

**TO:** City Plan Board

**Item Number:** 2

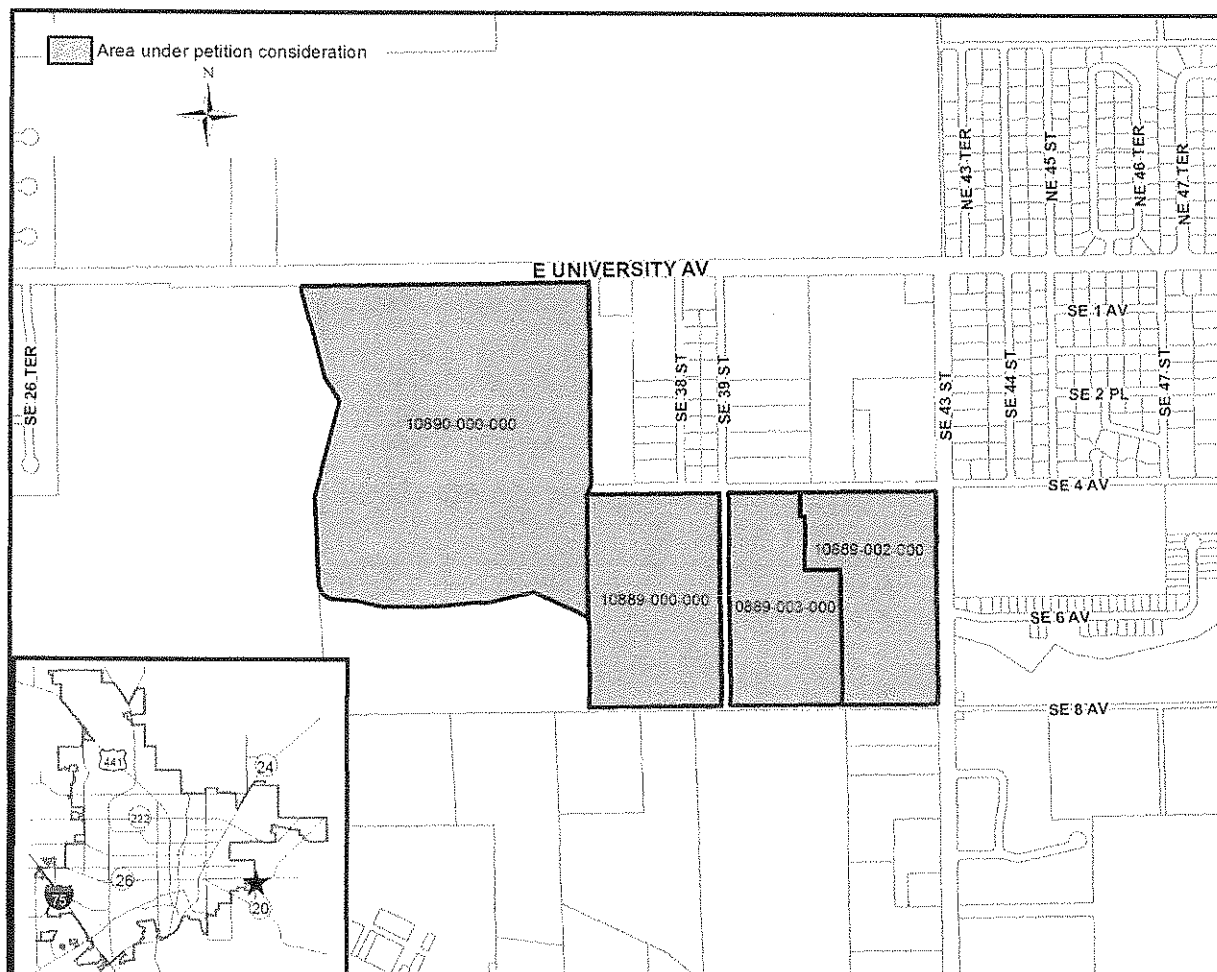
**FROM:** Planning & Development Services Department  
 Staff

**DATE:** October 24, 2013

**SUBJECT:** Petition PB-13-95 ZON. Rezone property from Alachua County Single family, medium density (R-1b) district and Multiple family, medium density (R-2) district to City of Gainesville RMF-5 (12 units/acre single-family/multiple-family residential district). Located east of Cone Park and consisting of four parcels between the 3100 block of E. University Avenue (south side) and the 400 block of SE 43<sup>rd</sup> Street (west side). Related to PB-13-94 LUC.

## Recommendation

Staff recommends approval of Petition PB-13-95 ZON.



