



## Legislation Text

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**File #:** 130103., **Version:** 3

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### **COMPREHENSIVE PLAN AMENDMENT - CAPITAL IMPROVEMENTS ELEMENT (B)**

Ordinance No. 130103; Petition Nos. PB-13-51 CPA & PB-13-108 CPA

An ordinance amending the Capital Improvements Element of the City of Gainesville Comprehensive Plan by amending Policy 1.2.1 and by updating Table 14: 5-Year Schedule of Capital Improvements (FY 12/13 - 16/17); 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 from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Transportation, and (2) adopt the proposed ordinance.

#### **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT**

Update since first hearing: On May 1, 2014, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Transportation. The nature of the comments received did not necessitate any changes to the ordinance.

This ordinance combines Petitions PB-13-51 CPA (Legistar No. 130103) and PB-13-108 CPA (Legistar No. 130613) as they both address amendments to the Capital Improvements Element.

Petition No. PB-13-108 CPA amends Policy 1.2.1 of the Capital Improvements Element that relates to Level of Service standards for public facilities by correcting the reference to the Public Schools Facilities Element.

Petition No. PB-13-51 CPA is the annual update of the City's 5-Year Schedule of Capital Improvements in the Capital Improvements Element (CIE) of the Comprehensive Plan. 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 two years. Projects and/or facilities in the 5-Year Schedule 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 5-year planning period is FYs 2012/2013 through 2016/2017.

This update to the 5-Year Schedule of Capital Improvements is consistent with the City's comprehensive plan and reflects the City's latest fiscal year capital improvements projects and projected projects through FY 2016/2017. The projected total cost of the 53 projects in the updated 5-Year Schedule of Capital Improvements

is \$292,374.4 million, of which the estimated cost to the City is \$195,585 million.

After public notice was published in the Gainesville Sun on June 11, 2013, the City Plan Board held a public hearing on June 27, 2013, and recommended approval of Petition No. PB-13-51 CPA by a vote of 5-0.

After public notice was published in the Gainesville Sun on November 13, 2013, the City Plan Board held a public hearing on December 2, 2013, and recommended approval of Petition No. PB-13-108 CPA by a vote of 5-0.

#### 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.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that this 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.