

LEGISLATIVE #

120304B

TO: City Plan Board

Item Number: 5

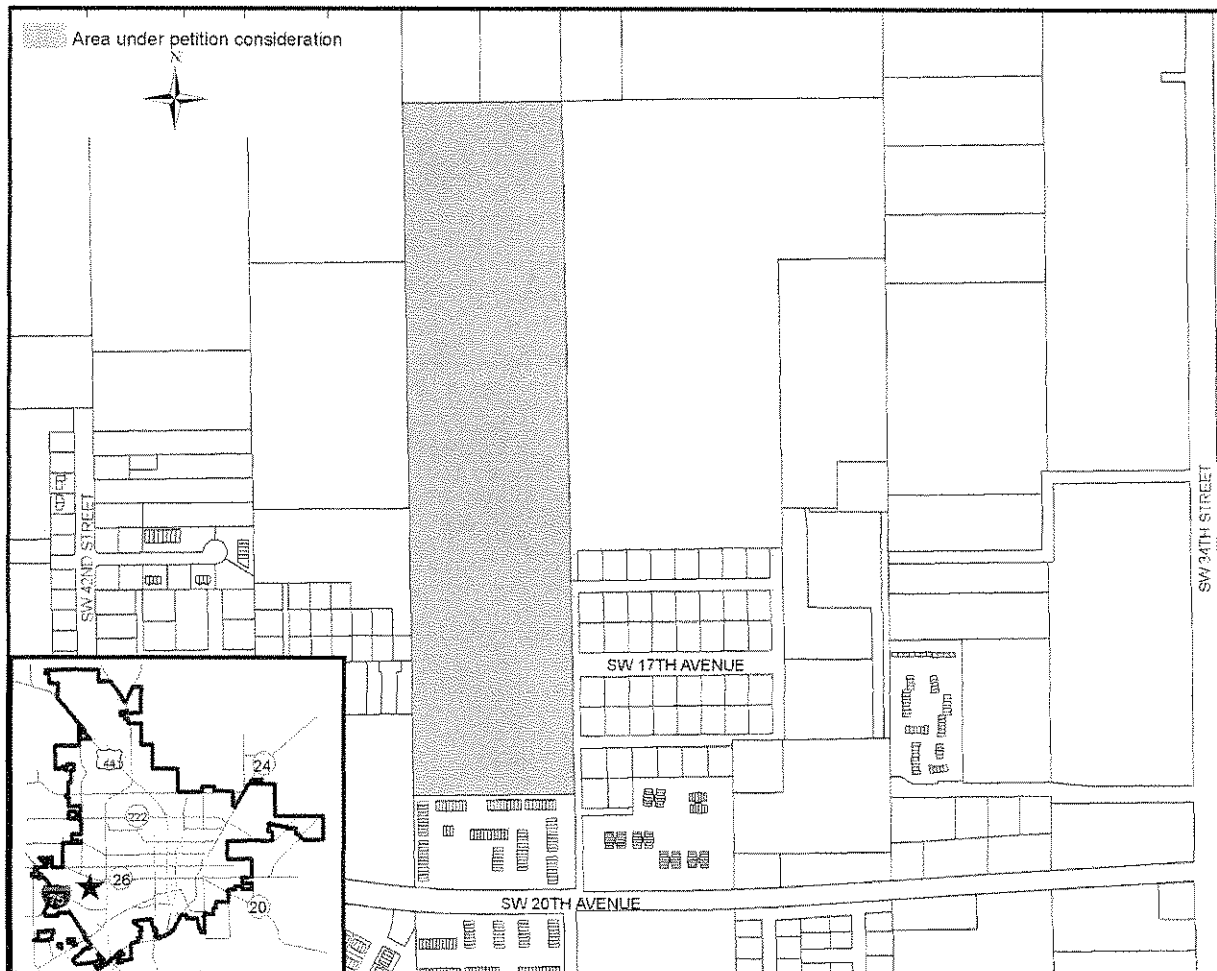
FROM: Planning & Development Services Department
 Staff

DATE: August 23, 2012

SUBJECT: Petition PB-12-86 ZON. City Plan Board. Rezone annexed property from Alachua County A (Agriculture) and R-3 (Multiple family high density) district to City of Gainesville CON (Conservation) and UMU-2 (10-100 units/acre; and up to an additional 25 units/acre by special use permit urban mixed-use district). Located in the vicinity of SW 18th Place; west of SW 38th Terrace; east of SW 40th Terrace and south of SW 9th Place. Related to PB-12-85 LUC.

Recommendation

Staff recommends approval of Petition PB-12-86 ZON.



Description

This petition proposes to rezone one parcel (Tax Parcel No. 06724-000-000) from the Alachua County Agriculture (A) and Multiple-family, high density (R-3) zoning districts to the City of Gainesville split-zoning of Conservation (CON) and Urban Mixed Use-2 district (UMU-2: 10-100 units/acre; and up to an additional 25 units/acre by special use permit urban mixed use district).

