

080227

City of Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 11

Item No. 6

TO: City Plan Board

DATE: July 17, 2008

FROM: Planning Division Staff

SUBJECT: **Petition 89TCH-08 PB.** City of Gainesville. The Five Points Special Area Plan. Amend the list of prohibited uses to include: Social Services (MG-83), Residences for destitute people, Food distribution centers for the needy, Membership organizations (MG-86), Dormitories, Roominghouses and boardinghouses (GN-702), Rehabilitation Centers, Social Service Homes or Halfway Houses and other similar uses as may be applicable.

Recommendation

Staff recommends approval of Petition 89TCH-08 PB.

Explanation

On August 8, 2005, the City Commission implemented one of the recommendations of Plan East Gainesville (PEG) by establishing the Five Points Special Area Plan (SAP) Overlay Zoning District. On June 23, 2008, the City Commission directed staff to process the subject Land Development Code amendment. The subject amendment changes Section 8(f)(9) of the Five Points SAP to add eight uses to the list of prohibited uses. The specific changes are shown below. Proposed additions are underlined.

Section 8(f)(9) Prohibited uses. Table 1 shows uses not allowed in Five Points.

<i>Table 1. Prohibited Uses in Five Points</i>
<i>Auto dealers, auto service and limited auto service (IN-5511, MG-753).</i>
<i>Carwashes (IN-7542).</i>
<i>Gas service stations (IN-5541).</i>
<i>Parking lots as a principal use, other than structure parking.</i>
<i>Outdoor storage as a principal use.</i>
<i>Gasoline pumps when accessory to a food store.</i>
<i>Drive-thru.</i>
<i><u>Rehabilitation centers.</u></i>
<i><u>Social service homes or halfway houses.</u></i>
<i><u>Social services.</u></i>
<i><u>Residences for destitute people.</u></i>
<i><u>Food distribution centers for the needy.</u></i>
<i><u>Membership organizations (MG-86).</u></i>
<i><u>Roominghouses and boarding houses (GN-702).</u></i>
<i><u>Dormitories.</u></i>

Background

In February 2003, the final report of PEG was completed. PEG is a joint City/County initiative to stimulate and guide the physical and economic development of East Gainesville. An experienced consultant was hired (at a cost of \$194,000) to facilitate public participation in the development of PEG and to write the final report. Extensive public participation occurred during the development of PEG. Some of that public participation is described in the attached Appendix B of PEG's Final Report.

The development and implementation of the Five Points SAP is recommended in PEG, and as noted above, the City Commission adopted the SAP in August 2005.

The Five Points SAP area is less than 50 acres in size, including public road right-of-way. The area, shown on the attached map, is located at the primary crossroads of East Gainesville. That is where University Avenue, Waldo Road, Williston Road, Hawthorne Road, and 15th Street come together. The Depot Avenue and Waldo Road Greenway rail-trails also come together in the Five Points area.

On February 12, 2007, at least one citizen appeared before the City Commission and expressed concerns about a proposal to place a social service use within the SAP. At that time, the City Commission asked staff to review the potential to amend the Five Points SAP to prohibit or restrict social service uses.

Staff's review of the SAP indicated that the SAP can be amended to prohibit social service and rehabilitative service uses. On April 23, 2007, the City Commission directed staff to process a Land Development Code amendment petition to add Rehabilitation Centers and Social Service Homes or Halfway Houses to the list of prohibited uses in the Five Points SAP. The City Plan Board heard the petition (50TCH-07 PB) on May 17, 2007. Consistent with staff's recommendation, the City Plan Board voted 6-0 to recommend that the City Commission approve the petition.

The ordinance for 50TCH-07 PB was initially scheduled for first reading on the January 14, 2008 City Commission agenda, but was withdrawn and continued for further review and consideration by staff.

Staff requested that the item be withdrawn due to concerns that other uses which are similar to Rehabilitation Centers and Social Service Homes or Halfway Houses should be treated in the same manner, unless there is a rational basis for treating those uses differently (as is required by the Equal Protection Clause contained in the 14th Amendment to the United States Constitution). Regulations that do not treat similar uses in the same manner, and do not provide a rational basis for the difference in treatment, are unlikely to withstand a legal challenge.

Staff research indicated that other uses are similar to rehabilitation centers, and to social service homes or halfway houses, and should also be prohibited. Those uses are:

- Social Services (MG-83);
- Residences for destitute people;
- Food distribution centers for the needy;
- Membership organizations (MG-86);

- Roominghouses and boardinghouses (GN-702); and
- Dormitories.

At the June 23, 2008 City Commission meeting, staff recommended that the City Commission direct staff to process a new petition to the Plan Board to amend the Five Points SAP to add the eight subject uses to the list of prohibited uses. Two concerns caused staff to recommend processing a new petition, rather than continuing to consider 50TCH-07 PB. The first concern involved the wording of the January 14, 2008 motion. The other concern was whether increasing the number of prohibited uses warranted reconsideration by the Plan Board. Consistent with staff's recommendation, the City Commission directed staff to process the subject petition.

