

Legislative #
140695A

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR



May 7, 2015

The Honorable Ed B. Braddy
Mayor, City of Gainesville
Post Office Box 490, Station 11
Gainesville, Florida 32627-0490

Dear Mayor Braddy:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Gainesville (Amendment No. 15-1ESR), which was received on April 8, 2015. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no adverse impacts to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Valerie Jenkins, at (850) 717-8493, or by email at valerie.jenkins@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Richmond', with a long horizontal flourish extending to the right.

Ana Richmond, Chief
Bureau of Community Planning

AR/vj

Enclosure(s): Procedures for Adoption

cc: Mr. Onelia Lazzari, AICP, Principal Planner, City of Gainesville
Mr. Scott Koons, AICP, Executive Director, North Central Florida RPC



Serving
Alachua • Bradford
Columbia • Dixie • Gilchrist
Hamilton • Lafayette • Madison
Suwannee • Taylor • Union Counties

2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

April 24, 2015

Ms. Onelia Lazzari, AICP, Principal Planner
City of Gainesville
P.O. Box 490, Mail Station 11
Gainesville, FL 32627



RE: Regional Review of City of Gainesville Comprehensive Plan Draft Amendments
Petition Numbers PB-143-73 LUC, PB-14-162 LUC and PB-14-166 LUC

Dear Onelia:

At its regularly scheduled meeting held April 23, 2015, the Council reviewed the above-referenced items. Subsequent to their review, the Council voted to adopt the enclosed report.

If you have any questions concerning this matter, please do not hesitate to contact Steven Dopp, Senior Planner of the Planning Council's Regional and Local Government Programs staff, at 352.955.2200, extension 109.

Sincerely,

Scott R. Koons, AICP
Executive Director

Enclosure

xc: Ray Eubanks, Florida Department of Economic Opportunity
Anastasia Richmond, Florida Department of Economic Opportunity
Dean Mimms, AICP, City of Gainesville

v:\chouse\letters\gville.150424.ltr.docx

**FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01**

Regional Planning Council: North Central Fl
Review Date: 4/23/15
Amendment Type: Draft Amendments

Regional Planning Council Item No.: 40
Local Government: City of Gainesville
Local Government Item Nos.: PB-14-73 LUC,
PB-14-162 LUC, and PB-14-166 LUC
State Land Planning Agency Item No.: 15-1ESR

Date Mailed to Local Government and State Land Planning Agency: 4/24/15 (estimated)

Pursuant to Section 163.3184, Florida Statutes, Council review of local government comprehensive plan amendments is limited to adverse effects on regional resources and facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENTS

City item PB-14-73 LUC reclassifies 2,327.59 acres of annexed land from County Rural/Agriculture (up to 1 dwelling unit per 5 acres) to City Public and Institutional Facilities. City item PB-14-162 LUC reclassifies 97.8 acres of annexed lands from County Institutional to City Conservation. City item PB-14-166 LUC amends the City historic district map series (see attached).

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN

The City item PB-14-73 is located adjacent to U.S. Highway 441, which is identified in the North Central Florida Strategic Regional Policy Plan as part of the Regional Road Network. Nevertheless, significant adverse impacts are not anticipated to occur to the adjoining segment of the regional road network as a result of the amendment. The subject property is located within a City Transportation Mobility Program Area and is subject to Zone E requirements of Policy 10.1.11 of the City Transportation Mobility Element (see attached). The City Transportation Element policy requires the implementation of one or more practices consistent with Transportation Planning Best Practices contained in the North Central Florida Strategic Regional Policy Plan (see attached). Regional Plan Transportation Element Policy 5.1.1 states that within municipalities where local government comprehensive plans contain goals and policies which implement Transportation Planning Best Practices, adverse impacts to the Regional Road Network are adequately mitigated and local government plans and plan amendments are not subject to a Regional Planning Council determination impacts to the Regional Road Network.

