



## Legislation Text

---

File #: 140379., Version: 3

---

### LAND USE CHANGE - DEERHAVEN GENERATING STATION AREA (B)

Ordinance No. 140379; Petition No. PB-14-73 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2,327.59 acres of property that is generally located west of State Road 121 and north and east of the GRU Deerhaven Generating Station, as more specifically described in this ordinance, from Alachua County Rural/Agriculture (AG) to City of Gainesville Public and Institutional Facilities (PF); 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 Education, and (2) adopt the proposed ordinance.

#### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

**Update since first reading: On April 2, 2015, 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 Education. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.**

This ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2,327.59 acres of property adjacent to the GRU Deerhaven Generating Station from Alachua County Rural/Agricultural (AG) to City of Gainesville Public and Institutional Facilities (PF). This subject property is City-owned and GRU-managed, undeveloped, commercially forested property that is generally located in the northern periphery of the City west of State Road 121 and north and east of the Deerhaven Generating Station (which is immediately east of US 441). The subject property is located within a regulated Floridan Aquifer High Recharge Area, with a majority of the property also located within a regulated Strategic Ecosystem (Hague Flatwoods), and contains extensive wetlands and several listed species throughout.

The property was incrementally acquired by the City in 2001, 2002, 2003 and 2005, and the majority of the property was annexed in 2007 (except for two relatively small parcels that were annexed in 2013). The purchase of the land did not include the underlying timber rights (except for a 50.8-acre portion) that were retained in perpetuity by Plum Creek Timberlands, L.P., although the City does have the option to purchase these timber rights.

The proposed PF land use category is what is currently assigned to the adjacent 1,061-acre GRU Deerhaven Generating Station and will allow for public utilities and is appropriate for GRU Deerhaven power plant operations. GRU has indicated that there are no immediate plans for the use of the property.

After public notice was published in the Gainesville Sun on September 9, 2014, the City Plan Board held a public hearing on September 25, 2014, and voted 4-0 to recommend approval of this ordinance.

#### 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 become effective when 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.