Medical Offices vs. Rehabilitation Centers

Medical Uses and Rehabilitation Centers have occasionally been confused. For that reason, comparing and contrasting the two categories may be helpful.

Medical Uses: This category includes uses such as Doctor's Offices, Psychiatrists, Psychologists, Family Counselors, Speech Pathologists, Occupational Therapists, Physical Therapists, and other similar uses.

Rehabilitation Centers: This category includes facilities providing professional care, nonresident only, for those requiring therapy, counseling or other rehabilitative services related to drug abuse, alcohol abuse, social disorders, physical disabilities, mental retardation or similar problems. Nursing Homes and Assisted Living Facilities are not part of this category.

Analysis

This section examines the following:

- The proposal's consistency with Plan East Gainesville;
- The proposal's consistency with the goals, objectives and policies of the Comprehensive Plan; and
- The proposal's impact on affordable housing.

Plan East Gainesville

Some of the major land use and socioeconomic issues identified in PEG include a relative lack of high-end single family housing; the absence of a well-defined center, with accessible civic or public spaces; the perception of high crime rates; separated and automobile oriented land uses; a lack of viable local commercial land uses like movie theatres, restaurants and retail stores; and undefined activity centers that lack specific policy guidance to ensure a well-integrated urban form.

One of the recommendations of PEG is to change the development of the Five Points Area. Currently, that area has a suburban, automobile dominated development pattern. Uses include a gas station, a beverage store, fast food restaurants, convenience stores, automobile parts stores, and automobile repair shops. Most of the buildings are set back behind large parking lots. Few if any trees exist in the area. Several lots and buildings are vacant. Several occupied buildings have bars on the windows.

In contrast, PEG calls for significant new investment in Five Points. PEG envisions a vibrant urban area with a mix of shops, cafés, sit-down restaurants, offices, entertainment, and services. According to PEG, in addition to being an employment and activity center, the Five Points Area should be the focal point of the community. The consultant that developed the plan recently commented that the Five Points area should be a gathering place for the community, and reflect the community.

Specifically, PEG states that priority objectives for the plan include:

- Expand the range of housing choices, to attract and retain residents with a variety of income levels; and
- Target specific areas for mixed-use development centers that can support and sustain higher levels of employment, commercial and social activities.

In another section, PEG states, “Land use and design options include . . . encouraging the development of compact, walkable mixed-use centers with easy access to public transportation; creating civic gateways at major entry points; . . .”

The Land Use Section of PEG states:

“The Five Points Activity Center will become the new “downtown” of Gainesville’s east side . . . This activity center has been identified as a priority for redevelopment as a signature project, or catalyst, for private sector reinvestment.

As an Urban Center, a mixture of uses would be provided, including professional office, retail, services, restaurants, and multi-family residential.”

Reviewing these parts of PEG is important, because they indicate the types of uses that are consistent with PEG’s vision for the Five Points Area. A reasonable conclusion, based on PEG, is that the uses proposed to be prohibited are not consistent with PEG’s vision for the Five Points Area. While PEG specifically calls out many uses and categories of uses that are consistent with the vision for the Five Points Area, the uses proposed to be prohibited are not among those uses.

Consistency with the Goals, Objectives and Policies of the Comprehensive Plan

Future Land Use Element

Goal 2 Redevelop areas within the city, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.

- Objective 2.1 Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.
- Policy 2.1.1 The City shall continue to develop recommendations for areas designated as redevelopment areas, neighborhood centers and residential neighborhoods in need of neighborhood enhancement and stabilization.
- a. The City should consider the unique function and image of the area through design standards and design review procedures as appropriate for each redevelopment area;
 - b. The City should include in its redevelopment plans recommendations regarding economic development strategies, urban design schemes, land use changes, traffic calming, and infrastructure improvements;
 - c. The City should identify potential infill and redevelopment sites; provide an inventory of these sites; identify characteristics of each parcel including land development regulations, infrastructure availability, major site limitations, and available public assistance; and develop a strategy for reuse of these sites;
 - d. The City should encourage retail and office development to be placed close to the streetside sidewalk.
- Policy 2.1.5 The City shall strive to implement certain land use-related elements of Plan East Gainesville, including but not limited to:
- Goal 4 The Land Use Element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses neighborhood centers to provide goods and services to City residents; protects neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The Land Use Element shall promote statewide goals for compact development and efficient use of infrastructure.
- Goal 5 To enhance the City's commitment to improve and maintain the vitality of its neighborhoods. The neighborhood represents the primary building block of the city, and the health and vitality of existing and new neighborhoods is essential to building a viable, sustainable community.

Objective 5.1 The City shall work in partnership with neighborhoods to facilitate effective communication between the neighborhood residents and the City and develop specific actions to address neighborhood identified goals and improvements.