## Description

This approximately 134-acre property (see map on previous page) was voluntarily annexed into the City on January 19, 2012 by Ordinance No. 110505. The proposed rezoning from Alachua County Single family, medium density (R-1b) district and Multiple family, medium density (R-2) district to City of Gainesville RMF-5 (12 units/acre single-family/multiple-family residential district) pertains to an undeveloped, wooded property in east Gainesville. It is located east of Cone Park and south of the Morningside Nature Center, and consists of four parcels between the 3100 block of E. University Avenue (south side) and the 400 block of SE 43<sup>rd</sup> Street (west side). The majority of the property has strategic ecosystem designation and contains extensive areas of regulated environmental resources.

The property is within the Plan East Gainesville area. Plan East Gainesville (Final Report, February 2003) recognized the Lake Forest Creek Greenway (connects the NE 27<sup>th</sup> Street Greenway with the Newnan's Lake Greenway to the east, and with proposed connections to East Side High School and Lake Forest Elementary School) as a top priority within the Conservation Element of Plan East Gainesville (PEG). The Conservation Element of PEG stated further that "this greenway will provide a significant riparian corridor for animal movement and water quality improvement."

This petition is related to Petition PB-13-95 LUC, which proposes amendment of the City of Gainesville Future Land Use Map from Alachua County Medium Density Residential (4-8 du/ac) to City of Gainesville Residential Low-Density (up to 12 units per acre).

This proposed rezoning, if approved, will facilitate future residential development of the property. The proposed RMF-5 (12 units/acre single-family/multiple-family residential district) zoning provides an increase in maximum density of up to 4 units per acre over the maximum of 8 units per acre allowed under the existing Alachua County Single family, medium density (R-1b) and Multiple family, medium density (R-2) districts. Both RMF-5 zoning and the existing County R-1b (allows attached single-family) and R-2 allow attached dwelling units. The allowance of attached dwelling units in combination with the relative increase in density by the proposed RMF-5 zoning provides needed flexibility for future residential development of this large, undeveloped property with extensive areas of regulated environmental resources.

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps illustrating the existing and proposed zoning. Exhibit C-1 is the application. Also see Exhibit B-6 (Memorandum from City of Gainesville Environmental Coordinator) and the illustrative maps attached to it concerning the environmental resources on the site.

## Key Issues

- This is an annexed property that requires a City zoning designation.
- The proposed rezoning to RMF-5 (12 units/acre single-family/multiple-family residential district) is consistent with the City's Comprehensive Plan and will implement the related, proposed RL (Residential Low-Density (up to 12 units per acre) land use.
- Future development of this property (the majority of which is in the strategic ecosystem) that contains considerable areas of regulated natural resources will be subject to

applicable requirements for avoidance, minimization, buffering, mitigation, and conservation area management required by the City's Conservation, Open Space and Groundwater Recharge Element and Land Development Code.

- This zoning change may help meet future housing needs in east Gainesville, and is supportive of economic development in east Gainesville.
- The property is located within the Plan East Gainesville area.

### **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 rezoning to RMF-5 is fully consistent with the proposed RL land use category. The proposed rezoning is also consistent with City of Gainesville Future Land Use Element Policy 4.1.1 (Residential Low-Density (up to 12 units per acre)), Objective 4.4, and Policies 4.4.1 and 4.4.2, below. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies.

#### **Future Land Use Element**

**Policy 4.1.1** Land Use Categories on the Future Land Use Map shall be defined as follows:

##### **Residential Low-Density (up to 12 units per acre)**

This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

**Objective 4.4** Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

**Policy 4.4.1** Land use amendments should be prepared for all annexed properties within one year of annexation.

**Policy 4.4.2** Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this plan.

## **2. Conformance with the Land Development Code**

The proposed rezoning to RMF-5 will implement the RL land use category proposed by Petition PB-13-94 LUC. At the development plan stage, any proposed development will be required to meet all of the Land Development Code requirements. In particular, because of the sensitive environmental areas on the property, development will have to comply with the Land Development Code requirements of Division 4 – Regulated Natural and Archaeological Resources, and Subdivision III - Surface Waters and Wetlands District.

The RMF-5 zoning district allows single-family dwellings, two-family dwellings (duplexes), three-family dwellings (triplexes), four-family dwellings (quadriplexes), and townhouses or rowhouses of up to six attached dwelling units as residential uses that are permitted by right. Other uses that are permitted (either by right or special use permit) in this zoning district are listed in Exhibit B-4 – RMF-5 zoning district regulations.

## **3. Changed Conditions**

The major changed condition is the 2012 annexation of this undeveloped property into the City of Gainesville.

