



MEMORANDUM
Office of the City Attorney

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TO: Mayor and City Commission **DATE:** January 10, 2000

FROM: City Attorney **ADOPTION READING**

SUBJECT: Ordinance No. 0-00-29, Petition No. 145LUC-99PB
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 "Single Family (up to 8 units per acre)" to "Residential Medium Density (8-30 units per acre)" and "Conservation"; located in the vicinity of the 400 block of Southeast 25th Street, east of Southeast 24th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition 145LUC-99PB; and 2) adopt the proposed ordinance.

STAFF REPORT

The application for a land use change is for a vacant, 5-acre parcel (this parcel has a western 5 acres that is not part of this petition). The subject parcel is located in the 400-block of Southeast 25th Street, east of Southeast 24th Street. The adjacent 5-acre western portion of this parcel carries an MUL (mixed-use low) land use and MU-1 (mixed-use low intensity) zoning. The parcel adjacent to the south carries a single-family residential land use and an RSF-1 (3.5 units per acre single-family residential district) zoning. The parcel to the north carries a residential single-family land use and RSF-4 (8 dwelling units per acre) zoning. The parcel adjacent to the east carries a single-family residential land use and an RSF-1 (3.5 dwelling units per acre) zoning. All adjacent parcels are currently undeveloped.

The application would change the land use of the western portion of the parcel (approximately 4 acres) from single-family to residential medium density, and, because of floodplain considerations, change the eastern portion of the parcel (approximately 1 acre) from single-family to conservation.

The parcel is affected by the floodplain environmental overlay district for that portion proposed as conservation. It is not affected by the Central Corridors district.

Currently, Regional Transit System bus route 7 (and a bus stop for this route) is within one-quarter mile of the parcel. The parcel is served by sidewalks along Hawthorne Road and on Southeast 24th Street. This arterial contains a "shared street-oriented bicycle route" (a parking lane that is a shared bicycle lane). In addition, on-street bicycle lanes are found on Southeast 24th Street.

Multi-family residential land use and zoning categories are often placed next to or within activity centers, because higher-density residential development in centers supports transportation choice objectives and the economic health of the center. The subject parcel falls within the Hawthorne Road Activity Center.

The Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on November 2, 1999. Letters were mailed to surrounding property owners on November 3, 1999. The Plan Board held a public hearing November 18, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 145LUC-99 PB. Plan Board vote 7-0.

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