Housing Element

Goal 3 The City, with the assistance of private and non-profit organizations, shall maintain sound viable neighborhoods and revitalize those that have suffered disrepair and neglect.

Policy 3.1.5 The City shall facilitate communication and dialogue with neighborhood groups regarding proposed developments in and around their neighborhoods

Urban Design Element

Objective 2.2 The City shall strive to stabilize neighborhoods within the City.


Impact on Affordable Housing

Approval of the proposed ordinance is not anticipated to impact on the provision of affordable housing.

Summary

A great deal of public input, from a wide variety of stakeholders, was taken during the development of the vision for Plan East Gainesville. That vision clearly designates the Five Points Area as particularly important to East Gainesville. For that reason, Plan East Gainesville contains a great deal of description of how the Five Points area should develop, and what types of uses should go there. Although many uses are suggested for the Five Points Area, the uses proposed to be prohibited are not among them. The uses proposed to be prohibited simply are not consistent with Plan East Gainesville's vision for the Five Points Area.

Respectfully submitted,



Ralph Hilliard
Planning Manager

JW

080227

WALDO ROAD

NE 11TH STREET

Special Area Plans

Five Points

Five Points
Special Area Plan

City of Gainesville, FL.
Prepared by the
Dept of Community Development
October 2005



UNIVERSITY AVENUE

NE 3RD AVENUE

SE 1ST AVENUE

SE 12TH STREET

SE 2ND AVENUE

SE 13TH STREET

SE 14TH STREET

SE 3RD AVENUE

SE 15TH STREET

NE 15TH STREET

SE 16TH STREET

NE 1ST AVENUE

NE 3RD AVENUE

SE 17TH STREET

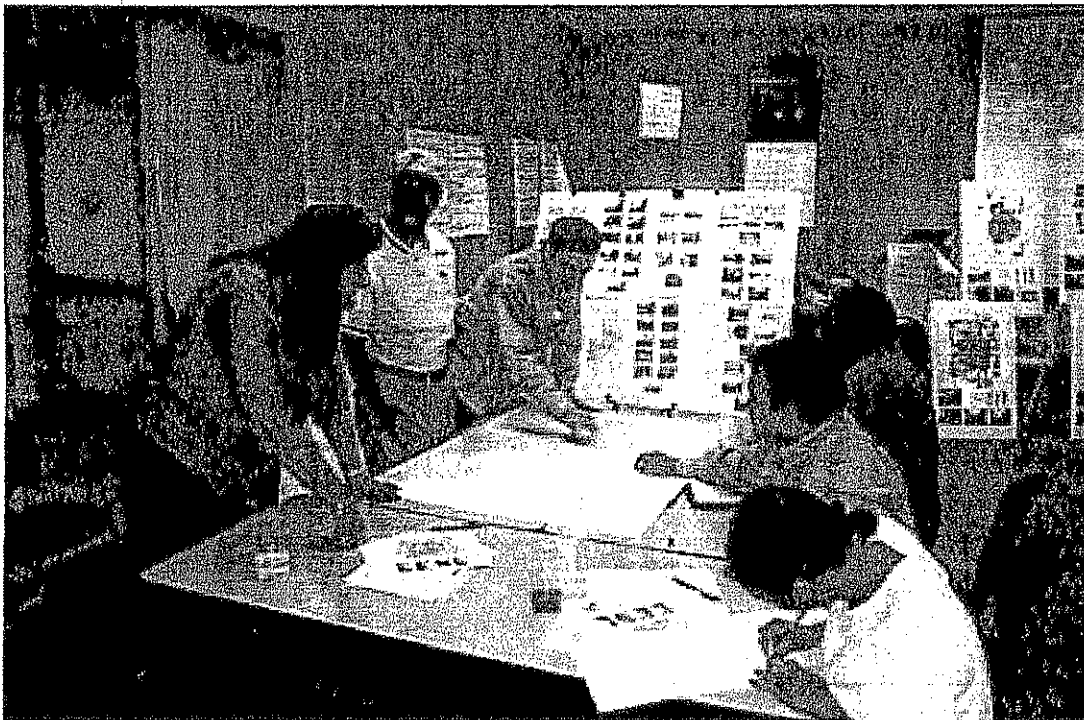
HAWTHORNE RD

SE 4TH AVENUE

080227

APPENDIX B

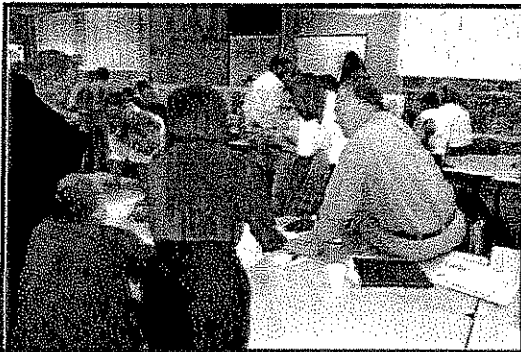
PUBLIC INVOLVEMENT REPORT



APPENDIX B: PUBLIC INVOLVEMENT REPORT

SUMMARY OF COMMUNITY OUTREACH EFFORTS

The public participation effort for Plan East Gainesville was designed to define target audiences and tailor outreach methods accordingly. Several target audiences were defined as “public,” including residents and property owners within the study area, public agencies, special interest and advocacy groups, the media, and elected and appointed officials. A critical element of the public outreach process involved the participation of a Steering Committee to guide the development of the plan. The Steering Committee was comprised of key community stakeholders, citizens, development representatives, elected officials and staff. The group met regularly throughout the study process and its members included agencies and organizations including the Gainesville Regional Airport, Santa Fe Community College, University of Florida, Gainesville Regional Utilities, Alachua County, City of Gainesville, Regional Transit System, Tachachale facility, Shands Healthcare, Alachua County School Board, Alachua County Sheriff’s Office, and City of Gainesville Police Department.



An important step to identifying potential stakeholders in the area was to develop the Plan Information Network. The network consists of a contact list of key business and community groups that were involved in the study and identifies a point of contact and means of communication among group members so that project updates and invitations to workshops can be included in the organization’s internal communications. The network included community groups, homeowner’s associations, special interest groups and other organizations representing different perspectives in the study area.



Another public outreach method for the project was to maintain the Plan Resource Center in Gainesville. The resource center is located within the study area and open at least one day or evening per week; key personnel with local knowledge and experience staffed the office and provided study information to the public throughout the planning process. The GTEC was used to display study area materials, including maps, photographs and concept plans and served as a meeting place for focus groups and community meetings.

The public outreach methods were designed to ensure community involvement and to obtain input that established the community vision and helped to formulate plan recommendations. Outreach methods included the following:

