

CITY  
-----OF----- INTER-OFFICE COMMUNICATION  
GAINESVILLE

Item No.: 2

TO: City Plan Board DATE: April 20, 2006

FROM: Planning Division Staff

SUBJECT: Petition 173ZON-05PB, City Plan Board. Rezone property from Alachua County Agriculture to City of Gainesville CON (Conservation district) on annexed property. Located in the 900 block of Southwest 34th Street. Related to Petition 172LUC-05PB.

Recommendation

Planning Division staff recommends approval of Petition 173ZON-05PB.

Explanation

The subject property is located west of SW 34th Street in the 900 block (see Map 1). The property proposed for the zoning change is approximately 13 acres in size and is composed of three tax parcels. This property was annexed into city limits on November 14, 2005. This petition is being proposed in order to bring the parcel under the City's land use and zoning regulations (as is required for all annexed properties).

The property is vacant, and all three parcels are located in the 10-year Flood Channel. The Land Development Code (Sec. 30-286) prohibits permanent structures or fills in the flood channel district except structures and fills designed for flood prevention and control, streets, bridges, and sanitary sewer lift stations and utility lines. There is currently no vehicular access to these parcels.

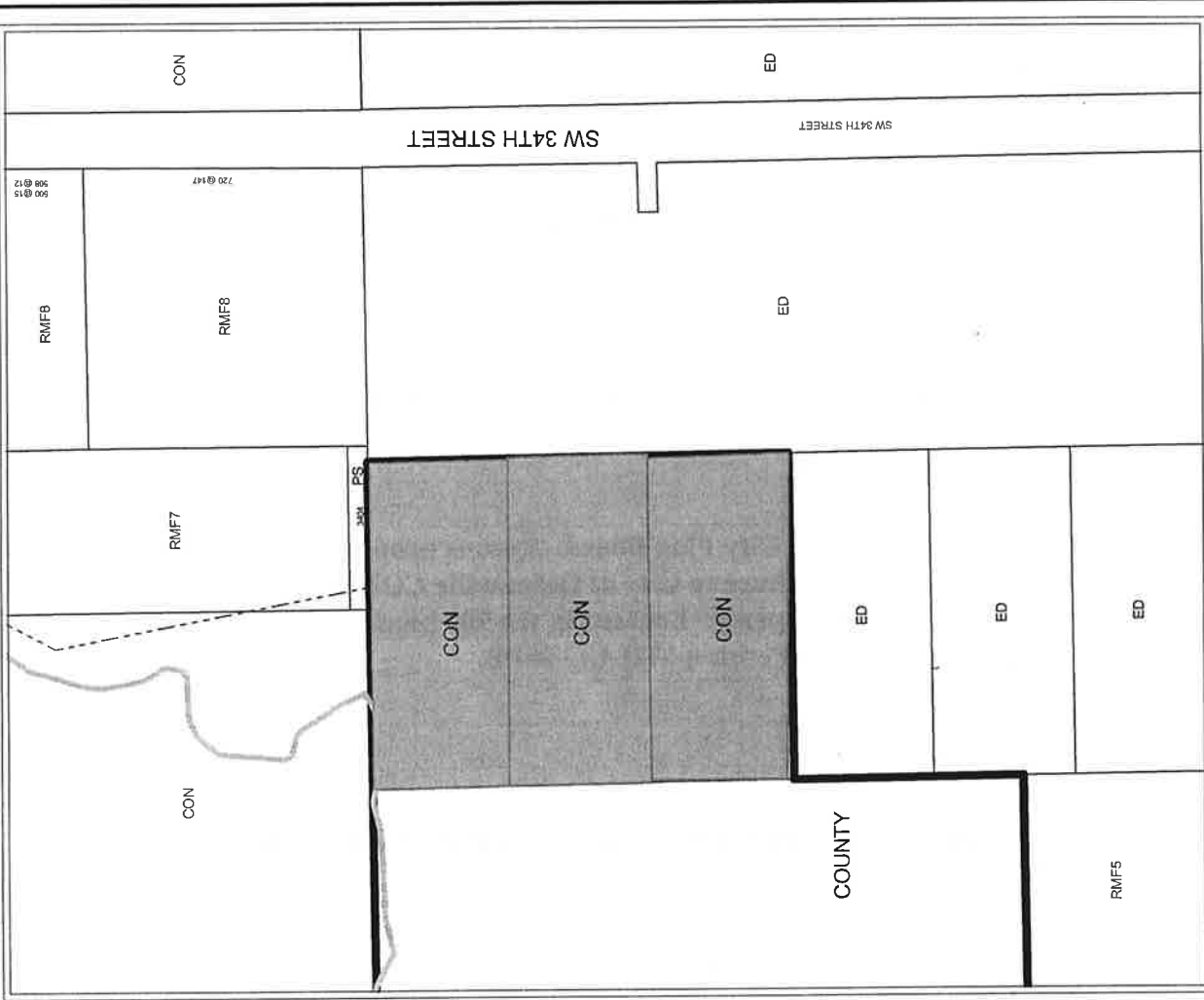
The current zoning designation on this parcel is Alachua County Agriculture. The current land use designation is Alachua County Residential Low Density; see related Petition 172LUC-05PB. The petition proposal is to change the zoning category to City of Gainesville Conservation.

