

**Minutes
City Plan Board Meeting**

**City Hall Auditorium
200 East University Avenue**

**July 23, 2009
Thursday 6:30 P.M.**

Members Present

Bob Ackerman
Bob Cohen (Chair)
Chris Dawson
Laurel Nesbit
Adrian Taylor
Jack Walls
Randy Wells (V-Chair)

Members Absent

Eileen Roy (SBAC)

Staff Present

Jason Simmons
Dean Mimms
Scott Wright
Erik Bredfeldt
Deborah Brady

I. ROLL CALL

II. APPROVAL OF AGENDA

Motion By: Jack Walls	Seconded By: Randy Wells
Moved To: Approve.	Upon Vote: 7 – 0.

III. APPROVAL OF MINUTES

Motion By: Randy Wells	Seconded By:
Moved To: Approve minutes of June 25, 2009.	Upon Vote: 7 – 0.

IV. REQUEST TO ADDRESS THE BOARD – None.

V. NEW BUSINESS

1. Petition PZ-09-53 PSZ, City of Gainesville Parks, Recreation, and Cultural Affairs, agent for City of Gainesville. Amend the PS (Public services and operations) district to establish permitted uses and development standards. Development plan review for construction of a skatepark facility, off-leash dog area, and walking trail with associated parking and stormwater facilities. Located at 4009 Northwest 53rd Ave.

Scott Wright, Sr. Planner gave the staff presentation and stated that there are existing active recreational uses on the site and what is being proposed is a skate park, fenced dog play area, new landscaping in the parking lot and the stormwater basin, and additional buffering around on the south end of the property; and that staff is recommending approval with conditions.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared have been proofed and edited by staff and are available from the Planning and Development Services Department of the City of Gainesville.

Jayne Dunnigan, representative for the Northwood West subdivision submitted for the record a statement with signatures of the affected parties requesting that the board deny this petition. Ms. Dunnigan stated that they have seen a lot of changes in their neighborhood that have been detrimental to their safety and privacy and objects to any further development of this park as it will increase traffic, noise and crime as well as decrease their home value. Ms. Dunnigan further stated that the overdevelopment in this area has negatively impacted Northwood West and has brought unattractive landscaping and financial hardship to homeowners, and flood hazard zones created by retention ponds.

Joy Curry, neighborhood resident, stated that most of the complaints that she received are where there has been commercial development in the area.

Chris Dawson inquired when was the last neighborhood workshop and how much of the new improvements reflected on the current plan was presented to the neighborhood. Patrick Byrne, Capital Projects Manager for Cultural Affairs stated that their neighborhood workshops were held in July and September of 2006 and what was presented included a skate park, a path, an off leash dog area, parking, an additional picnic pavilion area on the southeast of the park, a playground and a restroom that are currently in place. Mr. Byrne further stated that no additional facilities have been planned since those public meetings.

Chair Cohen stated that there is a concern from the neighborhood that inadequate buffering will play a role with the park. Mr. Byrne stated that the buffers on the western side of the property will be abutting the parking lot and that along the southern boundary where there are residential units, a buffer was established 15 years ago to ensure that there would be adequate buffering for future development of the park.

Randy Wells stated that an updated workshop could be merited in this case and inquired what kind of parking arrangements currently exists of the park. Mr. Byrne stated that the public uses a grass or limerock area for parking and that this park is actively used. Mr. Wells further inquired how the City plans to manage the skate park to mitigate troublesome or criminal behavior during skating activities. Mr. Byrne stated that there are two other skate parks located at the northeast pool and the other at the Westside pool and neither of those skating parks are manned facilities; and this skate park will be open from dawn to dusk. Mr. Byrne further stated that the skate park will be signed, rules will be posted and appropriate behavior is expected in our City parks and if there are problems staff will follow up with them and if corrective action is needed staff will do their best.

Mr. Wells inquired about the drainage issues that were brought up by the neighborhood residents. Mr. Wright stated that the area is pretty flat and has a dry stormwater basin that is designed to take all the run-off from the impervious surfaces like the skate park and the parking lot area to funnel it into the lower part of the basin.

