



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000154

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commission

DATE: September 11, 2000

FROM: City Attorney

CITY ATTORNEY  
ADOPTION READING

SUBJECT: Ordinance No. 0-00-91, Petition 106LUC-00PB  
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Conservation" to "Recreation"; located in the vicinity of East University Avenue between the Southeast 2700 Block and 3000 Block; providing a severability clause; providing a repealing clause; and providing an effective date.

---

**Recommendation:** The City Commission: 1) approve Petition 106LUC-00PB; and 2) adopt the proposed ordinance.

## STAFF REPORT

This application to change the land use of 5.8 acres from Conservation to Recreation will facilitate expansion of the City of Gainesville's Fred Cone Park. The subject property is adjacent to and east of the park. The park, located off of Southeast 27<sup>th</sup> Street, approximately 300 feet south of East University Avenue, currently has a baseball field, 4 basketball courts, a picnic area, playground, and restroom facilities. The parcels north and west of the subject property carry a Recreation land use and PS zoning. The southern and eastern parcels are outside the city limits and carry a Commercial and Medium Density Residential land use and BR (Retail Sales and Services) and R-2 (Multi-Family) zoning respectively.

The subject 5.8-acre property is part of a 67-acre parcel east of Fred Cone Park. Wetlands and floodplain areas delineated on the eastern portion of the 67-acre parcel dictate the boundaries for expanding the park, thus, they limit the land use change request to the approximate 5.8 acres remaining immediately east of the park. Because of these floodplain and environmental considerations, the majority of the 67 acres would remain as Conservation.

Currently, Regional Transit System bus route 11 is within one-quarter mile of the property. An entrance to Fred Cone Park is available through the Gainesville Housing Authority's residential development (Lake Terrace Apartments) immediately west of the park. An unpaved street (Southeast 27<sup>th</sup> Street) that runs south off of East University Avenue and parallel to Lake Terrace Apartments also provides access to the park. East University Avenue contains a "shared street-oriented bicycle route" (a wide curb lane). Therefore, the proposed development is well served with transit, in-street bike facilities and sidewalks.

The City Plan Board reviewed the petition and recommends approval.

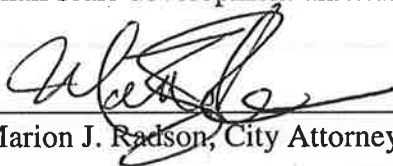
Public notice was published in the Gainesville Sun on July 4, 2000. Letters were mailed to surrounding property owners on July 5, 2000. The Plan Board held a public hearing July 27, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 106LUC-00 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

# D R A F T

08/03/00

1  
2 **ORDINANCE NO.** \_\_\_\_\_  
3 **0-00-91**  
4

5 **An ordinance amending the City of Gainesville 1991-2001**  
6 **Comprehensive Plan, Future Land Use Map; by changing the**  
7 **land use category of certain property from "Conservation" to**  
8 **"Recreation"; located in the vicinity of East University Avenue**  
9 **between the Southeast 2700 Block and 3000 Block; providing a**  
10 **severability clause; providing a repealing clause; and providing**  
11 **an effective date.**  
12  
13

14 **WHEREAS,** publication of notice of a public hearing was  
15 given that the Future Land Use Map be amended by changing the land  
16 use category of certain properties from "Conservation" to  
17 "Recreation"; and

18 **WHEREAS,** notice was given and publication made as required  
19 by law and a public hearing was held by the City Plan Board on  
20 July 27, 2000; and

21 **WHEREAS,** the amendment to the land use category of the City  
22 of Gainesville 1991-2001 Comprehensive Plan proposed herein  
23 directly relates to a small scale development activity as provided  
24 in Chapter 163, Florida Statutes; the City of Gainesville will  
25 transmit copies of the public notice and this proposed change to  
26 the State Land Planning Agency, the regional planning council, and

# D R A F T

08/03/00

1 any other person or entity who has requested a copy for their  
2 comments subsequent to the passage of this ordinance; and