The subject property of City item PB-14-73 is located either on or within 1/2 mile of an Area of High Recharge Potential to the Floridan Aquifer and a Stream-to-Sink Recharge area, both of which are identified and mapped in the regional plan as a Natural Resource of Regional Significance. Nevertheless, significant adverse impacts are not anticipated to occur to the natural resources as, the City Comprehensive Plan contains adequate policy direction consistent with the regional plan to mitigate adverse impacts to the natural resources.

City items PB-14-162 LUC and PB-14-166 LUC are not anticipated to result in significant adverse impacts to regional facilities or Natural Resources of Regional Significance as neither item results in an increase in the intensity or density of use.

2. EXTRAJURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

The City Comprehensive Plan, as amended, is not anticipated to create significant adverse impacts to adjoining local governments.

Request a copy of the adopted version of the amendments?

Yes No

Not Applicable

It is recommended that these findings be forwarded to the City and the Florida Department of Economic Opportunity.

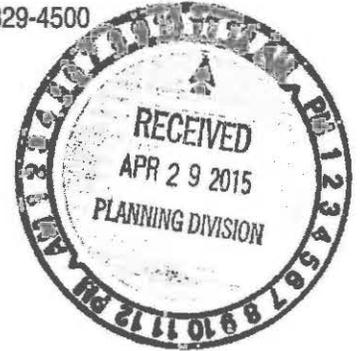
Council Action: At its April 23, 2015 meeting, the Council voted to adopt this report.



St. Johns River Water Management District

Hans G. Tanzler III, Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.



April 22, 2015

Ms. Onelia Lazzari, AICP
Principal Planner
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627

Re: City of Gainesville Proposed Comprehensive Plan Amendment #15-1ESR

Dear Ms. Lazzari:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment. District staff review, as outlined in *Florida Statutes*, focused on flood protection and floodplain management, wetlands and other surface waters, and regional water supply as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted. District staff have no comments on the proposed amendment because no adverse impacts to important state resources and facilities were identified.

If you have any questions or need additional information or assistance, please contact me at (386) 312-2369 or sfitzgib@sjrwmd.com.

Sincerely,

Steve Fitzgibbons, AICP, Intergovernmental Planner
Office of Communications and Intergovernmental Affairs

cc: Ray Eubanks, Florida Department of Economic Opportunity
Valerie Jenkins, Florida Department of Economic Opportunity
Scott Koons, North Central Florida Regional Planning Council
Dean Mimms, City of Gainesville

GOVERNING BOARD

John A. Miklos, CHAIRMAN
ORLANDO

Fred N. Roberts Jr., VICE CHAIRMAN
OCALA

Chuck Drake, SECRETARY
ORLANDO

Carla Yetter, TREASURER
FERNANDINA BEACH

Douglas C. Bourmique
VERO BEACH

Douglas Burnett
ST. AUGUSTINE

Maryam H. Ghyabi
ORMOND BEACH

Ron Howse
COCOA

George W. Robbins
JACKSONVILLE

Lazzari, Onelia R.

From: Ray, Suzanne E. <Suzanne.E.Ray@dep.state.fl.us>
Sent: Wednesday, May 06, 2015 3:07 PM
To: Lazzari, Onelia R.; DCPexternalagencycomments@DEO.myflorida.com
Subject: Gainesville 15-1ESR Proposed

To: Onelia Lazzari, Principal Planner

Re: Gainesville 15-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction. Please forward a copy of adopted amendments to the Department.

Feel free to contact me for assistance or additional information.

Suzanne E. Ray, AICP
DEP Office of Intergovernmental Programs
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2172





State Board of Education

Gary Chartrand, *Chair*
John R. Padget, *Vice Chair*
Members
John A. Colón
Marva Johnson
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

April 15, 2015



Ms. Onelia Lazzari, AICP, Principal Planner
Mr. Dean Mimms, AICP, Lead Planner
City of Gainesville – MS 11
Post Office Box 490
Gainesville, Florida 32627
Via E-mail: lazzarior@cityofgainesville.org and mimmsdl@cityofgainesville.org

Re: Gainesville 15-1 ESR

Dear Ms. Lazzari and Mr. Mimms:

Thank you for the opportunity to review the City of Gainesville's 15-1 ESR amendment package, which the Florida Department of Education received on April 9, 2014. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering the provisions of chapter 163, Part II, F.S., and to determine whether the proposal, if adopted, would have the potential to create significant adverse effects on public school facilities.

The package proposes three amendments which would: amend the future land use map related to the Gainesville Regional Utilities Deerhaven Generating Station to apply the city's Public and Institutional Facilities land use category to 2,327.59 acres; update the maps of the city's five historic districts; and amend the future land use map related to the Morningside Nature Center to apply the city's Conservation land use category to 97.8 acres. Because the proposals do not appear to have the potential to adversely affect public educational facilities, I offer no comment.

Again, thank you for the opportunity to review the amendment package. If I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy D. Suber
Growth Management & Facilities Policy Liaison

TDS/

cc: Ms. Vicki McGrath, Alachua County Public Schools
Ms. Sherry Spiers and Ms. Valerie Jenkins, DEO/State Land Planning Agency

Thomas H. Inserra
Director, Office of Educational Facilities

ORDINANCE NO. 140695

1
2
3 **An ordinance amending the Future Land Use Map of the City of Gainesville**
4 **Comprehensive Plan by changing the land use category of approximately**
5 **97.8 acres of property that is generally located north of Morningside Nature**
6 **Center, as more specifically described in this ordinance, from Alachua**
7 **County Institutional (INST) to City of Gainesville Conservation (CON);**
8 **providing directions to the City Manager; providing a severability clause;**
9 **providing a repealing clause; and providing an effective date.**
10

11 **WHEREAS,** notice was given as required by law that the Future Land Use Map of the
12 City of Gainesville Comprehensive Plan be amended by changing the land use category of certain
13 property from Alachua County Institutional (INST) to City of Gainesville Conservation (CON);
14 and

15 **WHEREAS,** on January 22, 2015, a public hearing was held by the City Plan Board,
16 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it
17 voted to recommend that the City Commission adopt this ordinance; and

18 **WHEREAS,** an advertisement no less than two columns wide by ten (10) inches long
19 was placed in a newspaper of general circulation and provided the public with at least seven (7)
20 days' advance notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held
21 by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the
22 City of Gainesville; and

23 **WHEREAS,** after the first public hearing, the City of Gainesville transmitted copies of
24 this proposed amendment to the reviewing agencies and any other local government unit or state
25 agency that requested same; and

26 **WHEREAS,** a second advertisement no less than two columns wide by ten (10) inches
27 long was placed in the aforesaid newspaper and provided the public with at least five (5) days'
28 advance notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the

1 City Commission; and

2 **WHEREAS**, public hearings were held pursuant to the notice described above at which
3 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
4 and

5 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered
6 any written comments received concerning this amendment.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
10 amended by changing the land use category of the following property from Alachua County
11 Institutional (INST) to City of Gainesville Conservation (CON):

12 See legal description attached as Exhibit "A" and made a part hereof as if set forth
13 in full. The location of the property is shown on Exhibit "B" for visual reference.
14 In the event of conflict or inconsistency, Exhibit "A" shall prevail over Exhibit
15 "B".

16
17 **Section 2.** Within ten (10) working days of the transmittal (first) hearing, the City
18 Manager or designee is authorized and directed to transmit this amendment and appropriate
19 supporting data and analyses to the reviewing agencies and to any other local government or
20 governmental agency that has filed a written request for same with the City. Within ten (10)
21 working days of the adoption (second) hearing, the City Manager or designee is authorized and
22 directed to transmit this amendment to the state land planning agency and any other agency or
23 local government that provided comments to the City regarding the amendment.

1 **Section 3.** The City Manager or designee is authorized and directed to make the
2 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in
3 order to comply with this ordinance.