- Flyers and meeting announcements (timed strategically throughout the study process and to supplement the PIN);
- Web site/discussion forum;
- Camera/photography exercise; as part of the visioning process, representative groups from the community including high school students and other residents with different perspectives will take pictures of community elements they would like to preserve and enhance or change;
- Press releases/public service announcements/flyers; and
- Documentary videos provided by the MTPO.

The Plan East Gainesville study also involved community workshops and focus group discussions throughout the course of the project. The following list summarizes the community issues and recommended actions as expressed during the public participation process. The purpose of the focus group discussions, community meetings and the charrette, as described in the next section, was to promote and sustain a meaningful dialogue with the community that furthered the visioning process and influenced the final study recommendations.

SUMMARY OF PEG COMMUNITY ISSUES AND RECOMMENDED ACTIONS:

- *East Gainesville is underdeveloped, neglected, needs better accessibility;*
- *East Gainesville has development potential because of its available land and existing infrastructure;*



- *East Gainesville needs to protect its green space, well defined neighborhoods, and natural areas and promote more landscaping and gateway features;*
- *East Gainesville needs better jobs, economic opportunity, commercial development, and more diverse housing;*
- *Development in the downtown area provide economic spin-off and opportunity for East Gainesville;*
- *Roadways in East Gainesville are adequate with regard to regional access;*
- *The northeast industrial area has strong market appeal as an employment center with good facilities in place;*
- *There is a need for additional shopping and recreational opportunities in East Gainesville;*
- *There is a need to address community issues such as drug-related crime and neighborhood beautification in East Gainesville;*
- *A marketing program should be developed that tout's assets of the area, such as low land costs and natural features;*
- *To leverage further investment in East Gainesville, local bankers and lenders would be willing to mutually finance a quality mixed use project;*
- *A priority for East Gainesville is to introduce higher value housing to change the perception of the area and provide housing options for residents and an impetus to the commercial market;*
- *Major needs for the area include investment in public infrastructure as a key to reducing risk for new development, and quality schools, including magnet schools to help attract residential investment;*
- *Development should be integrated with watershed planning, creek restoration opportunities, preservation of wetland areas, and protection of Newnan's Lake and Calf Pond;*
- *Land acquisition priority projects should include proposed projects for greenway corridors;*
- *Support enhancement of 3rd/4th street as the proposed east-west connector;*
- *Opposition to the southernmost east west connector along SE 16th Avenue;*
- *Support Bus Rapid Transit (BRT) from Archer Road to the Five Points Area;*
- *Support redevelopment of the Five Points area;*
- *Areas are needed in East Gainesville for light industrial uses - the Fairgrounds area may be appropriate for this type of use;*
- *Support creation of an employment center; and*
- *Lake Creek Forest Area (Newnan's Lake) is a priority area for greenways and conservation; this includes the proposed Newnan's Lake Greenway.*



WORKSHOPS AND MEETINGS COMPLETED FOR THE PEG STUDY

January 31, 2002 Kick-off Meeting

The purpose of the first meeting was to formally initiate the project with the community, identify issues, concerns and ideas related to the study. More than 100 people attended. When asked to describe East Gainesville, respondents in the meeting described the East Gainesville area as an underdeveloped, neglected part of town. In contrast, other respondents described East Gainesville as having “better accessibility,” “natural beauty,” “convenience,” “diversity,” “spaciousness,” and as being a place to “enjoy life at a slower pace.” Some respondents also noted the “development potential” of the area because of its available land and existing infrastructure.

In response to the question, “*What are East Gainesville’s greatest assets and challenges?*” responses ranged from the area having large amounts of green space, natural areas and recreation to the area’s committed active citizens and diversity of its population. Greatest challenges facing the area include a lack of jobs, economic opportunity, and commercial development, as well as substandard housing, perceived high crime and aging development. Participants responded that the greatest needs in East Gainesville include more jobs and economic opportunity east of downtown, revitalizing neighborhoods and commercial areas, expanding commercial development, and protecting natural resources and preserving open space.

March 1, 2002, Economic Development / Real Estate Focus Group

The Real Estate Focus Group was held with several area bankers and real estate lending experts to discuss the positive attributes of East Gainesville that could help form a foundation for real estate investment and economic opportunity. Participants commented that proximity to downtown is both an attribute and a liability in that the downtown’s strength provides economic spin-off and opportunity for East Gainesville; but that the downtown captures desirable non-residential uses.

Participants stated that the area enjoys excellent regional transportation infrastructure. The utilities in place, particularly closer in to the city and schools are at 50 percent capacity. The airport is viewed as positive, but it is not being used to its potential because of a lack of support services such as a hotel, restaurants and similar services. Other comments included that the northeast industrial park has strong market appeal with good facilities in place.

Participants believe that East Gainesville has well-defined neighborhoods, another strong asset for growth. There are also plenty of opportunities for infill development. Conservation land is both an asset and a liability, in that it provides opportunities for recreation and eco-tourism, but it fragments development and access. Overall, having conservation land makes development of compact mixed-use centers more appropriate.

Participants expressed that principal limiting factors for more economic investment in East Gainesville are that there is a historical conflict between downtown, core area interests and East Gainesville; recent examples include the County Courthouse location. Available land is continually bypassed and the attitude toward and perception of East Gainesville is a significant problem, with the perception being worse than the reality. The area also needs more landscaping and gateway features to create a sense of identity for East Gainesville.

April 4, 5, 6, and 7, 2002 Community Workshop (Charrette)

The purpose of the workshop was to develop a specific vision for East Gainesville and focus on the key elements needed for a livable, economically viable community. The four-day workshop included several activities to craft a vision statement and development plan for the area. The workshop provided an open forum for participants to discuss topics such as the adopted Year 2020 Long Range Transportation Plan, concepts of new urbanism, “walkable” communities, and activity centers, transportation funding, issues related to the Florida Intrastate Highway System, alternative strategies to manage traffic in the Hawthorne Road corridor, and proposed existing and future conditions analyses. Other major activities included exercises to assess the livability of neighborhoods, identify visual preferences, discuss planning concepts and strategies, and develop a vision statement and plan for the area.



Charrette activities included a bus tour of the study area to help craft a vision for the plan.

**May 15, 2002 East Gainesville Youth Focus Group Meeting**

The RPG team conducted a workshop/forum to obtain input from East Gainesville young people regarding current livability conditions and future redevelopment plans. The group brainstorming and feedback sessions focused on finding ways to improve current neighborhood livability conditions in East Gainesville and developing long range strategies to ensure a quality future for the area. The participating students were asked to respond to the following two questions:

"As a young person living in East Gainesville, what issues should be addressed to make the community more livable/enjoyable to you?"

"What issues should be addressed that would entice you to make your permanent home in East Gainesville once you complete your education?"

The responses to the first question focused primarily on the need for additional recreational activities and shopping options in East Gainesville. The participants also pointed out the need to address other important community issues such as drug related crime, neighborhood beautification, homelessness, economic development, and housing. The group expressed strong concerns about street corner drug sales and related crime in the community. Getting drugs off the street was the group's second ranked priority. When asked if the perception of the area as a high crime area was accurate, the participants were nearly unanimous in the opinion that street corner drug dealing was a reality and a major community problem, from their perspective.

The responses to the question regarding the future of the community reflected both maturity and understanding of serious community livability issues. When asked what essential livability ingredients were necessary for the long-term survival of the neighborhoods on the east-side, respondents talked about the need for additional job creating businesses, diverse housing options (affordable/market rate), the elimination of drugs, and dependence on social services.

June 4, 2002 Bankers / Real Estate Lenders Focus Group

The Gainesville Council for Economic Outreach hosted a discussion forum with several of the area's leading bankers and real estate lending experts. The purpose was to identify what it might take to encourage lending institutions to make investments in East Gainesville and to improve the area's financial attractiveness for private sector initiatives.