3       **WHEREAS**, at least ten (10) days notice has been given of a  
4 public hearing once by publication in a newspaper of general  
5 circulation notifying the public of this proposed ordinance and of  
6 a Public Hearing in the City Commission meeting room, First Floor,  
7 City Hall in the City of Gainesville; and

8       **WHEREAS**, pursuant to law, notice has also been given by mail  
9 to the owner whose property will be regulated by the adoption of  
10 this Ordinance, at least thirty days prior to the date set for a  
11 public hearing on this ordinance; and

12       **WHEREAS**, the public hearing was held pursuant to the  
13 published notice described above at which hearing the parties in  
14 interest and all others had an opportunity to be and were, in  
15 fact, heard.

16       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
17 **CITY OF GAINESVILLE, FLORIDA:**

18       **Section 1.** The Future Land Use Map of the City of Gainesville  
19 1991-2001 Comprehensive Plan is amended by changing the land use  
20 category of the following described property from "Conservation"  
21 to "Recreation":

# D R A F T

08/03/00

1 See legal description attached hereto as  
2 Exhibit "A", and made a part hereof as if set  
3 forth in full.  
4

5 **Section 2.** The City Manager is authorized and directed to make  
6 the necessary changes in maps and other data in the City of  
7 Gainesville 1991-2001 Comprehensive Plan, or element, or portion  
8 thereof in order to comply with this ordinance.

9 **Section 3.** If any section, sentence, clause or phrase of this  
10 ordinance is held to be invalid or unconstitutional by any court  
11 of competent jurisdiction, then said holding shall in no way  
12 affect the validity of the remaining portions of this ordinance.

13 **Section 4.** All ordinances, or parts of ordinances, in conflict  
14 herewith are to the extent of such conflict hereby repealed.

15 **Section 5.** This ordinance shall become effective immediately  
16 upon passage; however, the amendment to the City of Gainesville  
17 1991-2001 Comprehensive Plan shall become effective thirty one  
18 (31) days after passage and adoption of this Ordinance unless a  
19 petition is filed with the Division of Administrative Hearings  
20 pursuant to § 163.3187(3), F.S. In this event this Ordinance  
21 shall not become effective until the state land planning agency  
22 issues a final order determining the adopted amendment to be in  
23 compliance in accordance with S. 163.3187, or until the  
24 Administration Commission issues a final order determining the

**D R A F T**

08/03/00

1 adopted amendment to be in compliance in accordance with S.  
2 163.3187, F.S.

3 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_,  
4 2000.

5 \_\_\_\_\_  
6 Paula M. DeLaney, Mayor  
7

8  
9 **ATTEST:** APPROVED AS TO FORM AND LEGALITY:

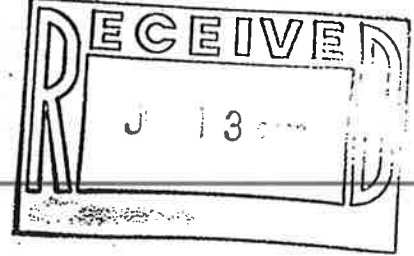
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

\_\_\_\_\_   
KURT LANNON,  
CLERK OF THE COMMISSION

\_\_\_\_\_   
MARION J. RADSON, CITY ATTORNEY

This ordinance passed this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 2000.

MJR/afm



CLIENT: CITY OF GAINESVILLE  
PROJECT NO.: 00-268S  
LEGAL DESCRIPTION FOR: REZONING APPLICATION  
AFFECTED TAX PARECEL No.: 10890-1  
LEGAL DESCRIPTION:

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF S.E. 4<sup>TH</sup> AVENUE (A 40' WIDE RIGHT-OF-WAY PER PLAT OF LAKE FOREST-GAINESVILLE-LAKE FARMS AS RECORDED IN PLAT BOOK A, PAGE 152 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA) WITH THE WEST RIGHT-OF-WAY LINE OF S.E. 31<sup>ST</sup> STREET (A 50' WIDE RIGHT-OF-WAY PER SAID PLAT); THENCE SOUTH 89°00'47" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF S.E. 4<sup>TH</sup> AVENUE, 65.93 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE SOUTH 89°00'47" WEST, 603.54 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 01°00'07" WEST, 625.00 FEET;

