



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 002026

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TO: Mayor and City Commission

DATE: May 13, 2002

FROM: City Attorney

CITY ATTORNEY
ADOPTION READING

SUBJECT: Ordinance No. 0-01-74, Petition 116LUC-01PB

An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan and the pending City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Single Family (up to 8 units per acre)" to "Recreation"; located in the vicinity of 1303 Northeast 23rd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition 116LUC-01PB; and 2) adopt the proposed ordinance.

STAFF REPORT

The petition proposes a small scale amendment to the future land use map of the City of Gainesville Comprehensive Plan from SF (Single-Family 0-8 du/ac) to Recreation. The proposed site is 2.25 acres located at 1303 Northeast 23rd Avenue. The subject property is currently developed as a recreation facility and has been operating as a non-conforming use. The proposed land use amendment and subsequent rezoning would allow the property to become a conforming use, and allow redevelopment of the existing recreation facility.

The subject property is surrounded by property designated and developed as single-family residential neighborhoods. The subject property is not located in the flood control district, the gateway district or the nature park overlay district. The property is located in the tertiary zone of the Wellfield Protection Overlay District. In order to alleviate the non-conforming status of the property, a Wellfield Special Use Permit must be obtained when the development plan is amended. The YMCA is not exempt from the Wellfield requirements because 500 gallons of liquid chlorine is stored on site for the swimming pool.

The recreation land use category identifies appropriate areas for public and private leisure activities. The existing facilities, which include a recreation building, swimming pool and outdoor play area have been located in this residential neighborhood for many years. The only access to the facility is from Northeast 23rd Avenue, an arterial roadway. Parking is located along the Northeast 23rd Avenue frontage.

Planning staff finds the orientation of the subject property to Northeast 23rd Avenue to be a mitigating factor to the possible conflicts with adjacent residential uses. The facility is well-assimilated with the surrounding neighborhood. The nature of the adjacency of this recreation facility to adjoining residential development is similar to that which has occurred with other parks and school playgrounds within the city.

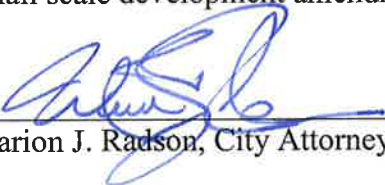
Public notice was published in the Gainesville Sun on October 30, 2001. Letters were mailed to surrounding property owners on October 31, 2001. The Plan Board held a public hearing November 15, 2001. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 116LUC-01 PB. Plan Board vote 4-0.

CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

Prepared and
submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment