



Legislation Details (With Text)

File #: 090184. **Version:** 0 **Name:** COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION CONCURRENCY EXCEPTION AREA (B)

Type: Ordinance **Status:** Adoption Reading

File created: 12/17/2009 **In control:** City Attorney

On agenda: **Final action:** 12/17/2009

Title: COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION CONCURRENCY EXCEPTION AREA (B)

Ordinance No. 0-09-34, Petition PZ-09-67CPA

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, relating to concurrency and the transportation concurrency exception area (TCEA); amending the Concurrency Management Element by revising the standards and requirements for existing TCEA zones, by creating new TCEA zones with related standards and requirements, by deleting the prohibition on TCEA zones west of I-75, by clarifying the status of annexed property, by creating trip credits for certain redevelopment projects, by creating requirements for certain developments on vacant acreage, by providing for implementation of the Bus Rapid Transit Study and express bus service, by clarifying the requirements for drive-through facilities, by requiring large developments to address regional impacts and by deleting legal descriptions of the existing TCEA zones; amending the Future Land Use Element by specifying TCEA zone requirements for annexed property and by requiring large developments to address regional impacts; amending the Transportation Mobility Element by deleting certain requirements for transportation mitigation outside of the TCEA and by providing for implementation of the Bus Rapid Transit Study and express bus service; amending the Capital Improvements Element by specifying the Concurrency Management level of service standards for the new TCEA zones and by adding new transit and transportation projects to the 5-year schedule of capital improvements; providing directions to the city manager; stating intent to adopt the amended elements as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 090184_staff report_20090728.pdf, 2. 090184A_amendments to PZ-09-67cpa_20090728.pdf, 3. 090184B_staff ppt_20090728.pdf, 4. 090184_Ordinance 0-09-34_20090728.pdf, 5. 090184_Attachment 1_20090728.pdf, 6. 090184_Attachment 2_20090728.pdf, 7. 090184_Attachment 3_20090728.pdf, 8. 090184_Attachment 4_20090728.pdf, 9. 090184C_cpb draft minutes_20090728.pdf, 10. 090184_draftordinance_2009121709.pdf, 11. 090184_covermemo&exhibits_20091217.pdf, 12. 090184_ordinance_20091217.pdf, 13. 090184_attachment_20091217.pdf

Date	Ver.	Action By	Action	Result
12/17/2009	1	City Commission	Adopted on Adoption Reading (Ordinance) and Approved the Recommendation, as amended	Pass
7/28/2009	0	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance), as modified	Pass

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The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition amends the text of the Concurrency Management Element, Future Land Use Element, Transportation Mobility Element, and Capital Improvements Element to make the City's Comprehensive Plan consistent with and implement the provisions of 2009 Senate Bill 360 (SB 360), especially as concerns transportation concurrency. A related petition, Petition PZ-09-68 LUC, contains the map changes depicting the TCEA and sub-zones described in the policies in this petition.

Background

On June 1, 2009, SB 360 (now known as Chapter Law No. 2009-96) was signed into law. Among other things, SB 360 requires each City or County that is certified as a Dense Urban Land Area (DULA) to be automatically designated as a Transportation Concurrency Exception Area (TCEA). SB 360 defines a DULA as: (a) a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000; (b) a county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or (c) a county, including the municipalities located therein, which has a population of at least 1 million. The City meets the definition under (a) above, with approximately 2,064 persons per square mile of land area as of April 1, 2008 (the last official date for population estimates). Taking into account the recent Butler Plaza and SW 20th Avenue annexations in 2008 and 2009, the City still meets the DULA definition (June 1, 2009 population estimate of 131,639/62.58 square miles of city area) with approximately 2,103 persons per square mile. The City was designated as a DULA on July 8, 2009. With the adoption of SB 360 and Gainesville's DULA designation, the entire area within city limits is a TCEA.

Data and Analysis Report

The City first established a TCEA (Zones A and B) in 1999 with the adoption of the Concurrency Management Element. In 2005, Zone C was added to the TCEA by a Comprehensive Plan amendment. Those zones covered a sizable portion of the Gainesville city limits. However, as annexations occurred after 2005, the City did not extend the TCEA limits.