The main points identified include investment in public infrastructure, proximity to strong markets (e.g., downtown Gainesville), presence of a national credit tenant (e.g., Wal-Mart or Publix) and improving the residential sector to help reduce risk and increase the likelihood of investment in East Gainesville. Participants expressed that marketing of East Gainesville is necessary. A marketing program aimed at lenders and developers should be developed that touts the region's assets (low land costs, availability of large land parcels with relatively few owners, natural features, accessibility to important destinations, unclogged roads, etc.) and identifies specific desired development areas. Also, bankers stated that they would be willing to join together to spread out the risk to do a demonstration mixed-use project as a way to guide developers and leverage further investment. Participation by major public agencies to help lessen risk is a key factor in making this happen.

According to participants, the perception of East Gainesville needs to change. The first priority needs to be residential development (or redevelopment). Introduction of higher value housing in "great places to live," such as areas with good natural vistas, wooded areas, water, etc. would provide a strong push to the commercial and residential market. It is important to bring in higher paying businesses to East Gainesville to increase opportunities for current residents and encourage residential investment. Other major needs included investment in public infrastructure as a key to reducing risk for new development; quality of education and adequate resources, and magnet schools to help attract residential investment; and creating gateways to improve the sense of identity and appearance of physical improvement.

June 4, 2002 Environmental Focus Group

The Alachua County Environmental Protection Department hosted a discussion forum with several of the area's environmental experts, including representatives from local and state agencies and other environmental stakeholders. The focus of the discussion concerned creek restoration opportunities, data assembly and identification of environmental hazards and features.

The group discussed the conceptual phase of the plan and the importance of enhancing the creek system, preserving wetland areas and identifying land acquisition priority projects for proposed greenway systems. Other uses for acquired conservation lands include passive, resource based recreation, wildlife corridors and scientific study. The group agreed that the PEG study could recommend greenway projects to the Alachua County Forever program.

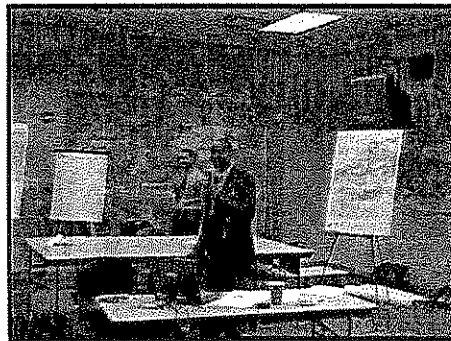
Other important considerations mentioned by the group were to integrate development with watershed planning because Newnan's Lake was currently in poor condition. Another comment was to target restoration efforts in the Calf Pond Watershed.

July 16, 2002 Community Workshop

The purpose of this workshop was to finalize the vision statement, present the draft conceptual master plan and obtain guidance on its components, including design elements, greenways/natural resources/conservation features and possible corridor modifications. Products of the meeting included an approved vision statement and refined concept plan, and specific direction on translating the concept into projects or alternatives for evaluation.

October 29, 2002 Community Workshop

The purpose of this workshop was to present the study results and gain input on draft recommendations and priorities for the revitalization of East Gainesville. The workshop provided the community with the opportunity to review and refine the final plan elements before presentation to elected officials for adoption. The groups were asked to review the alternatives, results of the evaluation, and identify priorities and specific implementation actions for each functional area. Although consensus was not reached on all points, the results and priorities are summarized below:



Transportation:

- *Support enhancement SE of 3rd/4th Avenues as the proposed east-west connector;*
- *Opposition to the southernmost east-west connector along the extension of SE 16th Avenue;*
- *Support Bus Rapid Transit (BRT) from Archer Road to the Five Points Area.*

Land Use:

- *Support redevelopment of the Five Points area;*
- *Areas are needed for light industrial - the Fairgrounds area may be appropriate for this type of use;*
- *Support creation of the proposed employment center at the fairgrounds.*

Conservation:

- *Lake Forest Creek Area Feeding (Newnan's Lake) is a priority area for greenways and conservation; this includes the proposed Newnan's Lake Greenway.*

November 4, 2002 Faith Leaders Focus Group Meeting

The purpose of the meeting with representatives from six churches in the East Gainesville study area was to obtain input from the faith community regarding PEG proposed options and recommendations. When asked what should be the top priorities for the redevelopment of East Gainesville, the participants' responses focused mostly on economic and livability issues, such as job creation and training programs. The participants stressed the need for more active parks and indoor facilities, as opposed to passive green space and for after-school programs at all of the elementary and middle schools. Drugs and related crime were seen as major deterrents to the area's revitalization. Displacement and gentrification of residents in areas targeted for redevelopment was a major concern. Affordable housing set asides, subsidies, and comprehensive relocation strategies were deemed critical to mitigate negative impacts on existing residents. Infrastructure and housing improvements throughout the area should be included in the plan recommendations.