The 44-acre property is generally located north of SW 18th Place; west of SW 38th Terrace; east of SW 40th Terrace and south of SW 9th Place (see map on p. 1). The property was annexed into the City of Gainesville in June 2009. An aerial map is provided in Exhibit A-1.

Based on the environmental features present on the property (Hogtown Creek, 10-year flood channel, and a portion of Strategic Ecosystem), the City of Gainesville Conservation future land use was adopted on the northernmost portion of the property (33.1 acres) and the remaining developable 10.9 acres received the Urban Mixed-Use 2 land use (Ordinance 100698).

During the preparation of Petition PB-12-73 ZON, Staff discovered that the 10-year flood channel delineation line, used to divide the property between the developable and conservation areas, was not as extensive as previously determined during the land use amendment process in 2011. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), as determined by the Public Works Department, placed the 10-year flood channel line further north, thereby supplementing the property's developable area by an additional 2.8 acres.

As a result, Staff recommended the City Plan Board remove Tax Parcel No. 06724-000-000 from consideration in Petition PB-12-73 ZON and direct staff to initiate separate petitions to change the land use and zoning on tax parcel 06724-000-000 to reflect the updated flood channel information for the Conservation/UMU-2 split zoning. A related small-scale future land use map amendment (PB-12-85 LUC) was initiated by staff to adjust the land use split between the UMU-2 and Conservation land use categories on the site. The proposed UMU-2 and CON zoning are fully compatible with the proposed revision to the Urban Mixed Use-2 and Conservation land use category designations on this property.

The Alachua County Property Appraiser classifies the current uses of the property as mixed timber land (41.68 acres) and right-of-way (2 acres). Existing adjacent developments in the immediate area include the Alachua County Hickory Hills PD to the west, Kensington North Condominiums to the south, and undeveloped portions of Shady Forest subdivision to the west. Extensive conservation areas lie north of the site and contain floodplains, 10-year flood channel, wetlands, and strategic ecosystem.

Access to the property is provided via SW 38th Terrace, an unpaved road connecting to SW 20th Avenue. Future east/west access to the property will be provided via the Hull Road extension at the time of development. This area falls within existing Transportation Concurrency Exception Area (TCEA) Zone M as shown in the Concurrency Management Element of the Comprehensive Plan.

Key Issues

- The property is part of the Southwest Annexation referendum annexation in 2009 and State law and the Land Development Code require that City zoning be adopted for the property.
- The property contains extensive wetlands, 10-year flood channel, and Hogtown Creek that limit development potential on the northernmost 30.4 acres of the site. Staff is recommending a Conservation zoning classification for this portion of the property.
- The remaining upland portion of the site (13.7 acres) is recommended for UMU-2 zoning consistent with the revised future land use designation split recommended in related Petition PB-12-85 LUC.

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

The proposed UMU-2 and CON zoning districts are fully consistent with the existing UMU-2 and Conservation land use categories on the property and with the proposed split UMU-2/Conservation small-scale land use adjustment proposed by Petition PB-12-85 LUC. The rezoning is also consistent with the overall goals, objectives, and policies of the adopted comprehensive plan.

Future Land Use Element

- Goal 2** Redevelop areas within the city, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.
- Objective 2.1** Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.
- Objective 3.1** The City shall protect environmentally sensitive land, conserve natural resources and maintain open spaces identified in the Future Land Use Map Series, through the Development Review Process and land acquisition programs.
- Policy 3.1.4** The City shall protect floodplain areas through existing land development regulations that:
- a. Prohibit development within the flood channel or floodplain without a city permit;

c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;

e. Prohibit development within the floodplain that would reduce the capacity of the floodplain;

g. Limit flood channel uses to agriculture, conservation, recreation, lawns, yards, gardens, and parking areas.

2. Conformance with the Land Development Code

The proposed rezoning to UMU-2 and CON will implement the UMU-2 and Conservation land use categories on the property. The Land Development Code UMU-2 zoning district was updated to accommodate the Urban Village properties.

3. Changed Conditions

The property was annexed in 2009 and must be brought under the City's zoning regulations. In addition, the newly revised UMU-2 zoning district regulations are appropriate to provide incentives for the development of the upland portion of the site consistent with the Urban Village vision.

4. Compatibility

The proposed 13.7 acre UMU-2 zoned portion of the property is adjacent to other properties with the UMU-2 zoning and will provide opportunities for residential and commercial development at sufficient densities to support transit and reduce sprawl. The 30.4 acre Conservation zoned portion of the site will supplement existing undeveloped conservation areas to the north and west and protect the environmentally sensitive land.

5. Impacts on Affordable Housing

The proposed City UMU-2 zoning represents a significant increase in allowable densities over the existing County designations, creating an increased opportunity for affordable housing units.