To clarify the TCEA discussion in this report, the following terminology will be used. "Existing TCEA" refers to TCEA Zones A, B, and C as adopted in the City's Comprehensive Plan prior to July 8, 2009. "State-mandated

TCEA" refers to the areas outside of the Existing TCEA that became a TCEA upon official DULA designation by the State. "TCEA" refers to the TCEA associated with the adoption of the proposed Comprehensive Plan amendments in this petition and PZ-09-68 LUC.

Development in the Existing TCEA is regulated by objectives and policies in the Concurrency Management Element. In order to address the state-mandated TCEA and implement new development regulations for the overall TCEA, the City is proposing several Comprehensive Plan amendments that create new TCEA zones and requirements to support and fund mobility in the area. This is consistent with a provision in SB 360 concerning municipalities designated as DULAs. That provision states, "...shall, within two years after the designated area becomes exempt, adopt into its local comprehensive plan land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation."

This Petition and Ordinance contain the amended and new goals, objectives, and policies associated with this Comprehensive Plan amendment. The following key strategies are incorporated into the new and amended Comprehensive Plan policies to support and fund mobility in the City's TCEA.

1. Incentives for redevelopment so that blight associated with vacant or abandoned buildings can be reduced and allow more dense and/or intense uses in built-up areas.
2. Requirements for larger vacant parcels to contain a mix of residential and non-residential uses to facilitate a reduction in vehicle miles traveled and promote energy-efficient land use patterns.
3. Adoption of new and revised standards in TCEA zones concerning mobility funding.
4. Incentives for infill development in built-up areas.
5. Requirements for new multi-family development in the University of Florida Context area (as mapped in the UF Campus Master Plan) to fund transit capital needs associated with that area.
6. Support for alternative modes of transportation as benefiting the overall transportation system.
7. Funding requirements for the construction of a new or expanded bus maintenance and operations facility to allow expansion of the Regional Transit System (RTS) service. Without the new or expanded maintenance/operations facility, RTS is constrained due to lack of ability to service additional transit vehicles. Additional transit vehicles are an important component of enhanced transit frequencies or expanded hours of transit service.
8. Maintaining design requirements in the TCEA as a critical component.
9. A tiered system of standards/requirements in the TCEA zone policies that recognizes that higher mobility funding requirements in areas more distant from the city core are necessary to support mobility in those areas and serve as an incentive for redevelopment and infill development in core areas.

A summary of the most important changes in each element is listed below.

In the Concurrency Management Element: (1) The creation of new TCEA sub-zones and supporting standards and requirements for funding transportation mobility needs in the TCEA. Included within the standards is a new requirement for large developments generating more than 5,000 average daily trips to fund transit at 15-minute frequencies or be on an existing transit route that operates at minimum 15-minute frequencies, (2) New requirements for vacant parcels of 30 or more acres to have a mix of residential and non-residential uses with certain exceptions for infill parcels in built-up areas, (3) An increase in the allowable redevelopment trip credits as an important

incentive for redevelopment, (4) Clear guidance for the City, the development community, and the public as to how annexed properties without City land use will be treated in the TCEA, and (5) Removal of the restriction on expanding the TCEA west of I-75 due to the citywide status of the Gainesville TCEA.

In the Future Land Use Element: (1) Added changes under Objective 4.4 about the treatment of annexed properties related to the TCEA, and. (2) Added a new policy concerning large developments that trigger the State statutory threshold for Developments of Regional Impact (DRIs) that move forward without using the State-required DRI review process because they are exempt due to the City's dense urban land area status. The policy requires the development to address regional impacts associated with the development.

In the Transportation Mobility Element: (1) Deletion of Policy 7.1.13 concerning transportation mitigation requirements outside the TCEA, and (2) Added a policy concerning the implementation of bus rapid transit (BRT) based on route feasibility, funding availability, and financial feasibility.

In the Capital Improvements Element: (1) Added new TCEA zone policy numbers in Policy 1.2.6 concerning adopted level of service standards for transportation, and (2) Addition of new transit and transportation projects in the 5-Year Schedule of Capital Improvements.