The faith leaders were excited about the proposed redevelopment of the Five Points area and the fairgrounds site. They also felt that the proposed BRT system would stimulate additional development in the areas surrounding the transit stations. The participants' feedback on the proposed connector road was consistent with the input received at the community meeting. They did not support the connector road, but supported the idea of enhancing the SE 3rd/4th Avenue corridor to enhance the viability of the Five Points Project. The participants were not enthusiastic about the proposed greenways, which they did not feel were a priority given other concerns and problems facing the area.



080227

**APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT**RECEIVED
JUN 20 2008
PLANNING
DIVISION

OFFICE USE ONLY			
Petition No.	89TCH-08	Date	6-20-08 Fee: \$
Map No(s).		Receipt No.	
Staff Mtg. Date and Name:		EZ Area No.	EZ PD.

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name: City of Gainesville/John Wachtel	
Applicant/Agent Address: 306 NE 6 th Avenue, Bldg. B	
City: Gainesville	
State: Florida	Zip: 32602-0490
Applicant/Agent Phone: (352) 334-5022	Applicant/Agent Fax: (352) 334-2282

Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.

TEXT AMENDMENT

Check applicable request below:

Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text <input type="checkbox"/>	Other <input type="checkbox"/>
Section/Appendix No.:	Element & Goal, Objective or Policy No.:	Specify:
Appendix A, Section 8(f)(9), The Five Points Special Area Plan		

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):

Add Social Services (MG-83), Residences for destitute people, Food distribution centers for the needy, Membership organizations (MG-86), Dormitories, Roominghouses and boardinghouses (GN-702), Rehabilitation Centers, and Social Service Homes or Halfway Houses to the list of prohibited uses.


080227

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

CERTIFICATION

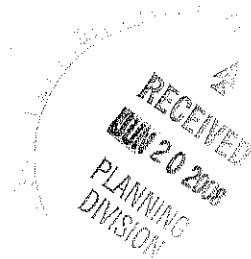
The undersigned has read the above application and is familiar with the information submitted herewith.

Name of applicant/agent: John Wachtel

Signature of applicant/agent: 

Date: June 20, 2008

TL—djw
8/99



080227

Petition 89TCH-08 PB City of Gainesville. The Five Points Special Area Plan. Amend the list of prohibited uses to include: Social Services (MG-83), Residences for destitute people, Food distribution centers for the needy, Membership organizations (MG-86), Dormitories, Rooming-houses and Boardinghouses (GN-702), Rehabilitation Centers, Social Service Homes or Halfway Houses and other similar uses as may be applicable.

John Wachtel, Neighborhood Planner stated that this petition is to prohibit additional uses in the Five Points Special Area Plan (FPSAP), which is a recommendation from the Plan East Gainesville project that will stimulate and guide physical and economic development. Mr. Wachtel further stated that staff is recommending approval of prohibiting all the proposed uses and discussed the vision for East Gainesville, the current prohibited uses and the newly proposed prohibited uses as:

<u>Vision for FPSAP</u>	<u>Existing Prohibited Uses for FPSAP</u>	<u>Proposed Prohibited Uses for FPSAP</u>
<ul style="list-style-type: none">▪ located in downtown east Gainesville▪ urban in character and feel▪ a center for activities and employment▪ access for public gathering places▪ contain signature projects▪ community focal point▪ transportation choices	<ul style="list-style-type: none">▪ auto dealers, auto service and limited auto service (IN 5511 &, MG-753)▪ carwashes (IN-7542)▪ parking lots as a principal use▪ outdoor storages as principal use▪ gas pumps as an accessory to a food store▪ drivethru's	<ul style="list-style-type: none">▪ Rehabilitation Centers▪ Social Services Homes/ Halfway Houses▪ Social Services (MG-83)▪ Residences for destitute people▪ Food distributions centers for the needy▪ Rooming Houses and Boarding Houses▪ Dormitories▪ Membership Organizations (MG-86)

Bob Ackerman inquired why some of the newly proposed prohibited uses include daycare centers, political and religious organizations, churches and the American Bar Association; which are all vibrant things that happen in a city's center. Mr. Wachtel stated that impacts are the same when a large group of people get together, as no matter what type of organizations or association it is, it all depends on the impact it creates. Mr. Wachtel further stated that day care homes are an exception, and has a special category in the Land Development Code.

Mr. Hilliard displayed the map of the FPSAP and stated that when the FPSAP area was created, the concern was being able to bring in enough retail service types of uses into the area, as the community has vocalized their desire to do so. Mr. Hilliard further stated that there are other locations on the east side of Gainesville where Social Services uses can be located. Mr. Hilliard added that day care centers and places of religious assembly were pulled out many years ago from the MG-83 due to the impacts being different.

Chair Cohen inquired from the board members if there has been any exparte communications regarding this petition. No board member stated that they had any exparte communications.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Planning and Development Services Department of the City of Gainesville.