Chris Dawson stated that one of the reasons we have neighborhood workshops is to address these type of citizen concerns prior to coming to the Plan Board and after scanning the minutes of the two neighborhood workshops, what is coming out now is somewhat different than what was given then; such as there was indication that there would be someone manning the skate park with releases as well as a buffer that is not on any of the submitted staff plans. Mr. Dawson further stated that the neighborhood seems to think we are somehow doing things without properly communicating with them and three years is a long time to expect a neighborhood to remember what is being promised. Mr. Dawson further added that as a city we should be better at doing

things than the private applicants and having another meeting with this specific plan would give them an opportunity to really look at what is shown on the plan and even provide comments that would be very helpful to everyone involved.

Ms. Dunnigan stated that the 25 foot buffer that is being proposed is not enough separation from their residential area and that their neighborhood has changed since three years ago from the last workshop meeting. Ms. Dunnigan further stated that construction has come right up to the property lines and there is nothing to buffer that noise or sight and it is no longer private or safe.

Kevin Davenport, engineer for the development, stated that the stormwater basin is irregularly shaped, is larger than the skate park footprint and the parking area combined, is about four feet deep and is designed for well over 12" of rain within a 24 hour period. Mr. Davenport further stated that it has an additional safety factor of a one foot freeboard for containment purposes and if were to overflow it would run down the hill going east towards the conservation area side of the property.

Adrian Taylor inquired how many of the petitioners that signed the affected party statement actually use the park at its current level of development and asked what percentage the home values in the area have declined due to the park. Ms. Dunnigan stated that those residents that are within walking distance to the park use it and enjoy it but there have been problems with others using the park and parking in their cul-de-sacs. Ms. Dunnigan further stated that the problem is not the park it is the construction that was done on the previous projects that they want to avoid any further devaluing of their property. Ms. Curry stated that at this present time the park is an asset to the northwest part of Gainesville; however their biggest concern with a skate park is that a lot more teenagers will be in the area. Ms. Curry further stated that as more people start coming they will flow into their neighborhood and create challenges for homeowners. Ms. Curry added that there is a buffer of trees between the residential area and the park; yet there is a clear view from the park into a resident's yard even with these buffers. Ms. Curry further added that they have had promises made to them when the commercial development on the far west was developing and nothing that they promised were adhered to and now their property has an elevated parking lot facing them as they walk out their front door.

Mr. Byrne stated that staff would not have a problem with having another neighborhood meeting to update the residents and agrees with staff's recommendations to enhance the existing buffer by the residential area.

Lawrence Calderon, Chief of Current Planning, stated that this is one of the areas that stands out in the City as gradually developing as a multi-use center. Mr. Calderon further stated that this development has been in progress for a while and given the residential and neighborhood comments this evening it seems that the neighborhood may have changed and would encourage the applicant to have another neighborhood meeting to resolve some of the issues. Mr. Calderon added that staff can work with Code Enforcement to ensure that those areas where the stormwater is supposed to be working and where the buffers are supposed to be in place can be checked and verified. Mr. Calderon further added that staff is aware that there is a compatibility issue on the south residential side of this property and the extent and size of the buffering is something this board can add as additional conditions for this petition. Mr. Calderon stated that staff would encourage the applicant to examine the skate park issue in terms of how much extra activity and noise level would be developed in this area and would like to try to resolve some of those issues before this petition is forwarded to the City Commission.

Laurel Nesbit stated that she appreciates the homeowners and neighborhood residents coming out this evening and getting involved in this process, but that the concern seems to be not from the park but from the other developments that have happened in the area and this is something that this board unfortunately cannot address. Ms. Nesbit further stated that they can however address the buffering issue adjacent to the residential area and inquired what kind of a buffer is a Type B buffer. Mr. Wright stated that it is based on a 100 linear feet and includes shrubs, understory and canopy trees within a certain distance of each other; and that Buffer Type B is not a code requirement between recreational type uses and single family uses, but that staff recommended it only because this is an active recreational park and this happens to be a PS zoning that can be conditioned.

