



## Legislation Text

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**File #:** 180517., **Version:** 2

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### **Quasi-Judicial - Request to Designate Certain Property on E University Avenue as a Brownfield (B)**

Resolution No. 180517

A resolution of the City of Gainesville, Florida, designating certain property located at 1007 and 1021 E University Avenue and 15 SE 10th Street, parcel numbers 12005-000-000, 12007-000-000, 12007-001-000, and 12007-002-000, as more specifically described in this resolution, as a Brownfield Area in accordance with the Florida Brownfields Redevelopment Act, Sections 376.77-376.85, Florida Statutes; providing directions to the City Manager; and providing an immediate effective date.

The City Commission should adopt the proposed resolution.

#### STAFF REPORT

This item is a private land owner/developer requesting that the City designate certain property located on E University Avenue as a Brownfield Area under the Brownfields Redevelopment Act in the Florida Statutes (Sections 376.77-376.85, F.S.). The Brownfields Act is a Florida program established in 1997 to encourage the redevelopment of "brownfield sites" and the reduction of public health and environmental hazards by providing property owners/developers of brownfield sites with economic incentives such as a sales tax credit on building materials, state loan guarantees, and various other tax credits and incentives. The intent of the Brownfields Act is: "the reduction of public health and environmental hazards on existing commercial and industrial sites is vital to their use and reuse as sources of employment, housing, recreation, and open space areas. The reuse of industrial land is an important component of sound land use policy for productive urban purposes."

The Applicant is redeveloping the subject property as a Wawa gasoline station with 12 fueling positions, an approximately 5,564 square foot convenience store, and associated indoor and outdoor seating areas. Under the Brownfields Act, the process for a local government to designate a brownfield area at the request of a property owner/developer is as follows. Section 376.80(2)(c), F.S., outlines that the local government shall adopt a resolution designating the site as a brownfield area if, to the satisfaction of the local government, the owner/developer has established all of the following five criteria:

1. A person who owns or controls a potential brownfield site is requesting the designation and has agreed to rehabilitate and redevelop the brownfield site. "Brownfield site" is defined as real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination.
2. The rehabilitation and redevelopment of the proposed brownfield site will result in economic productivity of the area, along with the creation of at least 5 new permanent jobs at the brownfield site that are full-time equivalent positions not associated with the implementation of the brownfield site rehabilitation agreement and that are not associated with redevelopment project demolition or construction activities pursuant to the redevelopment of the proposed brownfield site or area.

3. The redevelopment of the proposed brownfield site is consistent with the Gainesville Comprehensive Plan and is a permitted use under the local land development regulations.

4. Notice of the proposed rehabilitation of the brownfield area has been provided to neighbors and nearby residents of the proposed area to be designated pursuant to Section 376.80(1)(c), F.S., and the person proposing the area for designation has afforded to those receiving notice the opportunity for comments and suggestions about rehabilitation. Notice pursuant to this subparagraph must be posted in the affected area.

5. The Applicant must demonstrate that it provided reasonable assurance that it has sufficient financial resources to implement and complete the rehabilitation agreement and redevelopment of the brownfield site.

These criteria are analyzed in the staff report.

The approval of the designation has no direct fiscal impact on the City.

#### CITY ATTORNEY MEMORANDUM

Per Section 376.80, F.S., this resolution requires two hearings. At least one hearing shall be held after 5:00 p.m. and at least one hearing shall be conducted as closely as is reasonably practicable to the area to be designated to provide an opportunity for public input on the size of the area, the objectives for rehabilitation, job opportunities and economic developments anticipated, neighborhood residents' considerations, and other relevant local concerns. Notice of a public hearing must be made in a newspaper of general circulation in the area (in accordance with Section 166.041(3)(c)2.), must be made in ethnic newspapers or local community bulletins, must be posted in the affected area, and must be announced at a scheduled meeting of the local governing body before the actual public hearing.

If the resolution is adopted, the City shall notify the Florida Department of Environmental Protection and, if applicable, the local pollution control program within 30 days after adoption.