THENCE NORTH 89°00'47" EAST, 252.32 FEET;  
THENCE SOUTH 27°23'48" EAST, 49.44 FEET;  
THENCE SOUTH 32°09'03" EAST, 19.03 FEET;  
THENCE SOUTH 07°53'02" EAST, 26.12 FEET;  
THENCE SOUTH 12°20'17" EAST, 35.93 FEET;  
THENCE SOUTH 13°51'19" EAST, 19.38 FEET;  
THENCE SOUTH 20°35'50" EAST, 29.34 FEET;  
THENCE SOUTH 22°14'10" EAST, 13.83 FEET;  
THENCE SOUTH 05°40'24" EAST, 28.33 FEET;  
THENCE SOUTH 01°10'00" EAST, 19.52 FEET;  
THENCE SOUTH 01°45'38" EAST, 26.89 FEET;  
THENCE SOUTH 09°39'46" EAST, 10.31 FEET;  
THENCE SOUTH 23°15'52" EAST, 23.68 FEET;  
THENCE SOUTH 38°04'06" EAST, 31.40 FEET;  
THENCE SOUTH 43°45'25" EAST, 58.84 FEET;  
THENCE SOUTH 46°42'12" EAST, 6.28 FEET;  
THENCE SOUTH 51°30'33" EAST, 29.23 FEET;  
THENCE SOUTH 63°51'13" EAST, 9.94 FEET;  
THENCE SOUTH 30°46'54" EAST, 20.78 FEET;  
THENCE SOUTH 03°06'04" EAST, 9.63 FEET;  
THENCE SOUTH 32°50'37" EAST, 16.48 FEET;  
THENCE SOUTH 65°23'01" EAST, 5.31 FEET;  
THENCE NORTH 86°55'53" EAST, 15.75 FEET;  
THENCE SOUTH 86°18'35" EAST, 20.45 FEET;  
THENCE SOUTH 55°15'56" EAST, 15.23 FEET;  
THENCE SOUTH 35°06'49" EAST, 21.01 FEET;  
THENCE SOUTH 47°22'40" EAST, 18.95 FEET;  
THENCE SOUTH 34°37'43" EAST, 20.01 FEET;  
THENCE SOUTH 23°16'02" EAST, 24.61 FEET;  
THENCE SOUTH 39°59'38" EAST, 13.15 FEET;  
THENCE SOUTH 61°53'50" EAST, 24.53 FEET;  
THENCE NORTH 76°39'29" EAST, 13.53 FEET;  
THENCE NORTH 60°28'38" EAST, 40.86 FEET;

**CE** Causseaux & Ellington, Inc.  
Engineering • Surveying • Planning

THENCE NORTH 80°28'35" EAST, 9.58 FEET;  
THENCE SOUTH 05°21'43" EAST, 10.60 FEET;  
THENCE SOUTH 14°35'49" WEST, 56.63 FEET;  
THENCE SOUTH 04°42'16" WEST, 7.33 FEET;  
THENCE SOUTH 01°33'50" EAST, 30.76 FEET;  
THENCE SOUTH 19°18'05" WEST, 9.36 FEET;  
THENCE SOUTH 41°39'02" WEST, 9.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 5.803 ACRES, MORE OR LESS AND IS  
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

**ALL AS SHOWN ON THE MAP  
ATTACHED HERewith AND MADE  
A PART HEREOF**



# City of Gainesville

## Inter-Office Communication

Department of Community Development  
Phone 334-5022, FAX 334-2282, Station 11

### Item No. 8

**To:** City Plan Board

**Date:** July 20, 2000

**From:** Planning Division Staff

**Subject:** Petition 106LUC-00 PB. City of Gainesville, owner. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from CON (conservation) to REC (recreation). Located on East University Avenue between the 2700 block and 3000 block. Related to Petition 107ZON-00 PB.

### **Recommendation**

Planning Division staff recommends approval of Petition 106LUC-00 PB.