Rachel Swaysland, representative for Christian Prison Ministries stated their client is very interested in seeing east Gainesville develop in a positive way and would like to maintain a good partnership with the city and its citizens. Ms. Swaysland further stated that the Christian Prison Ministries is the catalysts for this text amendment as their property is ideally suited for medical, social and community uses, and does not feel that Staff has a solid basis for this amendment, nor has demonstrated why certain uses and certain design criterions are bad for this area or inherently wrong. Ms. Swaysland added that if this petition is approved, the Chamber of Commerce and the Better Business Bureau would be prohibited to locate into the FPSAP. Ms. Swaysland further added that Social Services uses and Membership Organizations are an asset to a diverse downtown and community, as the existing Urban Design requirements and the FPSAP will help to integrate these uses without becoming a detriment to the city.

Jennifer Springfield, Attorney for Christian Prison Ministries clarified that in her letter sent to the board, the Gainesville Bridge House and the Bannum, Inc., treat people who have never been incarcerated but has had some interaction or contact with law enforcement as a result of an alleged drug offense and that no one is proposing a drug rehabilitation program for drug related offenses. Ms. Springfield stated that her clients would like to use their property for something suitable and this proposed amendment will rule out almost everything this site may be able to be used for. Ms. Springfield further stated that the Plan East Gainesville process started the same time her client asked to use their property for certain specific uses that Plan East Gainesville saw as not being consistent with the planning process. Ms. Springfield added that continuing to allow their two parcels of a 25,000 square foot building and a large parking lot to sit vacate is not in the best interest of the community or the neighborhood and recommends that the Board deny this petition.

Mr. Reiskind inquired if the petitioner has investigated re-designing the building or inquiring from design groups in the community if there could be other uses for this building. Ms. Springfield stated that her client is a private, non-profit organization based in Orlando, Florida that has had the building up for sale since 2002 and placed a huge investment into it when the building was completely renovated.

Chair Cohen opened the floor for public comment and citizen comments were:

- FPSAP needs to have walkability and a positive vision to develop a revenue building community
- several schools ,day cares and after school kids programs in the area
- new homes will be built in the area
- it is a gateway to the city
- the vision of east Gainesville should be protected
- non-value added entities in the area should be discouraged
- absentee landlord does not know the property or area surrounding their building
- east Gainesville has always been the area to place Social Services uses
- the community needs a grocery store and doctor offices
- on the verge of doing all the right things to make this area a vibrant and livable community

- both the City and the County have made investments for a better community on the east side
- there is a positive feel and anticipation of what is to come in East Gainesville
- in favor of creating a true sustainable and livable community on the east side

Mr. Reiskind inquired why MG-86 Membership Organizations is part of the prohibited uses for this proposed petition. Mr. Hilliard stated that the City Attorney's office informed staff that the Social Service Use scope needed to be broadened due to court cases that has transpired around the country.

Mr. Ackerman stated that he fully understand the desire to not have certain challenging social services like drug rehabilitation and probation offices, and is prepared to accept Staff's assertion that the City Attorney has said that in order to accept them we have to give up child care, job training, membership activities, churches and a lot of other stuff to theoretically put it into this one category. Mr. Hilliard stated that child care and places of religious assembly are not part of the Social Services or Membership Organizations as the Land Development Code clearly states that when a use is clearly defined those uses will not be part of the SIC Code definition.

Randy Wells stated that he takes with good faith the assertion of what the City Attorney is saying, and if we are really saying that we do not want these types of uses in this area, then it should be in writing to make it clear to all. Mr. Wells further stated that he is not sure if this is the right approach as there now will be others claiming that they do not want certain types of uses in their area, but it is clear that in this area we have had a long standing effort to improve it.

Ms. High stated that this Board has always looked at the surrounding uses and neighborhoods when a SUP is involved; and the neighborhood we are looking at tonight has been sorely neglected over the years because of its location, hence the innovation of the FPSAP. Ms. High further stated that she sees the FPSAP as purely an economic growth stimulus decision and it is not up to the Board to determine what the 14th Amendment says.

Mr. Reiskind stated that if we want the FPSAP to move forward there should not be any non-valued added entities and approval of this petition will contribute to that vision; with a possible question regarding Membership Organizations.

Chair Cohen stated that this property has prompted a re-looking at the Special Area Plan (SAP), and now the City of Gainesville is proposing that the entire 50 acres be looked at. Chair Cohen further stated that the bigger question is what do we want this 50 acres to look like; and as one of the representatives for the Christian Prison Ministries pointed out, if there were Form Based Zoning everyone would be looking at it differently and it would have change the whole nature of this debate. Chair Cohen added that he has put aside his issues and accepts the legal opinion of staff and is left with the decision of what is best for this city, of which will prohibit certain services and uses. Chair Cohen added that he would be in favor of the petition, with raising the concern that there are legal issues that are unresolved that needs to be resolved.

Motion: Randy Wells	Seconded By: Jon Reiskind
Moved To: Approve with consideration that "Membership Organizations" would be evaluated by the City Commission prior to final approval, with the possibility that it could be left in as a permitted use.	Upon Vote: 5 – 1. (Nay: B. Ackerman)