Transportation

The property is located in TCEA Zone M, which is defined in Policy 1.1.13 of the Concurrency Management Element. This policy establishes a list of mobility needs and requires proportionate fair share payments for development and redevelopment generating new trips.

This area is also in the University of Florida context area. Concurrency Management Element Policy 1.1.14 requires support for transit capital costs.

Environmental Impacts and Constraints

An environmental assessment was performed to determine whether the subject property might contain or be in close proximity to any natural resources or resource areas regulated under LDC 30-301 Regulated surface waters and wetlands, or the Natural and Archaeological Resources (NAR) regulations Section 30-310.2. The assessment consisted of a preliminary GIS analysis for environmental features and subsequent field truthing, as needed.

Surface Waters/Wetlands

The northern 30.4 acres of the property skirts the Hogtown Creek surface water/wetland area, which is regulated pursuant to *LDC 30-301 Regulated surface waters and wetlands*. Floodplain wetland areas of Hogtown Creek are present below elevations of approximately +61 feet MSL in this area, and the associated 10-year flood channel extends up to elevation +61.7 feet MSL. This forested creek/wetland system supports a high quality mixed hardwood swamp community. The creek swamp is bordered by a mature upland/mixed forest of variable width, with some existing residential housing constructed on adjacent properties within 150 feet of the wetland on the east and west ends of the northern limits of the site. This band of mesic upland forest is dominated by sand live oak, hickory, red maple, sweet gum, and pines, with an understory of native shrubs and groundcover, and provides an excellent natural buffer for Hogtown Creek and its diverse wetland community.

The subject property is impacted by both wetlands and the 10-year flood channel, as interpolated by the Public Works Department using the most recent FEMA FIRM. In addition, the 10-year floodway extends up to the approximate +62 foot elevation, and includes all of the Hogtown Creek wetland and part of the wetland buffer area. Conservation zoning of the area of the parcel within the 10-year floodway is appropriate to limit and prohibit development activities consistent with Policy 3.1.4 of the Future Land Use Element and *LDC 30-286 Prohibited Uses*, which provide that within the flood channel: "No permanent structures or fills shall be allowed except structures and fills designed for flood prevention and control, streets, bridges and sanitary sewer lift stations and utility lines."

Natural and Archaeological Resources

No archeological sites were found on the subject property. Approximately eight (8) archaeological sites are documented within or immediately adjacent to the Urban Village Area boundary including several sites adjacent to the subject property. Investigations and surveys have found lithic scatter, ceramic and other artifact fragments of several cultural periods dating back to the Archaic Period (8500 B.C. to 1000 B.C.). These sites are generally characterized as prehistoric campsites and quarries. To date, none of these areas have been found to be eligible for listing in the National Register of Historic Places.

The northern-most portion of the subject property falls within the Strategic Ecosystem unit referred to as Hogtown Prairie identified as Strategic Ecosystem in the *Alachua County Ecological Inventory Project (KBN/Golder Associates) 1996* study. The 1996 *Ecological Inventory* assesses this area of the lower Hogtown Creek floodplain as a very high quality natural

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resource area. As a result of the property's location in a Strategic Ecosystem unit, it would be subject to regulation under the Strategic Ecosystem provisions of the Natural and Archaeological Resources (NAR) regulations. No significant natural communities or geological resource features were found within the Urban Village area. There are no records of listed species in the study area.

Please see Exhibits A-4, A-5, and A-6 for maps of the pertinent environmental features affecting this area. Exhibit A-4 illustrates the wetlands. Exhibit A-5 shows the 10-year flood channel impacting Tax Parcel 06724-000-000. Exhibit A-6 shows the Strategic Ecosystem in the area.

Respectfully submitted,



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Principal Planner

Prepared by:



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Table 1**Adjacent Existing Uses**

North	Conservation area
South	Condominiums
East	Undeveloped subdivision, conservation area, condominiums
West	Conservation area, developed apartment complexes

Adjacent Zoning and Land Use

	Zoning Category	Land Use Category
North	CON	Conservation
South	Alachua County R-3, UMU-2*	Urban mixed-use 2
East	CON, Alachua County R-3, UMU-2*	Urban mixed-use 2, Conservation
West	CON, Alachua County PD, Alachua County R-3, UMU-2*	Urban mixed-use 2, Conservation

* Proposed rezoning to UMU-2 (10-100 units/acre; and up to an additional 25 units/acre by special use permit urban mixed-use district (Petition PB-12-73 ZON).

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Exhibits

Exhibit A Maps

- A-1 Aerial Map of the subject property
- A-2 Existing Alachua County Zoning
- A-3 Proposed UMU-2/CON split zoning districts
- A-4 Environmental Features: Wetlands
- A-5 Environmental Features: Strategic Ecosystem
- A-6 Environmental Features: Flood Channel

Exhibit B-1 Petition Application