THE UNIVERSITY OF FLORIDA

CAMPUS MASTER PLAN

CASE STUDY

ALISON L. PARKER

PLANNING DISPUTE RESOLUTION URP 5122
Dr. THOMAS A. TAYLOR
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In 1993 the Florida legislature passed legislation that established special master planning and concurrency requirements for the State University System. The University of Florida in November of 1995 adopted a Campus Master Plan. The plan included housing graduate and married students. The plan was to build 240 units that would house 554 students. The buildings were to be three stories high. The University planned on relocating the bat houses that were located on site 4-22.

Affected persons who submitted comments were notified within 45 days. Mr. Lamme, Mr. Escalente, the City of Gainesville, and Alachua County filed petitions challenging the Master Plan in January 1996. The city petition identified concerns related to on-campus and off-campus use of the land. Storm water management and the mitigation of off-campus storm water impacts: traffic circulation and parking were the main issues. Mr. Escalante, as an effected person pursuant to s.240.155(2)(b), FS, filed a petition with the Board of regents challenging the adopted University of Florida Master Palan. His concerns included traffic circulation, access to the campus, and parking. Alachua County had many of the same concern as the city of Gainesville.¹

The Board of Regents and the University of Florida tried to resolve these issues with petitioners by initiating a series of meetings to discuss and resolve the issues in dispute. The Board of Regents and the University would negotiate with the petitioners as a group. The issues would be categorized in terms of their significance as either major issue, easy to resolve issues, or insignificant issues. The affected parties who provided on the proposed plan would be notified of the negotiation sessions. The negotiations would be scheduled as soon as possible and all parties would work in earnest to resolve all issues in dispute. The first meeting was held in Gainesville on February 8, 1996. As a result of the meeting, it was possible to attach some

¹ BOR/UF, Response to Alachua County’s Petition Challenging the University of Florida Campus Master Plan, 1997, 1.
level of significance to each of the issues. Following the meeting, The Board of Regents and
the University proposed remedial actions to resolve the significant issues. The parties met again
on February 22, 1996 and once more on March 6, 1996. Each party represented a proposal to
resolve the issues in dispute. On May 7, 1996, the City of Gainesville and the Board of Regents
signed the stipulated settlement agreement. On September 27, 1996, the Board of Regents
amended the adopted University Campus Master Plan to adopt all of the remedial actions
identified in the stipulated agreement. In April 1996, The Board of Regents, University of
Florida and Mr. Escalante drafted a proposed stipulated settlement agreement to resolve Mr.
Escalante’s issues. May 1996, Alachua County drafted a proposed stipulated settlement
agreement, which identified 80 remedial actions necessary to resolve the issues raised in the
petition. In July 1996, University Vice President for Administrative affairs Jerry Schaffer
endorsed only 30 of the proposed remedial actions. On November 4, 1996, the University of
Florida President John V. Lombardi and the Board of Regents met with Alachua County again in
the hopes to resolve the outstanding issues. On January 8-10, 1997, the Department of
Community Affairs conducted an informal hearing on the issues raised at Alachua County.
Mr. Lamme, The Board of Regents, and the University of Florida were still disputing the
Campus Master Plan. Petitioner Lamme alleges that The University of Florida Master Plan in
not in compliance with s.240.155 and its implementing rules because of the designation of site 4-22 for future graduate students and family housing:2

1. is incompatible with the nearby low density single-family residential neighborhood:

2. will result in the failure of the University to ensure that parks, recreational facilities and open space are adequately and efficiently provided.

3. will adversely impact water sources and native vegetable communities and wildlife habitat within the Lake Alice conservation area.

2 BOR/UF, Response to Alachua County’s Petition Challenging the University of Florida Campus Master Plan, 2.
In response to Mr. Lamme’s petition the Board of Regents and the University of Florida revised its original proposal for site 4-22. The new revisions included:

1. Reduce the number of apartment units from 240 to 176 and reducing the maximum student population from 554 to 376.

2. Reduce the building heights – Buildings within the family housing section were reduced from 3 stories to 2 stories. The 4-5 buildings, which comprise the graduate student apartments, were reduced to 3 stories on the far western edge of the site, and to 2 stories adjacent to the recreation area. The Commons building would be 1 story.

3. Provide for the relocation of the student garden and bat house located on Site 4-22 prior to development taking place on the site.

Petitioner Lamme rejected the University’s revised housing proposal. The University then began to search for an alternative site or sites for the proposed graduate and family housing.

1. University officials reviewed 11 projects on its 10-Year Project Priority List for long-range planning purposes to determine whether any other proposed projects could be built on Site 4-22;

2. University officials also reviewed 7 projects which are proposed for funding through the Facility Enhancement Challenge Grant Program; and

3. University officials also revisited the 5 sites recommended by Petitioner Lamme as alternatives to the present sites designated for family and graduate student housing.

None of these sites was determined by the University to be appropriate or adequate locations for graduate student and family housing.

**INFORMAL HEARING**

As a result the DCA conducted an informal hearing as required by s.240.155 in January 1997. All parties provided oral and written testimony, and the DCA Hearing Officer toured the site. The environmental assessment conducted by the University meets the requirements of Florida Administrative Rule 6C-21.203(2)(c), requiring data be taken from professionally accepted existing sources and that professionally accepted methodologies be employed in such

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assessments. A conservation designation does not appear necessary in order to maintain Lake Alice as a productive natural system. DCA found that the Petitioners had presented no evidence sustaining a determination that development of the proposed housing project at location 4-22 violates this statute or the administrative rule. (Report, page 16). While the Petitioners do suggest additional data they would like to see developed, they have not demonstrated that such data exist or are needed. While the Petitioners state a clear desire that property adjacent to their neighborhoods not be developed, they have not demonstrated any inconsistency in the proposed use.

MEDIATION

In July, after the informal hearing and after DCA’s final report, The Board of Regents met with DCA and Petitioner Lamme to discuss the use of a professional mediator to resolve the issues in dispute. It was agreed to use the Conflict Resolution Consortium to mediate. Mediation session was held in August. Although several possible solutions were discussed, Petitioner Lamme maintained his position that Site 4-22 should either be designated as a Conservation Area, or for low-density housing (0-5 units per acre).  

BOR/UF POSITION:

DCA’s final report recognizes the Regents’ authority to specify land uses on the university campus, consistent with the requirements of Florida Statutes Section 240.155, and the administrative rule enacted thereunder.

The issue here is not whether Site 4-22 is the BEST site for graduate and family housing, but whether Site 4-22 is an APPROPRIATE site for graduate and family housing, based on statutory and rule requirements. The Petitioners have not presented any evidence, which demonstrates that, the designation of 4-22 for graduate and family housing violates any statutory or administrative rule requirement. The Board of Regents respectfully requested Administration
Commission to issue a final order which recognizes these facts and which requires the Regents to amend the UF Campus Master Plan consistent with the recommendations contained in DCA’s Final Report.  

**BOR/UF POSITION ISSUE 1:**

The need for additional on-campus housing is sufficiently documented in the Master Plan and supporting data and analysis, and that the data and analysis supporting the designation of Site 4-22 for future University housing meet or exceed all relevant statutory and rule requirements regarding the use of “best available data” and “professionally accepted methodologies”. The University’s master plan consultant analyzed the constraints that may limit the amount or location of future development on the University campus. The University then hired an environmental consultant to conduct a preliminary environmental assessment of Site 4-22 to identify any environmental constraints, which may restrict, delay or preclude the development of the site. The consultant concluded that no significant environmental constraints exist to preclude the development of the site.  

**BOR/UF POSITION ISSUE 2:**

The construction of graduate and family housing next to a low-density single family residential neighborhood does not constitute an incompatible land use. There is nothing inherently inharmonious or mutually exclusive about locating multi-family graduate and family housing complexes next to detached single family housing. There are no fundamental differences or contradictions between multi-family graduate and family housing complexes and detached single family housing. Medium and high-density housing coexists in harmony with detached single family housing in practically every community throughout the State of Florida. It should be noted that Site 4-22 is immediately adjacent to and southwest of the 216 family

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5 Nave, Bob, *Cabinet Aides Briefing*, 4.
housing unit Corry Village. The construction of graduate and family housing complexes next to a low density single family residential neighborhood is consistent with State and local initiatives designed to encourage and promote a development pattern characterized by a mix of land uses, intensities and densities.