Motion By: Bob Ackerman	Seconded By: Jack Walls
Moved To: Continue to an indefinite time when staff can bring it back, after another neighborhood meeting and when some of the issues have been resolved with the neighborhood.	Upon Vote: None taken.

Chair Cohen stated that a lot of the issues this evening are concerning development, and staff has stated that they will coordinate with the Code Enforcement Department and urged the neighborhood to meet with Mr. Calderon due to the fact that the petitioner is agreeable to the additional buffering request. Chair Cohen further stated that this petition is adding a parking lot and solves the parking problem; however the real issue comes down to whether a skate park is compatible with this area and at the neighborhood workshop there were no strenuous objections and only an issue whether it would be monitored; and that before this petition is heard in front of the City Commission another neighborhood workshop should be held. Chair Cohen added that we spend ten times as much on juvenile justice in this country than we do on juvenile recreation and is in favor of this petition.

Motion By: Bob Ackerman	Seconded By: Jack Walls
Moved To: Continue to an indefinite time when staff can bring it back, after another neighborhood meeting and when some of the issues have been resolved with the neighborhood.	Upon Vote: 3 – 4. (Nays: L. Nesbit, A. Taylor, J. Walls, B. Cohen)

Adrian Taylor stated that parks are such an amenity to any community, and active green spaces are an integral part of a livable community and should be approved as it fits in with our Comprehensive Plan. Mr. Taylor further added that no evidence has been shown that this development would negatively impact the area as those who spoke this evening clearly stated that the park is not the problem but the commercial development that occurred was. Mr. Taylor added that there are concerns about the commercial build-out and another community meeting should be scheduled.

Mr. Dawson stated that one of the things the Plan Board is tasked with doing is making sure that petitions that move on to the City Commission are ready for a decision; especially things with PS or PD zonings. Mr. Dawson further stated that the City Commission should not have to spend time deciding whether a Type B or A buffer is appropriately implemented into the preliminary

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared have been proofed and edited by staff and are available from the Planning and Development Services Department of the City of Gainesville.

development plan and that he will vote no on this petition, since there needs to be further discussion on this petition before it moves on to the City Commission.

Motion By: Adrian Taylor	Seconded By: Randy Wells
Moved To: Approved as stated, with an additional neighborhood workshop.	Upon Vote: 4 – 3. (Nays: B. Ackerman, C. Dawson, J. Walls)

Chair Cohen stated that if there are substantial changes to the uses of this petition after the neighborhood meeting it will probably need to come back to the Plan Board to be vetted.

2. Petition PB-09-76 TCH. City of Gainesville. Amend Section 30-250 of the Land Development Code to establish environmental review requirements.

Dean Mimms, AICP, Chief of Comprehensive Planning, introduced this petition that provides enabling language for environmental review before introducing Stewart Pearson, P.E., Engineering Manager, and Mark Garland, Environmental Coordinator, both of whom are from the City's Public Works Department. Mr. Pearson explained that from the late 1990s through 2006, the environmental review of development proposals in the City occurred under a contract with the Alachua County Environmental Protection Department. In 2007, the Public Works Department hired biologist Mark Garland to do environmental review of development proposals. Mr. Garland explained to the Plan Board that proposed Section 30-250 codifies the environmental review work that he already performs, and suggested several edits to the draft language.

Stewart Cullen, P.E., of Brown and Cullen, Inc., and a member of the Builders Association of North Central Florida, stated that although he is in favor of adding environmental review provisions to the Code regarding, he is concerned about some of the language. He noted that that comprehensive plan amendments do not usually have development plans associated with them therefore should not automatically trigger Level 1 or Level 2 review. He noted that adjacency is not defined, and suggested that the term "significant" be added in reference both to environmental communities and uplands. He suggested that some relief language be added for cases that may not need an extra level of environmental review. He expressed concern that mitigation does not include mitigation for trees.

Chris Dawson said he wondered why staff is proposing a tiered structure for environmental review and would encourage staff to look at a fixed fee for all applications. Mr. Dawson noted that Section 30-347.2 of the Code already authorizes the city to collect fees for reviews.

