment tickets from passes. First year FDOT funding for the project is in the amount of \$112,359 (Year 1 total of \$224,718). RTS general funds provide the 50% local match funds for this project.

Fiscal Note: Matching funds for each PTGA are identified in the RTS FY18-19 operating budget as noted above.

RECOMMENDATION

The City Commission 1) adopt the resolution authorizing the City of Gainesville dba Regional Transit System to enter into Public Transportation Grant Agreement for the acceptance of grant funds, and 2) authorize the Interim City Manager or designee to execute the PTGAs for the aforementioned projects, subject to review and approval by the City Attorney as to form and legality.

[180845A_DRAFT Resolution 20190404.pdf](#)

[180845B_FDOT Route 33 PTGA 20190404.pdf](#)

[180845C_FDOT Route 300 PTGA 20190404.pdf](#)

[180845D_FDOT Route 800 PTGA 20190404.pdf](#)

[180845E_FDOT Project Connect PTGA 20190404.pdf](#)

[180845F_FDOT Holiday Service PTGA 20190404.pdf](#)

[180845G_FDOT Capital PTGA 20190404.pdf](#)

180771.

**First Quarter Amendment through December 31, 2018 to the FY 2019 General Government Financial and Operating Plan Budget (B)
Resolution No. 180771**

A Resolution of City Commission of the City of Gainesville, Florida; relating to its general government budget for the fiscal year beginning October 1, 2018 and ending September 30, 2019; amending Resolution No. 180364, adopted September 20, 2018, by making certain adjustments to the General Government Financial and Operating Plan Budget; and providing an immediate effective date.

Explanation: The purpose of this amendment is to accurately reflect and incorporate into the City's FY 2019 General Government budget those transactions and activities that were not anticipated during the budget process.

Fiscal Note: All of the recommended changes are funded either by increases in revenue budgets, decreases in expenditure budgets, or decreases in appropriate fund balances.

RECOMMENDATION

The City Commission adopt the proposed resolution.

[180771A_1st Budget Amendment Resolution_20190306_20190404.pdf](#)

[180771B_FY19 1st QTR Amendatory and Summary_20190306_20190404.pdf](#)

PUBLIC HEARINGS**ORDINANCES, 2ND READING - ROLL CALL REQUIRED**

[180614.](#)

Voluntary Annexation - 20.74 Acres along SW 20th Avenue (B)

Ordinance No. 180614

An ordinance of the City of Gainesville, Florida, annexing approximately 20.74 acres of privately-owned property that is generally located south and west of Sugarfoot Oaks Subdivision, north of SW 20th Avenue, and east of parcel number 06677-003-000, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 20.74 acres of privately-owned property (parcels numbers 06675-004-000 and 06675-008-000) that is generally located south and west of Sugarfoot Oaks Subdivision, north of SW 20th Avenue, and east of parcel number 06677-003-000. On January 3, 2019, the City Commission received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare this annexation ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective immediately upon adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

1/3/19	City Commission	Approved as Recommended
3/21/19	City Commission	Adopted on First Reading (Ordinance)

[180614B_Petition_Voluntary_Annexation_Application_20190321.pdf](#)
[180614C_Grove2_annex_map_20190321.pdf](#)
[180614D_Letter_to_Alachua_County_Board_of_County_Commissioners_20190321](#)
[180614E_Letter_to_Sheriff_Darnell_20190321.pdf](#)
[180614F_Grove_Voluntary_Annexation_USR_20190321.pdf](#)
[180614G_grove2_Annexation_Ad_20190321.pdf](#)
[180614H_Staff_PPT_Grove2_20190321.pdf](#)
[180614A_draft_ordinance_20190321.pdf](#)

[180669.](#)

Quasi-Judicial - Rezoning 3.02 acres located on the east side of the 400 and 500 blocks of NW 13th Street and the west side of the 400 block of NW 12th Drive (B)

Ordinance No. 180669

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 3.02 acres of property generally located on the east side of the 400 and 500 blocks of NW 13th Street and the west side of the 400 block of NW 12th Drive, as more specifically described in this ordinance, from Urban 6 (U6) to Urban 8 (U8); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **STAFF REPORT**

This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning from Urban 6 (U2) to Urban 8 (U8) approximately 3.02 acres of property (12 parcels) generally located on the east side of the 400 and 500 blocks of NW 13th Street and the west side of the 400 block of NW 12th Drive. The proposed rezoning will increase the density allowed from 50 dwelling units per acre to 60 dwelling units per acre by right, and 80 dwelling units per acre by special use permit. It will also allow a wider variety of uses. The applicant believes the additional uses and increased density allowed under the proposed U8 zoning will spur redevelopment.

The subject parcels are surrounded by transect zoning extending for several blocks, and do not abut any low-density residential zoning. The site and the area around it were rezoned to transect zones in July 2017. Transect zones require specific building and street design standards that can only be achieved with the redevelopment of the site. Sites to the south and southwest of the subject parcels that have been redeveloped or proposed for redevelopment either have a higher density zoning or have been rezoned to allow a higher density than allowed by the current U6 zoning. These properties include the Standard, the new Publix grocery store, and the Holiday Inn hotel. A planned development, HUB 2, directly south (DB-18-66) proposes 7 stories of residential, retail, and

parking with a step-down to 3 stories toward the adjacent historic district. The proposed zoning is consistent with the emerging character of the area.

The subject parcels are located along NW 13th Street, which is major state highway and transit corridor. The site is served by RTS bus routes 8, 10, and 29. The parcels are also located within a half-mile of the University of Florida campus and in close proximity to University Avenue, which is a major transportation corridor. This makes them easily accessible by multiple modes of transportation and suitable for residential and commercial uses to serve the population of University of Florida, Downtown, and nearby neighborhoods such as College Park and 5th Avenue/Pleasant Street. The subject parcels are also within the City's Enterprise Zone, the 5th Avenue and Pleasant Street Community Redevelopment Area (CRA), and the CDBG Home Target Area, all of which aim to promote redevelopment and infill.

The rezoning request is consistent with the City's Comprehensive Plan and meets all applicable review criteria. The City Plan Board held a public hearing on January 24, 2019, where it voted to recommend approval of this rezoning.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective immediately upon adoption.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

3/21/19 City Commission Adopted on First Reading (Ordinance)

[180669B_Staff report w Appendices A-B_20190321.pdf](#)

[180669C_Staff PPT_20190321.pdf](#)

[180669A_draft ordinance_20190321.pdf](#)

[180669_2019-03-21 NW 13th ST rezoning PPT_20190321.pdf](#)

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

GENERAL PUBLIC COMMENT - For items not on the agenda, limited to 3 minutes per citizen and not to exceed 30 minutes total

COMMISSION COMMENT

10:00pm or earlier - Adjourn - If later than 10:00pm, the Commission may waive the rules to extend the meeting or may schedule a date/time to continue the meeting