



## Legislation Text

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**File #: 081012, Version: 2**

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### COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT - SCHOOL CONCURRENCY (B)

Ordinance No. 0-08-44, Petition 48CPA-08PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Capital Improvements Element relating to public school facilities; by referencing in Policy 1.2.6 adoption of Level Service Standards for Public School Facilities; by creating and adopting Table 15, consisting of the 5-year District Facilities Work Program for the School Board of Alachua County; providing directions to the city manager; stating intent to adopt the new element as part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission (1) receive the Objections, Recommendations and Comments Report of the Florida Department of Community Affairs and (2) adopt the proposed ordinance as amended.

### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On July 14, 2008, the City Commission approved this ordinance for transmittal to the Florida Department of Community Affairs (DCA) for review in accordance with state law. On September 19, 2008, the DCA issued its Objections, Recommendations and Comments (ORC) Report to the City (attached as Exhibit "A") for the three school concurrency related amendments. In the ORC report, the DCA objected that this amendment was not reflective of the 5-Year District Facilities Work Program on file with the Florida Department of Education and is not the best available data and analysis to support this amendment.

Planning staff reviewed this issue and found the School Board had adopted a new 5-Year District Facilities Work Program on October 7, 2008, and filed it with the State (subsequent to the City's transmittal of this amendment). This ordinance has been revised to incorporate the most current district work program that is on file with the State Department of Education. The Planning staff response to the ORC Report is attached as Exhibit "B".

### Background

The Capital Improvements Element (C.I.E.) must be amended in order to meet statutory requirements for public school concurrency. The amendments are consistent with the proposed Public School Facilities Element that is the subject of related Petition 46CPA-08 PB, and are required for its implementation. Data and analysis for these proposed amendments to the City's 2000-2010 City of Gainesville Comprehensive Plan are in the documents entitled City of Gainesville - Public School Facilities Element - February 6, 2008; School Board of Alachua County Public School Facilities Element - Supplemental Dataset - December 2, 2008 - Proposed School Concurrency Program with Updated Capacity / Enrollment Data; Table 15: School Board of Alachua County 5-Year District Facilities Work Program (FY 08/09 -12/13) (in \$1,000s); Alachua County Schools - School Concurrency Map Series, consisting of three maps; and the Interlocal Agreement for Public School Facility Planning.

The LOS (Level of Service) standard for public school facilities is required to be included in the C.I.E. This comprehensive plan amendment meets this requirement by adding Public School Facilities to the list of LOS standards in Policy 1.2.6 of the Capital Improvements Element. The 5-Year Schedule of Capital Improvements is

required to be updated by adding the School Board's five-year capital improvements program. The addition of the School Board of Alachua County 5-Year District Facilities Work Program to the 5-Year Schedule of Capital Improvements meets this requirement.

The proposed amendments to the Capital Improvements Element are consistent with the City of Gainesville 2000-2010 Comprehensive Plan, and are recommended for approval.

Public Notice was published in the Gainesville Sun on April 2, 2008. On April 24, 2008, the Plan Board held a public hearing and, by a vote of 7-0, recommended approval of the Petition. On June 23, 2008, the City Commission held a public hearing and approved the Petition.

#### 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.