## **4. Compatibility**

This undeveloped, annexed property is adjacent to unincorporated Alachua County to the north, south and east, and to the City of Gainesville to the west. The properties to the north have Alachua County R-1b (Single family, medium density, 4-8 du/acre) and R-1a (Single family low density, 1-4 du/acre) zoning and include undeveloped lands, single-family development, and a place of religious assembly. The City of Gainesville’s Morningside Nature Park (Conservation district zoning) is across East University Avenue to the north. Properties to the south have Alachua County R-1b, A (Agricultural), and Mixed Use Medium Density Residential (Eastside Activity Center, 4-8 du/acre) zoning, and are undeveloped with the exception of a telecommunications tower and the Florence landfill. The properties to the east have Alachua County R-1b and R-1a zoning, and Agricultural (A) zoning designations, and include undeveloped lands, single-family development, Lake Forest Elementary School, and a place of religious assembly. Undeveloped areas of Cone Park (which has City of Gainesville Public services and operations district (PS) zoning) are to the west.

The proposed RMF-5 zoning is compatible with the adjacent properties and surrounding area. See Table 1 on Page 10 of this document for a tabular summary of adjacent existing uses and adjacent zoning and land use categories. As noted in the Description section of this report, see Exhibit B-1 for the aerial photograph, and Exhibits B-2 and B-3 for maps of the existing and proposed zoning for this 134-acre property and the surrounding area.

## **5. Impacts on Affordable Housing**

The proposed RMF-5 zoning allows for a maximum residential density of 12 units per acre which may allow up to 1,608 dwelling units on the property, which is an increase of 536 above the maximum of 1,072 units that may be allowed under the current Alachua County R-1b and R-2 zoning districts with their maximum densities of 8 units per acre.

The proposed rezoning of this undeveloped property has the potential to have a positive impact on the supply of affordable housing in Gainesville.

### **Transportation**

There are no major transportation issues associated with this proposed zoning change. The property is served by two existing roads, each of which has sidewalks on both sides: East University Avenue (a four-lane arterial) and SE 43<sup>rd</sup> Street (a two-lane collector). The property is also served by RTS Route 11 with service (every 30-60 minutes on weekdays, and every 60 minutes on Saturdays and Sundays) along East University Avenue and SE 43<sup>rd</sup> Street. It is located within Zone A of the Gainesville Transportation Mobility Program Area (TMPA). At the time of development plan review, this 134-acre property will be subject to the Zone A requirements of Policy 10.1.4 of the Transportation Mobility Element (see Exhibit A-1, Comprehensive Plan GOPs).

### **Environmental Impacts and Constraints**

This undeveloped property has floodplain areas within FEMA Flood Zones A (100-year Flood Zone, no FEMA-determined elevation) and AE (100-year Flood Zone, FEMA-determined elevation with detailed study), but the majority of the property is outside of the 100-year Flood Zone.

The October 7, 2013 memorandum (Exhibit B-6) from the City's Environmental Coordinator provides an in-depth explanation of the environmental characteristics and constraints of this property, plus six illustrative exhibits. Excerpts from that memorandum follow.

The property is situated in a vital position in maintaining the Eastside Greenway corridor between Morningside Park and Paynes Prairie. The Eastside Greenway Strategic Ecosystem overlaps most of the subject property, and is a regulated area of Natural and Archaeological Resources. The undeveloped lands of the Eastside Greenway provide corridors for wildlife movement which support conservation of regional wildlife populations. They are particularly significant in maintaining wildlife habitat connectivity between Morningside Nature Center, other eastside natural areas, and the major state parklands and conservation areas associated with Gum Root Swamp to the north, Newnans Lake to the east, and Paynes Prairie to the south.

The majority of the subject property is located within this Strategic Ecosystem area, including all the aforementioned creeks, wetlands, and upland Significant Natural Communities. The key wildlife corridor linkage from Morningside Park to Paynes Prairie runs through the subject property. This linkage is of high quality due to the extensive system of creeks and riparian forests which exist on this land. The important considerations of the conservation purpose and

wildlife corridor functions of the Eastside Greenway Strategic Ecosystem will be integrated with the other policies and regulatory measures mentioned above during the assessment and development review process for the other regulated environmental resource areas of the site.

Regulated creeks of the Lake Forest Creek drainage basin are present on the property. Approximately 65 acres of forested and vine covered wetland areas are associated with the creeks, either as riparian zones or as broad floodplain flats. The areas of surface waters/wetlands which meet current State and City jurisdictional determination criteria, and are regulated pursuant to City of Gainesville Land Development Code (LDC) Section 30-300, *Regulated Surface Waters and Wetlands*, have not been defined through professional field delineation and verified through regulatory agency review. Thus, the exact location and extent of these areas, which represent a significant part of the property, have not been established. Future development on the property will be required to avoid impacts to surface waters and wetlands to the maximum extent practicable.