### **Explanation**

This application to change the land use of 5.8 acres from Conservation to Recreation will facilitate expansion of the City of Gainesville's Fred Cone Park. The subject property is adjacent to and east of the park. The park, located off of S.E. 27<sup>th</sup> Street, approximately 300 feet south of East University Avenue, currently has a baseball field, 4 basketball courts, a picnic area, playground, and restroom facilities. The parcels north and west of the subject property carry a Recreation land use and PS zoning. The southern and eastern parcels are outside the city limits and carry a Commercial and Medium Density Residential land use and BR and R-2 zoning respectively.

The subject 5.8-acre property is part of a 67-acre parcel east of Fred Cone Park. Wetlands and floodplain areas delineated on the eastern portion of the 67-acre parcel dictate the boundaries for expanding the park, thus, it limits the land use change request to the approximate 5.8 acres remaining immediately east of the park. Because of these floodplain and environmental considerations, the majority of the 67-acres would remain as Conservation (see attached map).

The subject property is not affected by an environmental overlay district, nor is it affected by the Central Corridors Special Area Plan.

Currently, Regional Transit System bus route 11 is within one-quarter mile of the property. An entrance to Fred Cone Park is available through the Gainesville Housing Authority's residential development (Lake Terrace Apartments) immediately west of the park. An unpaved street (S.E. 27<sup>th</sup> Street) that runs south off of East University Avenue and parallel to Lake Terrace Apartments also provides access to the park. East University Avenue contains a "shared street-oriented bicycle route" (a wide curb lane). Therefore, the proposed development is well served with transit, in-street bike facilities and sidewalks.

### **Applicable Goals, Objectives and Policies**

#### **Recreation Element**

#### **GOAL 2**

Establish a park and open space system which ensures the visibility of, preservation of, and access to environmentally significant open spaces of the urban area.

## **Objective 2.2**

Acquire, design and manage parks to preserve existing natural features and their functions as described by the "Environmental Management of Public Parks and Open Spaces" portion of the Conservation, Open Space and Groundwater Recharge Element.

### **Policies**

- 2.2.1 By June 1992, the City shall adopt the park acquisition criteria described in Policy 1.1.3 in order to place a high priority on restoring and preserving significant natural features.
- 2.2.2 By 1994, the City shall adopt policies based on the "Environmental Management of Public Parks and Open Spaces" portion of the Conservation, Open Space, and Groundwater Recharge Element in order to preserve the natural features of existing City parks.
- 2.2.3 By June 1992, the City shall adopt Land Development Regulations based on the "Environmental Management of Public Parks and Open Spaces" portion of the Conservation, Open Space and Groundwater Recharge Element to maintain the integrity of parks by protecting existing parks from undesirable encroachments such as incompatible land uses, visual disamenities, and noise.

## **Future Land Use Element**

### **GOAL 1**

Achieve the highest long-term quality of life for all Gainesville residents consistent with sound social, economic and environmental principles through land development practices that minimize detrimental impacts to the land, natural resources and urban infrastructure.

### **Objective 1.1**

The City shall protect environmentally sensitive land, conserve natural resources and maintain open spaces identified on Map 2 (Environmentally Significant Lands and Resources) of the Future Land Use Map Series, throughout the Development Review Process and land acquisition programs.

### **Policies**

- 1.1.1 At a minimum the following standards and guidelines shall be used protect environmentally sensitive resources identified on Map 2 (Environmentally Significant Land and Resources) of the Future Land Use Map Series:
  - a. Creeks: Developments must be consistent with the "Regulations of Development Near Creeks" Ordinance which prohibits development within 35 feet of the centerline of any regulated creek. Between 35 and 150 feet, there is a presumption that development is detrimental to the regulated creek unless demonstrated otherwise.
  - b. Wetlands: Developments containing wetlands must maintain the existing level of wetland acreage and function on the property.
  - c. Lakes: Developments containing a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 35 feet of the landward extent of a lake.
  - d. Wellfields: Developments must be consistent with Policy 2.3.3 of the Conservation, Open Space and Groundwater Recharge Element.
  - e. Major Natural Groundwater Recharge Area: Developments within this area must be consistent with Policy 2.3.4 of the Conservation, Open Space and Groundwater Recharge Element.