Regarding Stuart Cullen's comments, Mark Garland said that he agrees with Mr. Cullen's comments about the addition of the term "significant" re: ecological communities and re: trees. Mr. Garland also stated that the tiered structure was recommended because the vast number of plans that he sees do not have a Level 2 Review and that the few that require most of his time are Level 2 Reviews. He said that the level of review is typically known (he only knew of one exception, and that was where no wetlands were identified in the original application) at the very beginning of the review process. In response to a question from Plan Board Member Randy Wells, and to Mr. Cullen's suggestion that there is a need for some relief language, Mr. Garland recommended that 'Level 1 or 2 Review *may* be required' would be appropriate. Mr. Garland addressed a previous comment of Mr. Cullen's by stating that environmental review is needed for many comprehensive plan amendments. In response to a question from Mr. Dawson, Mr.

Garland replied that he also reviews many proposed re-zonings for environmental impacts. Mr. Mimms noted that the draft Code revisions came from the Law Department, and added that these code revisions will be subject to further review by the Law Department in the course of drafting an ordinance.

Mr. Dawson then put forth a motion to approve the petition with the changes that had been discussed. Mr. Mimms, as Staff Liaison to the City Plan Board, asked Mr. Dawson if he would please state each of the changes that are to be included in the motion. Board Member Dawson obliged, and the motion stated below was made.

Motion By: Chris Dawson	Seconded By: Randy Wells
Moved To: Approved with the discussed recommendations and be forwarded to the City Commission for their consideration: <ul style="list-style-type: none">➤ Sub-sections 30-250 (c) (1) c. & d. be combined to be “Rezoning”➤ change ecological communities to significant ecological communities throughout➤ change uplands to significant uplands➤ In sub-sections 30-250 (c) (3) a. & b. change to “review may be required by the city manager or designee”➤ provide a specific exclusion that mitigation plans do not include mitigation for trees	Upon Vote: 7 – 0.

3. Petition PB-09-77 TCH. City of Gainesville. Amend Sections 30-23 (Definitions) and 30-72 (Agriculture district (AGR)) of the Land Development Code by defining “Solar Farm” and adding Solar Farms as a permitted use in the Agriculture district (AGR).

Dean Mimms, AICP, Chief of Comprehensive Planning stated that this petition is in response to the Community Development Committee’s recommendation to the City Commission to direct staff to create a petition to the Plan Board allowing the development of solar fields by right within areas of the city designated Agricultural (Agriculture zoning district). Most of the Agriculture zoning in the City is located north of US 441 and of NW 53rd Avenue, but several other parcels are located south of Archer Road and along SE 15th Street. Mr. Mimms stated that this petition proposes a definition of Solar farms for addition to the list of definitions in Sec. 30-23 of the Land Development Code, addition of Solar farms as a use to be permitted by right in the Agriculture district, and the addition of conditions pertaining to Solar farms.

Chris Dawson asked if this would apply to Alachua County agriculture-zoned [properties that are within the City and have not been rezoned, and whether site plan review would be required for Solar farms. Mr. Mimms replied that it would depend on whether or not it is an allowed use in the County’s agriculture zoning district and that if the use is allowed, it would be subject to the applicable development plan review requirements. He added that this use can be allowed in Gainesville’s industrial zoning districts as there are SIC codes under which they would fit.

Mr. Wells stated that the purpose of the Agriculture district is to protect it, and that a solar farm is counter to the other four purposes of the zoning, and that he would feel more comfortable identifying specific areas within the city that currently do not have a lot of trees.

Stewart Cullen as representative for the Builders Association stated that what staff is proposing is amending the definition so that solar farms can be allowed in other specific zoning districts; and if you build a building with one or more PV [photovoltaic] units, by this proposed definition that building is now considered a solar farm and allowed only in those certain districts. Mr. Cullen further stated that he would like the recommendation to reflect that it is not prohibited to allow solar panels elsewhere. Mr. Mimms stated that the proposed definition for solar farms refers to free-standing, ground-mounted devices, and that staff can wordsmith it and the board can make it part of their recommendation. Mr. Mimms read into the record a correction to sub-section (g) (3) so that it refers to devices that capture solar energy (rather than solar electricity).