**BOR/UF POSITION ISSUE 3:**

The construction of student housing on Site 4-22 will have no adverse impacts on Lake Alice. In response to review comments from the Land Management Advisory Council (LMAC), which reviewed the master plan for compliance with the five-year state land management plan requirements contained in s. 253.034, and Rule Chapter 18-4, the BOR/UF have incorporated a number of provisions into the adopted campus master plan which are designed to ensure that Lake Alice is protected from any potential adverse impacts associate with on-campus development. After review of the above revisions, the University’s campus master plan was approved by LMAC on September 26, 1995 and by the Board of Trustees of the Internal Improvement Trust Fund in the plan of development reflected in the master plan, and the principles to guide that development, posed any threat to the Lake Alice Conservation Area.

**BOR/UF POSITION ISSUE 4:**

The construction of student housing on Site 4-22 will have no effect on the University’s ability to provide adequate and efficient parks, recreational facilities and open space. Further, the two sites in question are not now, nor have they been, designated for use as open space or recreational facilities.

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6 Nave, Bob, Cabinet Aides Briefing, 5.
7 Nave, Bob, Cabinet Aides Briefing, 6.
CONCERNS

Destruction/Relocation of the Bat House

UF has enlisted as a technical advisor Dr. Merlin Tuttle, President of Bat Conservation International in Austin, Texas, to assist in this relocation and the selection of a new site. Dr. Tuttle assisted UF in the design of the original bat house in 1990, and is familiar with the UF campus. We are confident in Dr. Tuttle’s ability to successfully relocate and recolonize the bat house, and we are also sensitive to the concerns of those who signed petitions and sent letters and e-mails to Commission members on this issue. In the spirit of cooperation and for the purpose of resolving any and all concerns regarding the proposed relocation of the bat house.  

Loss of Student Gardens

In the spirit of cooperation and for the purpose of resolving any and all concerns regarding the proposed relocation of the student gardens. BOR/UF will agree to a Final Order that would require the relocation of the student gardens prior to any development-taking place on the site.  

Stormwater Runoff/Impacts of Development on Lake Alice

The majority of developed areas on the UF campus drain into Lake Alice. Lake Alice is considered by FDEP to be part of the UF wastewater treatment system, and not considered as “waters of the State”. The discharge of stormwater into Lake Alice is therefore regulated and permitted as part of the UF wastewater treatment system. WMD permits required prior to development. It is our strong belief that the goals, objectives and policies contained in the campus master plan will adequately protect Lake Alice from any adverse impacts of development near the Lake. The Petitioners have been given the opportunity to suggest additional provisions for inclusion in the master plan to protect Lake Alice from the potential

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8 Nave, Bob, Cabinet Aides Briefing, 6 and 7.
9 Nave, Bob, Cabinet Aides Briefing, 10.
impacts of stormwater runoff. Their only suggestion has been to not develop the site in question. BOR/UF will agree to a Final Order that requires the goals, objectives and policies contained in the campus master plan to be amended to include any reasonable identified measure to afford greater protection to Lake Alice. 11

Alternate Sites for the Proposed Housing

UF has evaluated numerous alternate sites (including sites recommended by the Petitioners). For reasons related to size, location, or cost, none of these sites is appropriate for family and graduate student housing. The Irrigation Park site currently under review by Cabinet Affairs staff is currently used for teaching and would be extremely expensive to relocate. It remains our position that the site in question is the only suitable site for the proposed student housing. 12

Environmental Assessment of the Site

Both the Petitioner and Cabinet Affairs staff have questioned the adequacy of the preliminary environmental analysis of the site. The question as to whether the site is environmentally unconstrained from development remains unanswered. In the spirit of cooperation and for the purpose of resolving any and all concerns regarding the environmental analysis of the site. BOR/UF will agree to a Final Order that requires UF to conduct whatever environmental assessment the Administration Commission recommends prior to any development on the site. No development will occur on the site until an environmental analysis which meets the standards and criteria established by the Commission has been completed by the University and approved by the Commission. 13

10 Nave, Bob, Cabinet Aides Briefing, 10 and 11.
11 Nave, Bob, Cabinet Aides Briefing, 11.
12 Nave, Bob, Cabinet Aides Briefing, 11.
13 Nave, Bob, Cabinet Aides Briefing, 11 and 12.
Public Interest Served

The real public interest involved is the interest of everyone attending a public university in Florida and everyone who ever hopes to attend a public university in Florida, because they are the ones who will be short-changed by a ruling in favor of the Petitioner.  