- f. Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed up to the maximum of 75 percent of the parcel.

1.1.4 The City shall annually allocate a minimum of \$150,000 for the purchase of recreation sites and environmentally sensitive lands. These lands shall be used for recreation, conservation, preservation, open space and for regional watersheds in accordance with criteria developed in the Recreation Element and the Conservation, Open Space and Groundwater Recharge Element of the Plan.

1.1.8 The City shall protect floodplain areas through existing Land Development Regulations which:

- a. Prohibit development within the flood channel or floodplain without a city permit;
- b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
- c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;
- d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise potentially harmful material in the flood channel;
- e. Prohibit development within the floodplain which would reduce the capacity of the floodplain;
- f. Prohibit development which would cause or create harmful soil erosion, stagnant water, or irreversible harmful impact on existing flora and fauna;
- g. Limit floodplain uses to agriculture, recreation, lawns, gardens, and parking areas; and
- h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation in addition to those allowed in the flood channel.

### **Objective 2.1**

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

### **Policies**

2.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

#### **Conservation**

This land use classification identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single family densities of one unit per five acres. Land Development Regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

#### **Recreation**

This land use classification identifies appropriate areas for public and private leisure activities. Land Development Regulations shall address the scale, intensity and buffering of structures and outdoor

improvements. This category shall meet the appropriate intensities of use as established by the Park Design and Function Standards adopted in the Recreation Element.

Staff believes that the proposed development will enhance existing facilities at Fred Cone Park, and provide additional recreational resources for the neighboring Lake Terrace Apartments and surrounding area.

#### **Character of the District and Suitability**

Recreational use of the subject property is appropriate, as the rezoning request is for expansion of an existing recreation facility. Directly north of the subject property is the W.T. Loften Center. Northeast of the subject property, within one half-mile, is the City's Morningside Nature Center, containing approximately 278 acres of forest. Adjacent west of the subject property is the Fred Cone Park facility.

#### **Conservation of the Value of Buildings and Encouraging Appropriate Uses**

The subject property is vacant. As described above, recreational use is appropriate for the subject property.

#### **Substantial Changes in Character or Development in the Area**

There have been no substantial changes in character or development in the vicinity of this property in recent years.

#### **Site Location in Relation to Adjacent Land Uses**

The subject property is adjacent to Medium Density Land use and R-2 zoning to the east. Recreation Land use and PS zoning to the north and west, and Commercial land use and BR zoning to the south. Redesignation of the subject property is an expansion of contiguous Recreation land use which is compatible with the surrounding uses.

#### **Impact on Adopted Level of Service Standards**

Solid waste capacity is available at adopted level of service standards. Potable water and wastewater is available to serve the property. Stormwater management concurrency is handled during development review. Transit service is available (Route 11) and adequate, and in-street bicycle facilities and public sidewalks serve the Gainesville Housing Authority residential development adjacent (west) to the Fred Cone Park. The current level of service for this segment of East University Avenue is LOS "B". The subject property is located in Zone 'A' of the Transportation Concurrency Exception Area and must meet those development standards applicable during the development review stage.

#### **Analysis of the Need for Additional Land based on Projected Population and Availability of Property Designated for the Land Use being Requested**

The proposed land use category for the subject property will serve the current and projected population in east Gainesville, through the 2010 planning period.

**Criteria for Creation of Mixed Use or Other Non-Residential Areas**

The subject property is located within one-half mile of the Food Lion Activity Center on S.E. Hawthorne Road and the Waldo Road/ East University Avenue Activity Center. The proposed land use will serve residents who are served by these activity centers.