Mr. Dawson recommended adding to the definition an exclusion of the photovoltaic cells that are clearly incidental and an accessory to principal uses or residents.

Motion By: Chris Dawson	Seconded By: Adrian Taylor
Moved To: Approve with correction in sub-section (g) (3) as read into the record, and with the request that staff work on the language to allow solar power generation as an accessory use to other uses in all districts.	Upon Vote: 7 – 0.

4. Petition PZ-09-46 LUC. Brown & Cullen Inc, agent for Union Electrical Workers Inc. Amend the City of Gainesville Future Land Use Map from Conservation to Office. Located at 2510 Northwest 6th Street. Tax parcel number 08314-000-000. Related to PZ-09-47 ZON.

Jason Simmons, Planner gave the staff presentation and stated that the existing designated Conservation area is not environmentally sensitive and has been used for recreational activities. Mr. Simmons stated that what is being proposed is a building for the establishment of an electrical apprenticeship program. The Gainesville Joint Apprenticeship Training Committee (JATC) apprenticeship is a five year program with night classes twice weekly for three hours per night for an eight month period. Mr. Simmons added that a building could be built on Office designated land, but the associated parking and stormwater facilities would likely have to be placed on Conservation land, which would not be allowed because the proposed use is not allowed in the Conservation zoning district. Staff and the petitioner have come up with this proposal to place Office land use and OR zoning on a portion of the Conservation land, leaving the remaining land as a buffer between the subject portion of the property and adjacent single-family development. Mr. Simmons further added that the property is within the Florida Department of Environmental Protection Designated Contaminated Area due to the proximity of the Koppers site and would have to meet the requirements and standards that exist. Staff is recommending approval of this petition.

Randy Wells inquired why this property was originally designated as a Conservation zoning. Stewart Cullen, agent for the petitioner stated that it was changed for financial reasons as the taxes would be significantly less. Mr. Wells further inquired if the petitioner would consider changing the way the property is fenced to make more of a neighborhood green space. Mr.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared have been proofed and edited by staff and are available from the Planning and Development Services Department of the City of Gainesville.

Cullen stated that the area that they are rezoning allows for a development on that site and they will be adding buffers to the area that will allow the neighborhood to continue to use a portion of the property.

Motion By: Randy Wells	Seconded By: Jack Walls
Moved To: Approve as proposed.	Upon Vote: 7 – 0.

5. Petition PZ-09-47 ZON. Brown & Cullen Inc, agent for Union Electrical Workers Inc. Rezone property from CON (Conservation district) to OR (20 units/acre office residential district). Located at 2510 Northwest 6th Street. Tax parcel number 08314-000-000. Related to PZ-09-46 LUC.

Please see petition PZ-09-46 LUC for scope and details.

Motion By: Randy Wells	Seconded By: Adrian Taylor
Moved To: Approve.	Upon Vote: 7 – 0.

6. Petition PB-09-80 LUC. Causseaux, Hewett, & Walpole, Inc., agent for Alachua County. Amend the City of Gainesville Future Land Use Map from Public Facilities and Conservation to Business Industrial on approximately 74.5 acres. Located at 2900 Northeast 39th Avenue. Tax parcel numbers 08192-009-000 and 08192-010-000. Related to PB-09-81 ZON.

Dean Mimms, AICP, Chief of Comprehensive Planning, gave the staff presentation. He explained that the proposed future land use map amendment and related zoning petition pertain to the western 74.5 acres of the current Alachua County Fairgrounds and Cooperative Extension Service site, and that they exclude the eastern 27.6 acres, which contain wetlands and are to remain in Conservation land use and zoning. Mr. Mimms said that much of the subject property consists of drained flatwoods and is of low environmental value, and that the proposed Business Industrial land use and zoning categories are primarily for properties near the Airport that are appropriate for office, business, commercial and industrial uses. He added that hotels are an allowed use in this category. He noted that the Plan East Gainesville vision of an office and mixed use employment center is furthered by the proposed BI land use and zoning, and added that in May 2007 the Governor and Cabinet removed the State Fairgrounds Deed Restriction. Mr. Mimms stated that this property is served by urban services including potable water, solid waste, and RTS, and that it is adjacent to major transportation facilities (Gainesville Regional Airport and two state arterial roadways). He concluded that staff recommends approval of both the land use and zoning petition.