# Zoning Districts

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

- Historic Preservation/Conservation District
- Special Area Plan
- Division line between two zoning districts
- City Limits

Area under petition consideration



## PROPOSED ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	From Agriculture (Alachua County) to CON (City of Gainesville)	4145	173ZON-05PB



No Scale

The parcels to the north of the subject parcels are zoned PS (Public services and operations district) and CON (a portion of the Hogtown Greenway). To the south and east, properties have an ED (Educational services district) zoning consistent with the University of Florida ownership of the land. To the west, the land is zoned Alachua County Agriculture.

#### Consistency with the Comprehensive Plan

The proposed zoning change to Conservation for these parcels is consistent with the proposed Future Land Use Category of Conservation.

#### Basis for Zoning Change Recommendation

1. The proposed Conservation zoning is consistent with the environmental circumstances on the property (located in the 10-Year Flood Channel).
2. The zoning change is compatible with both the use and designations of the abutting Hogtown Creek Greenway land north of the site.
3. The Conservation designation will protect this property from negative environmental impacts.
4. The City must bring the property under its zoning regulations, and the Conservation zoning is the most appropriate for this property since the two northern parcels are owned by the City and are proposed to be added as an extension to the Hogtown Creek Greenway. The southernmost parcel is in private ownership, but it cannot be developed under the Land Development Code regulations for properties in the Flood Channel.

#### Applicant Information

City Plan Board

#### Request

Amend the zoning category from Alachua County Agriculture to City of Gainesville CON (Conservation district).

#### Existing Land Use Plan Classification

Alachua County Low Density Residential

Existing Zoning

Alachua County Agricultural

Purpose of Request

Amend the zoning so that the property can be brought under City of Gainesville Land Development Code regulations.

Location 900 block of SW 34th Street, west side

Size 13 acres MOL

Existing Use Vacant land

Surrounding Land Uses

- North - Hogtown Creek Greenway land & Public Facilities
- East - University of Florida property
- South - University of Florida property
- West - Vacant

Surrounding Controls

	<u>Existing Zoning</u>
North	PS (Public Service) and Conservation
East	Education
South	Education
West	Alachua Co. Agriculture

Surrounding Controls

	<u>Future Land Use Category</u>
North	Conservation and Public Facilities
East	Education
South	Education
West	Alachua Co. Low Density Residential

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**Impact on Affordable Housing**

None. Given the Flood Channel designation, this property is not suitable for residential development.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ralph Hilliard".