<b>Applicant Information</b>	City of Gainesville, owner.
<b>Request</b>	Amend the Future Land Use Map from CON to REC (Recreation).
<b>Existing Land Use Plan Classification</b>	CON
<b>Existing Zoning</b>	CON
<b>Location</b>	East of Fred Cone Park, off of S.E. 27 <sup>th</sup> Street.
<b>Size</b>	5.8 acres
<b>Existing Use</b>	Vacant

**Surrounding Land Uses**

<b>North</b>	Vacant/Recreation
<b>South</b>	Vacant/Commercial (Alachua Co.)
<b>East</b>	Vacant/Medium Density Residential (Alachua Co.)
<b>West</b>	Partially Developed/Recreation

<b>Surrounding Controls</b>	<b>Existing Zoning</b>	<b>Land Use Plan</b>
<b>North</b>	PS	REC
<b>South</b>	BR (Alachua Co.)	Commercial (Alachua Co.)
<b>East</b>	R2 (Alachua Co.)	Med Density Residential (Alachua Co.)
<b>West</b>	PS	REC

**Recent Zoning History**

Subject parcel was annexed into the City in 1990. Adjacent northern property (18-acres), although not part of the application, was annexed in 1993.

**Affordable Housing**

This petition will have no impact on the provision of affordable housing. No existing housing is being lost with this proposal.

City Plan Board  
Petition 106LUC-00PB  
July 20, 2000

Respectfully Submitted,



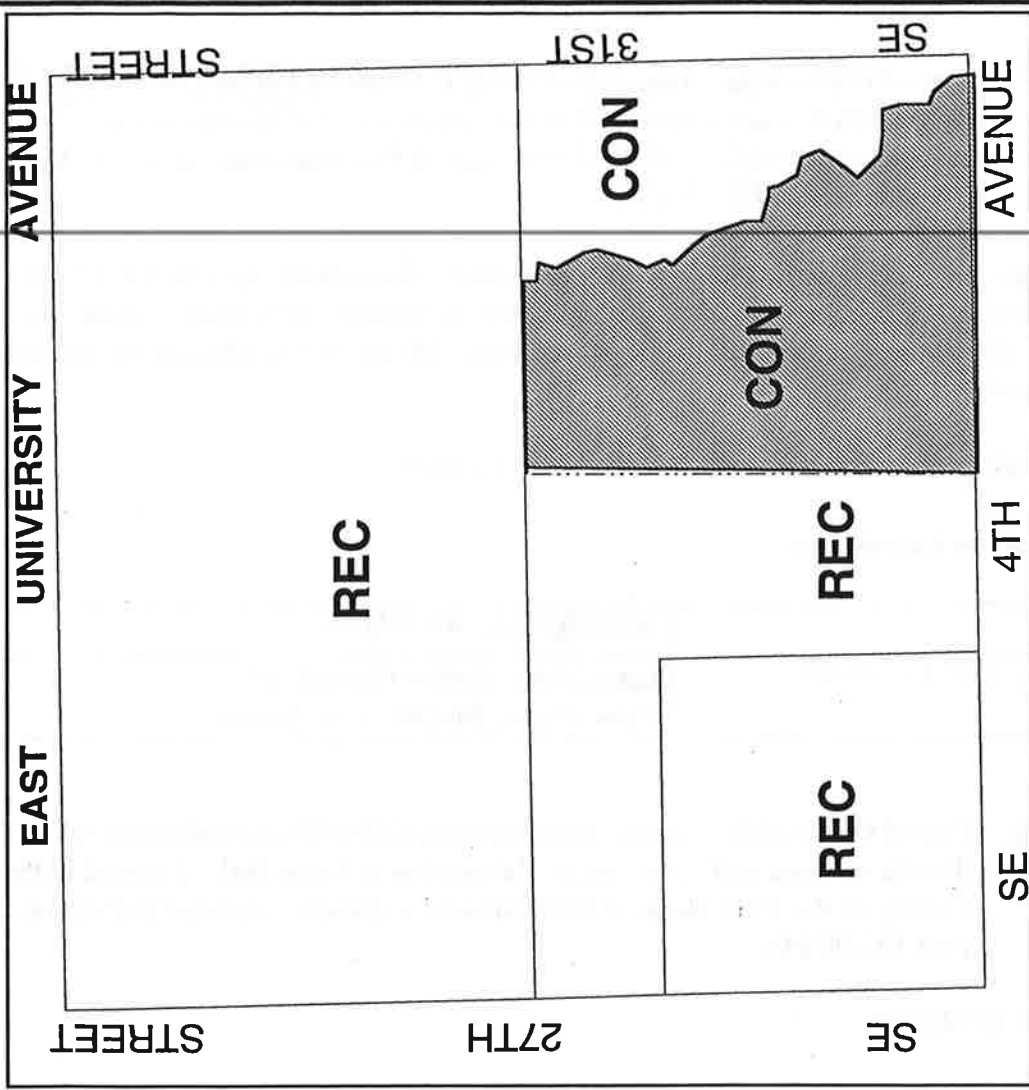
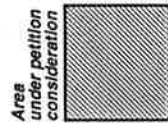
Ralph Hilliard  
Planning Manager