The subject property falls within or contains areas of natural resources regulated by the City pursuant to the Conservation, Open Space and Groundwater Recharge Element of the Comprehensive Plan and LDC 30-310 *Natural and Archaeological Resources*. The property supports some of the last remaining contiguous natural habitat in east Gainesville. Lake Forest Creek and its riparian and wetland forests extend across the west and south areas of the property, and along with adjacent upland forests, some of which are Significant Natural Communities, provide habitat for listed species and a substantial natural corridor for regional wildlife movement. The two western parcels (10890-000-000 and 10889-000-000) of the property have been identified as a top priority land acquisition by the City for several years due to the presence of diverse, contiguous natural habitats, including scrubby flatwoods, xeric hammock, and an excellent quality xeric sandhill community dominated by longleaf pine and xeric oaks. This Significant Natural Community occurs to a very limited extent in Alachua County, and is the best example of its type inside the City limits.

The 23-acre block of sandhill habitat is located near the center of the property and supports a population of gopher tortoises, listed as a Threatened species by the State of Florida, as well as a characteristic association of fire-adapted trees, shrubs, and a relatively undisturbed ground cover. Other listed animals such as the indigo snake, gopher frog, Florida pine snake, and Florida mouse, which are commensal species often associated with tortoise burrows, may be present as well.

The proposed land use and zoning for the property will allow uses and densities for development designs which must meet the requirements for avoidance, minimization, buffering, mitigation, and conservation area/set-aside management provided under City code sections LDC 30-300 and 30-310. A verified surface water/wetland jurisdictional determination, and the results of the natural and archaeological resources assessment which is required pursuant to Section 30-310.1, will give clarity to the type, extent, and form of the combined regulated resource areas existing on the property. The uplands within the area of precluded development use, or set-aside area, will consist of a contiguous configuration of the upland buffers of surface waters and wetlands, along with upland areas of high quality Significant Natural Communities, Listed Species Habitat, and wildlife corridor zones. The set-aside areas will be determined at the development plan

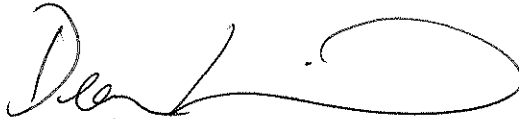
stage after ground-truthing and will be optimized for management capability and sustainment of ecological functions. The dedication of a Conservation Management Area for the set-aside areas will be required to provide perpetual protection, maintenance, and ecological restoration through professional conservation land management. Provisions for transfer of development rights through methods such as clustering shall be allowed within the property or through alternative compliance, where applicable, pursuant to Conservation, Open Space and Groundwater Recharge Element Policy 2.4.10 f. and LDC Section 30-310.2, when set-asides for resource protection are required. Future project layouts and actual unit yields for the property may be significantly affected by these regulations, the sum of which will preclude development use of most surface waters and wetlands, as well as up to 50 percent of all uplands within the overlap area of the Strategic Ecosystem.

Respectfully submitted,



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Prepared by:



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Lead Planner

**Table 1**

**Adjacent Existing Uses**

<b>North</b>	E. University AVE (Morningside Nature Center is across to the north); single-family neighborhood; undeveloped land; place of religious assembly
<b>South</b>	Vacant, undeveloped; Florence landfill; telecommunications tower
<b>East</b>	Vacant, undeveloped; SE 43 <sup>rd</sup> ST (east of which are: Lake Forest Elementary School, a single-family neighborhood, and a place of religious assembly)
<b>West</b>	Cone Park (adjacent portion of which is undeveloped and mostly forested)

**Adjacent Zoning and Land Use**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	CON (Conservation) north of E. Univ. AVE (SR 26); Alachua Co. Institutional; Alachua Co. Medium Density Residential (4-8 du/acre)	CON (Conservation district) north of E. Univ. AVE (SR 26); Alachua Co. R-1b (Single family, medium density, 4-8 du/acre); Alachua Co. R-1a (Single family low density, 1-4 du/acre)
<b>South</b>	Alachua Co.: Medium Density Residential (4-8 du/acre); Institutional; Mixed Use Medium Density Residential (4-8 du/acre)	Alachua Co.: R-1b (Single family, medium density, 4-8 du/acre); A (Agricultural); Mixed Use Medium Density Residential (EAC, 4-8 du/acre)
<b>East</b>	Alachua Co.: Institutional; Medium Density Residential (4-8 du/acre); Low Density Residential (1-4 du/acre)	Alachua Co.: R-1b (Single family, medium density, 4-8 du/acre); R-1a (Single family low density, 1-4 du/acre); A (Agricultural);
<b>West</b>	Recreation	PS (Public services and operations district)



## List of Appendices

### Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

### Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Zoning

Exhibit B-3 Map: Proposed Zoning

Exhibit B-4 RMF-5 zoning district regulations

Exhibit B-5 Map of Floodplain Area

Exhibit B-6 Memorandum from City of Gainesville Environmental Coordinator

Exhibit B-7 Memorandum from Alachua County Public Schools

### Appendix C Application Package

Exhibit C-1 Rezoning Application