



Legislation Text

File #: 110925., **Version:** 2

COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT (B)

Ordinance No. 110925; Petition No. PB-11-140 CPA

An ordinance amending the Capital Improvements Element of the City of Gainesville Comprehensive Plan; by amending Policies 1.1.1 and 1.1.12; by adding Policy 1.1.13; by amending Policies 1.2.1, 1.2.4, 1.2.6, and deleting Policy 1.2.5; by amending Policies 1.3.6 and 1.4.1; by deleting Objective 1.10 and its Policy 1.10.1; by updating Table 14: 5-Year Schedule of Capital Improvements (FY 10/11-14/15); by deleting Table 15. School Board of Alachua County 5-Year District Facilities Work Program (FY 10/11-14/15); providing directions to the city manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission (1) receive letters of "no comment" from the Florida Department of Economic Opportunity and the North Central Florida Regional Planning Council; (2) receive "comment" letters from St. Johns River Water Management District and Florida Department of Education and staff response letters; and (3) adopt the proposed ordinance, as amended.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On June 21, 2012, the City Commission approved this ordinance by a vote of 5-0. In accordance with the expedited state review process, city staff transmitted this ordinance as part of the Amendment No. 12-4ESR package to the state reviewing agencies. During the 30-day comment period, the city received 2 letters of "no comment" and 2 "comment" letters. City staff responded to the comment letters.

In response to the comment letter received from the Florida Department of Education, the ordinance has been amended to better identify reference information related to Policy 1.1.13. In response to the St. John's River Water Management District's comment letter, the ordinance has also been amended to include water supply concurrency requirements in Policy 1.2.4.e. Other than these two amendments made in response to comments received from the state reviewing agencies, this ordinance remains the same as when approved on transmittal hearing on June 21, 2012.

This ordinance:

1. Updates the Capital Improvements Element of the City of Gainesville Comprehensive Plan;
2. Updates the 5-Year Schedule of Capital Improvements; and,
3. Adds a policy to incorporate the School Board of Alachua County 5-Year District Facilities Work Program by reference and delete Table 15: School Board of Alachua County 5-Year District Facilities Work Program.

Capital improvements are defined as: land, non-structural improvements to land, and structures (including the costs for design, permitting, construction, furnishings and equipment) with a unit cost of \$25,000 or more. The improvement shall have an expected life of at least 2 years. The Capital Improvements Element (CIE) contains information about projects and/or facilities that are needed to: correct existing deficiencies in levels of service (LOS); maintain existing LOS; or deal with projected LOS deficiencies that will occur during the 5-year planning period. For this update, the planning period is FYs 2011/2012 - 2015/2016.

Several policies in the Capital Improvements Element are being amended for internal consistency with the City's Comprehensive Plan and to reflect new state law. In addition, Planning staff finds that the proposed 5-Year Schedule is consistent with the various elements of the Comprehensive Plan.

Amendments to Policies 1.1.1, 1.2.4, and 1.2.6 are being made to reflect the new Water Supply level of service (LOS) recently adopted in the City's Potable Water & Wastewater Element (internal consistency). References to Rule 9J-5 Florida Administrative Code (FAC) are deleted in Policy 1.1.1 because Rule 9J-5 was eliminated by Chapter Law 2011-139 F.S.

Policy 1.1.12 is being amended because the term "financial feasibility" was eliminated by Chapter Law 2011-139 F.S. The new language in the policy better reflects new state law provisions. A new Policy 1.1.13 is being added (concerning adoption of the School Board capital improvements by reference).

Changes in Policy 1.2.4 reflect the new timing requirements for meeting concurrency for potable water, wastewater and recreation facilities. Policy 1.2.5 is deleted as the requirements are stated in Policy 1.2.4. Policy 1.3.6 was amended to reflect the City's concerns with overall transportation mobility and not just traffic circulation.

Objective 1.10 and Policy 1.10.1 are being deleted because they are duplicative of an existing objective and policy in the Conservation, Open Space and Groundwater Recharge Element (see Objective 1.2 and Policy 1.2.1 in that element).

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012 the City Plan Board held a public hearing and, by a vote of 7-0, recommended the City Commission approve the petition with the updated Table 14: 5-Year Schedule of Capital Improvements.

CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing.

Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing.

If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.