4 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
5 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
6 finding shall not affect the other provisions or applications of this ordinance that can be given
7 effect without the invalid or unconstitutional provision or application, and to this end the
8 provisions of this ordinance are declared severable.

9 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
10 such conflict hereby repealed.

11 **Section 6.** This ordinance shall become effective immediately upon adoption; however,
12 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
13 amendment is not timely challenged, shall be 31 days after the state land planning agency notifies
14 the City that the plan amendment package is complete in accordance with Section 163.3184,
15 Florida Statutes. If timely challenged, this Comprehensive Plan amendment shall become
16 effective on the date the state land planning agency or the Administration Commission enters a
17 final order determining the amendment to be in compliance with Chapter 163, Florida Statutes.
18 No development orders, development permits, or land uses dependent on this Comprehensive

19

1 Plan amendment may be issued or commenced before this amendment has become effective.

2 **PASSED AND ADOPTED** this _____ day of _____, 2015.

3

4

5

6

7

8 **Attest:**

9

10

11

12 _____
KURT LANNON
13 CLERK OF THE COMMISSION

EDWARD B. BRADDY
MAYOR

Approved as to form and legality:

14

15 This ordinance passed on (first) transmittal hearing this ____ day of _____, 2015.

16

17 This ordinance passed on (second) adoption hearing this ____ day of _____, 2015.

LEGAL DESCRIPTION

A PART OF SECTION 35, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 35, TOWNSHIP 9 SOUTH, RANGE 20 EAST; THENCE NORTH 01°00'58" WEST, ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 1323.61 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE SOUTH 89°04'03" WEST, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°04'03" WEST, ALONG SAID NORTH LINE OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 AND ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 35, A DISTANCE OF 3473.41 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 01°02'15" WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 35 AND ITS NORTHERLY PROLONGATION THEREOF, A DISTANCE OF 1395.00 FEET; THENCE NORTH 89°04'03" EAST, A DISTANCE OF 2227.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 15°17'34" EAST, A DISTANCE OF 228.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 55°49'28" EAST, A DISTANCE OF 228.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 74°33' 40" EAST, A DISTANCE OF 442.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 51°58'42" EAST, A DISTANCE OF 261.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE NORTH 78°37'00" EAST, A DISTANCE OF 340.00 FEET TO AN IRON PIPE AND CAP (LB 4603); THENCE SOUTH 63°29'01" EAST, A DISTANCE OF 48.83 FEET TO A POINT 500 FEET WEST OF THE EAST BOUNDARY OF SAID SECTION 35; THENCE SOUTH 01°00'58" EAST, PARALLEL TO SAID EAST BOUNDARY OF SAID SECTION 35, A DISTANCE OF 793.49 FEET TO THE POINT OF BEGINNING.