New TCEA Zones

The City's Existing TCEA was based on a geographic system that identified different transportation mobility needs and standards. The general philosophy and practices of the Existing TCEA are carried forward in the new policies for the overall TCEA. This provides continuity and clarity that is beneficial to the City and the development community.

Zone A was identified as the area where development and redevelopment should be given the greatest incentive due to: proximity to the university; the existence of the Community Redevelopment Areas; the gridded street network, and desire to promote East Gainesville.

Zone B was identified as a market-driven area for development that was characterized as generally built-up and subject to redevelopment.

Zone C was identified as a highly market-driven area for development that was characterized by proximity to UF, major shopping facilities and being heavily served by transit. The area contains both built-up and vacant areas.

Newly created Zone D is the area west of I-75 that falls within city limits. The primary strategy in this area is support for the extension of SW 40th Boulevard from SW Archer Road to SW 47th Avenue to provide a parallel road facility for I-75 relief. Other strategies include mitigation support for the construction of a new or expanded bus maintenance/operations facility to allow expansion of the transit fleet (currently the Regional Transit System has extremely limited fleet expansion ability due to the lack of maintenance facilities). Transit will serve as a mobility strategy associated with Archer Road congestion for this area. Since this area is west of I-75, supplying transportation mobility is more difficult, and the standards are tiered to reflect this.

Zone E is the northern area of the city that primarily consists of vacant lands distant from the city core. The primary transportation mobility strategy in this area involves the widening of SR 121 (the extension of NW 34th Street) past US 441 to CR 231. This strategy is appropriate because much of the vacant land shares the use of SR 121 with truck and industrial traffic in the area. Other strategies include mitigation support for the construction of a new or expanded bus maintenance/operations facility to allow expansion of the transit fleet (currently the Regional Transit System has extremely limited fleet expansion ability due to the lack of maintenance facilities). Since this area is distant from the city core and there is no current transit service available, the standards associated with this zone are tiered to reflect the fact that supplying transportation mobility in this area is more difficult.

Zone M contains the Butler Plaza and SW 20th Avenue annexed areas that are anticipated to be more densely and intensely developed with commercial and residential uses as part of the Butler Plaza expansion and the Urban Village overlay plan. Zone M is designated primarily as a multi-modal zone with strategies to support transit, pedestrians, bicyclists, and a more gridded street network in the area (including the extension of SW 62nd Boulevard and the construction of Hull Road as approved in Option M by the MTPO). This area is located proximate to the University of Florida (a major employer and a major trip destination). This multi-modal approach is seen as the best solution to handle mobility needs in the area due to congestion on Archer Road and SW 34th Street and the lack of roadway widening solutions for these facilities. It is also complementary to the interconnectivity between this area and the University of Florida.

Development on annexed property without a City land use designation

Development on annexed property within the state-mandated TCEA that does not have a City land use designation (either pre- or post-DULA status) shall be regulated for concurrency in accordance with Future Land Use Element Objective 4.4 and its sub-policies and Section 171.062(2), Florida Statutes, which state that such developments shall continue to be subject to the County land use plan and county zoning regulations until such time as the City places its land use designation on the property. The County's transportation level of service standards and concurrency management procedures shall apply to these properties.

Additional regulations

In addition to the zone designations and mitigation requirements, there are additional policies that provide redevelopment credits in order to incentivize redevelopment over greenfield development. The special regulations for auto-oriented uses, design policies, streetscaping and landscaping requirements, and restrictions on excess parking are continued in the new TCEA.

Impact on Affordable Housing

This petition will not have a direct impact on the provision of affordable housing. However, since it relates to the expansion of the TCEA, more affordable housing may become available as a result of changing the strict adherence to transportation concurrency requirements, which limits development potential in areas with roads not meeting adopted LOS standards.

Public notice was published in the Gainesville Sun on June 9, 2009. The Plan Board held a public hearing June 25, 2009. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board, by a vote of 5-1, recommended that the City Commission approve Petition PZ-09-67 CPA.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive

Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.