RW:DM:SN

### Land Use Designations

- SF Single Family (up to 8 units/acre)
- RL Residential Low Density (up to 12 units/acre)
- RM Residential Medium Density (8-30 units/acre)
- RH Residential High Density (8-100 units/acre)
- MUR Mixed Use Residential (up to 75 units/acre)
- MUL Mixed Use Low Intensity (10-30 units/acre)
- MUM Mixed Use Medium Intensity (14-30 units/acre)
- MUH Mixed Use High Intensity (up to 150 units/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

--- Division line between two land use districts  
 — City Limits



### LAND USE

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	From CON to REC	4056	106 LUC-00PB



**8. Petition 106LUC-00 PB** City of Gainesville. Amend the City of Gainesville Future Land Use Map from CON (Conservation) to REC (Recreation). Referred to as Cone Park. Located in the vicinity of the 2700 block of East University Avenue. Related to Petition 107ZON-00 PB.

Mr. Dean Mimms was recognized. Mr. Mimms indicated that he would discuss Petitions 106LUC-00 PB and 107ZON-00 PB simultaneously. He presented a map of the site and noted the surrounding uses. He indicated that the change would allow expansion of the Fred Cone Park. He presented slides of the property. He offered to answer any questions from the board.

Chair Guy requested and received information on the boundaries of the park.

There was no public comment on the petitions.

<u>Motion By:</u> Mr. McGill	<u>Seconded By:</u> Ms. Myers
<u>Moved to:</u> Approve Petition 106LUC-00 PB.	<u>Upon Vote:</u> Motion Carried 4-0 Yeas: Carter, McGill, Guy, Myers

**9. Petition 107ZON-00 PB** City of Gainesville. Rezone property from CON (Conservation) to PS (Public services and operations). Referred to as Cone Park. Located in the vicinity of the 2700 block of East University Avenue. Related to Petition 106LUC-00 PB.

Discussed with Petition 106LUC-00 PB.

<u>Motion By:</u> Mr. McGill	<u>Seconded By:</u> Ms. Myers
<u>Moved to:</u> Approve Petition 107ZON-00 PB.	<u>Upon Vote:</u> Motion Carried 4-0 Yeas: Carter, McGill, Guy, Myers



**5 Legal Notice**

**7/4/00**  
**HEARINGS BEFORE  
CITY PLAN BOARD  
AND CITY COMMISSION**

The Plan Board of the City of Gainesville, FL, will consider the following items at the regular Public Hearing scheduled on Thursday, July 20, 2000, at 6:30 p.m., in the City Hall, First Floor Auditorium, 200 E. University Avenue, Gainesville, FL. The Plan Board may continue petitions, approve petitions as submitted, approve petitions with amendments, or deny petitions. If the City Plan Board votes to approve a petition as submitted, based upon the recommendation of the planning staff, then the City Attorney will prepare an ordinance for adoption by the City Commission. The Ordinance Adoption Hearing for these petitions will be held by the City Commission on Monday, September 11, after 6:00 p.m. If the City Plan Board votes to deny a petition or approve a petition with conditions that are not agreed upon by the Petitioner, then that petition will be considered by the City Commission at the meeting of Monday, August 14, 2000, after 6:00 p.m. City Commission meetings are held in the City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, Florida. (NOTE: 1. Items continued or denied by the Plan Board will not appear on the City Commission date stated above. Hearing dates for continued items will be re-advertised. 2. Concept plans are not heard by the City Commission.)