City of Gainesville Land Use Designations

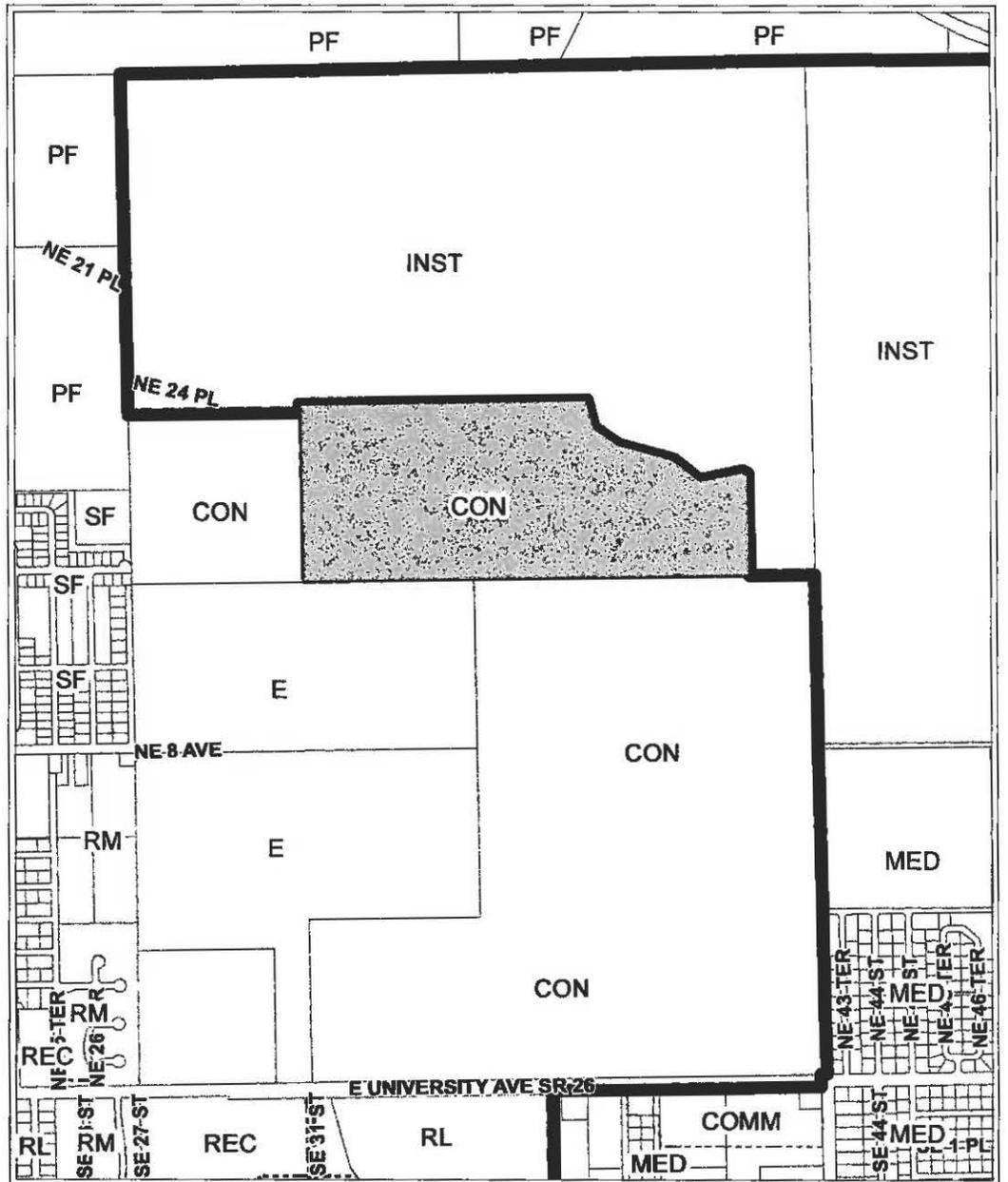
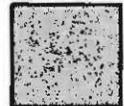
- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- E Education
- REC Recreation
- CON Conservation
- PF Public and Institutional Facilities

Alachua County Land Use Designations

- INST Institutional
- MED Medium Density Residential
- COMM Commercial Enclaves

- Division line between two land use categories
- City Limits

Area
under petition
consideration



PROPOSED LAND USE

	Name	Petition Request	Petition Number
 No Scale	City Plan Board, applicant	Amend the City of Gainesville Future Land Use Map from Alachua County Institutional to City of Gainesville Conservation (CON)	PB-14-162 LUC