Ralph Hilliard  
Planning Manager

RH:ORL

# DRAFT

050767

**Petition 173ZON-05 PB**

City Plan Board. Rezone property from Alachua County Agriculture to City of Gainesville CON (Conservation district) on annexed property. Located in the 900 block of Southwest 34<sup>th</sup> Street, west side. Related to Petition 172LUC-05 PB.

**Petition 173ZON-05 PB was discussed with the related petition, Petition 172LUC-05 PB.**

<u>Motion By:</u> Mr. Cohen	<u>Seconded By:</u> Mr. Polshek
<u>Moved to:</u> Approve Petition 173ZON-05 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Aye: Cohen, Polshek, Reiskind, Tecler, McDonell, Cole

050766

**Petition 172LUC-05 PB**

City Plan Board. Amend the City of Gainesville Future Land Use Map from Alachua County Low Density Residential to City of Gainesville CON (Conservation) on annexed property. Located in the 900 block of Southwest 34<sup>th</sup> Street, west side. Related to Petition 173ZON-05 PB.

Mr. Dean Mimms made the staff presentation. He explained that three undeveloped properties were annexed into the City in November 2005, that are in the 10-year flood channel, and, under the City's floodplain ordinance, cannot be developed. He said staff recommended Conservation zoning. He stated the two northern parcels are owned by the City and will become part of the Hogtown Creek Greenway and are part of the Hogtown Creek drainage. He explained the third property is private and the City land use and zoning petitions for the property had been postponed so staff could respond to the landowner's concerns and questions.

Mr. Mimms read what the Land Development Code prohibits in the flood channel, and noted that there is no vehicular access to the properties. He noted that the County land use was residential low, the lowest density of the County, with accompanying Agriculture. He showed some slides of the property, and pointed out that the area was very wet.

Mr. Cohen stated that there was a letter from Mr. Lau, the private owner that requested that the parcel be rezoned as education.

Mr. Mimms explained that staff has discussed that request with Mr. Lau, and repeated the staff position that there is no prospect for development on the property. Mr. Mimms added that the University has expressed no interest in the land and it is not part of the Campus Master Plan. He added that to classify the property any differently, the property owner would have to present competent substantial evidence that this area is not in the 10-year flood channel.

Mr. Polshek asked whether the CON classification would prevent the construction of a temporary structure.

Mr. Mimms stated that the Flood Plain Channel district would prevent construction of a structure, which highly limits what could be built on the property.

Mr. Reiskand asked if an extension of Radio Road was contemplated in the future.

Mr. Mimms replied that is a long-range plan tied into the long-range transportation plan of the community. He stated that at the next MTPO meeting, Professor Gold's study of the student village area would be presented and the road alignment would be discussed.

Mr. Larry Barron, representing Mr. Lau, was recognized. He said Mr. Lau would be interested in opening a nature trail that is handicapped accessible on the property. He stated that they would work with Florida Trails to get some ideas about elevated walkways with a barrier free access for children from the Ronald McDonald House to come to the property. He said they are investigating issues about accessibility. He asked for an extension of time on this petition before a decision is made.

Chair Cole asked if there would be any benefit in postponing the decision or could the owner of that property still pursue their interests if a decision is made on the petition.

Mr. Mimms stated that the designation has nothing to do with the ownership of the property and the petition had already been postponed. He pointed out that it is a large-scale plan amendment and there would be further hearings before the City Commission. Mr. Mimms stated that staff would be happy to meet with Mr. Barron.

Mr. Reiskind asked for assurance that the decision would have no affect on the use of the property. Mr. Mimms stated that the petitioners had not mentioned any uses that would not fit into the conservation zoning district. He reiterated that the issue was the flood channel. He stated there might be a possibility that a boardwalk or some sort of nature trail could be built on the edge of the flood channel, however, the action of the Board would have no bearing on any exploration.

<u>Motion By:</u> Mr. Cohen	<u>Seconded By:</u> Mr. Polshek
<u>Moved to:</u> Approve Petition 172LUC-06 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Aye: Cohen, Polshek, Reiskind, Tecler, McDonell, Cole

**DRAFT**