Plan Board Member Chris Dawson asked if this is a large-scale land use amendment and if it will be transmitted along with the TCEA amendments. Mr. Mimms stated that it is a large scale land use amendment; however, it will be transmitted separately from the TCEA amendments, in the first large-scale plan amendment cycle for 2010.

Gerry Dedenbach, AICP, of Causseaux, Hewett and Walpole, Inc., agent for the petitioner, stated that the Alachua County Board of County Commissioners has selected a new and larger

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared have been proofed and edited by staff and are available from the Planning and Development Services Department of the City of Gainesville.

fairgrounds site located about 10,000 feet north of the current County Fairgrounds site. Mr. Dedenbach further stated that there are wetlands and flood plains on the eastern portion of the property, which will remain in Conservation land use and zoning. He added that the County will maintain the County's 75-foot wetland buffer in the eastern 27.6 acres that will remain Conservation. Mr. Dedenbach added that the uses allowed by right include incubator and commerce, conference center type uses that will establish the redevelopment footprint of this property at NE 39th Avenue, next to Gainesville Regional Airport. It will allow traveling executives and visitors to find lodging, conference and commerce by the Airport, and will be a gateway to and from Gainesville. He added that the BI land use and zoning are consistent with the Plan East Gainesville vision for an employment center at this location.

Rick Drummond, Assistant County Manager for Alachua County, came to the podium. He reiterated that the County is committed to requiring its relatively larger wetlands buffers and stated that the County is committed to restoration of wetlands that have been impacted by the parking areas. He noted that the property will continue to be used for the County Fairgrounds (and Youth Fair, among other events) and added that the County has been informed by the City that the Fairgrounds has been determined to be a legal non-conforming use.

Motion By: Chris Dawson	Seconded By: Adrian Taylor
Moved To: Approve as it is consistent with the Comprehensive Plan.	Upon Vote: 7 – 0.

7. Petition PB-09-81 ZON. Causseaux, Hewett, & Walpole, Inc., agent for Alachua County. Rezone property from PS (Public services and operations district) and CON (Conservation district) to BI (Business industrial district) on approximately 74.5 acres. Located at 2900 Northeast 39th Avenue. Tax parcel numbers 08192-009-000 and 08192-010-000. Related to PB-09-80 LUC.

Please see petition PB-09-80 LUC for scope and details.

Motion By: Chris Dawson	Seconded By: Adrian Taylor
Moved To: Approve as it is consistent with the Comprehensive Plan and the Land Development Code.	Upon Vote: 7 – 0.

VI. DEVELOPEMNT REVIEW BOARD REFERRALS – None.

VII. BOARD COMMENTS

Chair Cohen stated that the course “Planning for Dummies” will be offered in September 2009 in Jacksonville, Florida.

Mr. Wells discussed a University of Florida project that erected a chain link fence at the entrance of one of their teaching labs, east of 43rd Street that does not seem to be linked to the vision of the City. Mr. Wells also talked about connecting greenways within the city.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared have been proofed and edited by staff and are available from the Planning and Development Services Department of the City of Gainesville.

Bob Ackerman stated that he is very interested in proceeding with the bus tour that was offered by staff to view good and bad approved developments. Chair Cohen recommended having it as a noticed meeting so that it would be open to the public.

VIII. STAFF COMMENTS

Mr. Mimms stated that there will be a special meeting regarding Butler Plaza on Monday September 21, 2009.

IX. ADJOURNMENT – Meeting was adjourned at 9:20 p.m.

Chair, City Plan Board

Date

Staff Liaison, City Plan Board

Date