City of Gainesville Land Use Designations

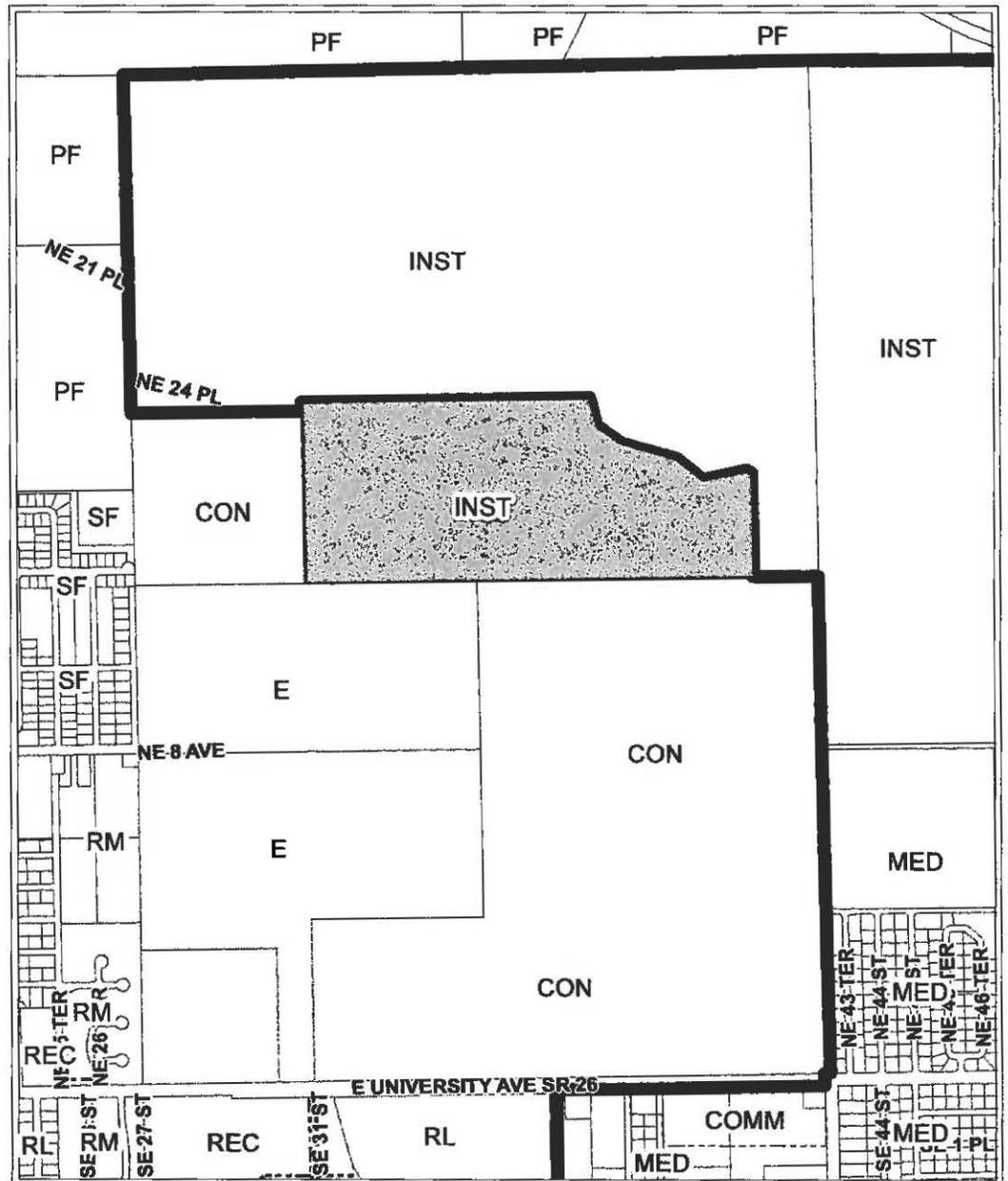
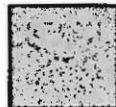
- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- E Education
- REC Recreation
- CON Conservation
- PF Public and Institutional Facilities

Alachua County Land Use Designations

- INST Institutional
- MED Medium Density Residential
- COMM Commercial Enclaves

- Division line between two land use categories
- City Limits

Area
under petition
consideration



EXISTING LAND USE

	Name	Petition Request	Petition Number
 No Scale	City Plan Board, applicant	Amend the City of Gainesville Future Land Use Map from Alachua County Institutional to City of Gainesville Conservation (CON)	PB-14-162 LUC