HARDSHIPS ON THE BOR/UF

A ruling in favor of the Petitioner would undermine the University’s ability to provide necessary facilities and programs to meet the future needs of its students. With only so much developable land available on campus, the University cannot afford to keep land that is otherwise developable in a natural state. A ruling in favor of the Petitioner establishes a precedent that state universities could not develop their properties to their most efficient and effective use, as determined by sound planning principles and competent and substantial data and analysis, but instead must develop in accordance with the private interests of adjoining landowners. A ruling in favor of the Petitioner imposes a hardship on students and the surrounding community. Limiting the number of on-campus housing units limits the number of students that can live on campus.

CONCLUSION

This case came before the Governor and Cabinet, sitting as the Administration Commission on December 8, 1998, in Tallahassee, Florida, for final agency action after receipt of a report and record of informal hearing prepared and transmitted by the Department of Community Affairs, and after an extension of time for the purposes of settlement discussions. Having considered the petition of Alice’s Friends and Golfview Neighborhood Associates, the Department’s report, the pleadings, and the parties’ arguments, and being otherwise fully advised in the premises, we find as follows: The Lake Alice Bat House supports a colony of

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14 Nave, Bob, Cabinet Aides Briefing, 12.
15 Nave, Bob, Cabinet Aides Briefing, 13.
approximately 60,000 bats and was constructed to alleviate problems with bats inhabiting
campus buildings. The project has been an overwhelming success and the bat house has fostered
great interest and support from students, the local community, and bat enthusiasts across the
county. A kiosk and benches have been installed near the bat house for student and citizen
environmental education and leisure. Use of the Site for student housing will require relocation
of the bat house. It cannot be guaranteed that the bats will re-colonize at another location. To
the northwest and north of the Site is Golfview Estates Subdivision, a single-family residential
community that is home to Petitioner Golfview. Certain residents of the subdivision, including
Mr. Lamme, presently have a view of Lake Alice from their homes. Golfview presently has
direct access through the Site to Lake Alice.

The Governor and Cabinet members did not rule in favor of BOR/UF. They did not find
the designation of married and graduate student housing to be incompatible with land uses north
of Museum Road, we have serious concerns about the impact of such housing upon the scenery
and tranquility of Lake Alice immediately to the south of the site. A designation of the site for
passive recreation would be much more in keeping with the “Lake Alice experience.”
The public interest favors Friends and Golfview in maintaining the highest level of protection for
Lake Alice and the “Lake Alice experience,” as well as for the bat house and bats, for their
intrinsic value and the enjoyment derived by students, the local community, researchers, bird
watchers, and tourists. 16

The Board of Regents is directed to amend the University of Florida Comprehensive
Master Plan 1994-2004 to designate Site 2-22 as “Passive Recreation,” to include maintaining
the bat house at its existing location. The plan amendments along with supporting data and
analysis shall be submitted to the Department of Community Affairs for review no later than
March 1, 1999. The Department shall review the amendments for compliance with Florida Statutes and this final order, and notify the Secretary of the Commission as to its findings no later than April 1, 1999.

The Board of Regents, University of Florida and the Petitioner used various forms of negotiation to settle their disputes. The Department of Community Affairs concluded after the informal hearing that the University of Florida’s Master Plan was in compliance with Florida law. I feel that the Governor and the Cabinet should have favored with the Board of Regents and the University of Florida. The outcome of the case was a surprise according to Bob Nave, from the Board of Regents. DCA presented a positive report on the behalf on The Board of Regents and The University of Florida; however, it was not enough for the Commission to Support the University Master Plan. It will be interesting to see how the new Governor and his Cabinet vote, if the Master Plan is brought to the Commission again.

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16 Nave, Bob, Cabinet Aides Briefing, 14.
BIBLIOGRAPHY