**OLD BUSINESS**

1. Petition 50MSC-00 PB. Code Enforcement Board. Revocation of Special Use Permit (Petition 249SUP-93 PB, Sharkey's) for property at 626 Northeast 13th Street.
2. Petition 68TCH-00 PB. City Plan Board. Amend the City of Gainesville Land Development Code with respect to fence requirements.

**NEW BUSINESS**

3. Petition 92PDC-00 PB. Ricardo Cavallino. A Planned Development Concept for a residential/non-residential, traditional neighborhood to include a gated single-family attached residential area, professional offices, and a restaurant. Zoned: MU-1 (mixed-use low intensity district). Located at 528 Northwest 39th Road.
4. Petition 93SUP-00 PB. Rory P. Causseaux, PE, agent for Lil' Champ Food Stores. A special use permit with associated development plan review for demolition of the existing building and reconstruction of a convenience store with twelve fueling positions. Zoned: MU-2 (mixed-use medium intensity district). Located at 4221 Northwest 16th Boulevard.
5. Petition 103LUC-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Amend the City of Gainesville Future Land Use Map from AGR (Agriculture) to IND (Industrial) on property located in the Northwest Business Park, Phase I, Lot 12 in the 6900 block of NW 17th Street, East side. Related to Petition 104ZON-00 PB. Portion of tax parcel no. 07879-006-000.
6. Petition 104ZON-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Rezone property from AGR (Agriculture) to I-1 (Industrial) on property located in the Northwest Business Park, Phase I, Lot 12 in the 6900 block of NW 17th Street, East side. Related to Petition 103LUC-00 PB. Portion of tax parcel no. 07879-006-000.

7. Petition 105LUC-00 PB. C. David Coffey, Esq., agent for HCA Health Services of Fla, Inc. Amend the City of Gainesville Future Land Use Map from SF (Single-family, up to 8 units per acre) and CON (Conservation) to O (Office) on approximately 33 acres of property located in the 6400 block of Northwest 9th Boulevard. Tax parcel nos.: 06340-000-000, 06340-022-000, a portion of 06340-007-001, a portion of 06337-023-000.

8. Petition 106LUC-00 PB. City of Gainesville. Amend the City of Gainesville Future Land Use Map from CON (Conservation) to REC (Recreation). Referred to as Cone Park. Located in the vicinity of the 2700 block of East University Avenue. Related to Petition 107ZON-000 PB. Tax parcel no. 10890-001-000.

9. Petition 107ZON-00 PB. City of Gainesville. Rezone property from CON (Conservation) to PS (Public services and operations). Referred to as Cone Park. Located in the vicinity of the 2700 block of East University Avenue. Related to Petition 106LUC-00 PB. Tax parcel no. 10890-001-000.

**ADJOURNMENT**

In order to participate in the quasi-judicial portion of the proceedings before the City Commission, all parties who are entitled to actual notice must file the registration form with the Board's secretary or Clerk of the City Commission. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected party status by filing an application with the Clerk of the City Commission, in writing, during regular business hours no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The application must be filed and received by the Clerk of the City Commission, First Floor, City Hall, 200 East University Avenue, during business hours.

If you do not choose to participate in the quasi-judicial portion of the proceeding, you will be allowed to provide testimony and evidence during the public hearing portion of the meeting, up to 5 minutes per person.

If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE, 6th Avenue, Gainesville, Florida, during business hours.

If any person decides to appeal a decision of this body with respect to any matter considered at the above-referenced meeting or hearing, he/she will need a record of the proceedings, and for such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Equal Opportunity Department at 334-5051 at least 48 hours prior to the meeting date. If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE, 6th Avenue, Gainesville, Florida, during business hours.

7/4/00

