



MEMORANDUM

Office of the City Attorney

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: June 27, 2005

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-05-42, Petition 16LUC-05PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain properties annexed into the City from the Alachua County land use category of "LOW, Low Density Residential" to the City of Gainesville land use category of "Single-Family (up to 8 units per acre)"; consisting of approximately 34 acres; located at the south side of Southwest 24th Avenue, west of I-75 and east of Tower Road; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition No. 16LUC-05PB; and 2) adopt the proposed ordinance on first reading.

STAFF REPORT

This petition is related to zoning petition 17ZON-05 PB. The purpose of this petition is to apply City of Gainesville land use categories onto land that was annexed into the City in 2004. Land use districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county land use designation of each property will remain in effect until this proposed amendment has been adopted.

The annexed area includes 2 parcels that total approximately 34 acres. The Portofino Cluster Development is a subdivision of single-family detached houses located west of Interstate 75 on Southwest 24th Avenue. The Alachua County land use designation for Portofino is Low Density Residential (1-4 units per acre) with a County zoning designation of R-1A (Single-family, low density). The requested large-scale land use amendment is from Low Density Residential to the City of Gainesville land use designation of SF (Single Family, up to 8 units per acre).

The recommended SF land use designation is similar in character to the Alachua County Low Density Residential land use. The density allowed is comparable, depending on the subsequent zoning category that is chosen. The property that lies generally to the east of the subject property was annexed into the City of Gainesville in 2001. The current land use for this property is CON (Conservation), while the existing zoning classification is CON (Conservation). North of the subject property is land with Alachua County High Density Residential (greater than 14 to less

than or equal to 24 dwelling units per acre) land use with R-2A (Multiple-family, medium-high density) zoning, and Low Density Residential land use with R-1A zoning. To the west is Alachua County Medium High Density (greater than 8 to less than or equal to 14 dwelling units per acre) and Medium Density (greater than 4 to less than or equal to 8 dwelling units per acre) land uses. The respective zoning districts are R-2A and PD (Planned development). South of the subject property is land with Alachua County Institutional land use and R-1A zoning, plus conservation land that is within City limits, with CON land use and zoning.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 16LUC-05 PB. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared and submitted by:



Marion J. Radson, City Attorney

MJR/afm

H:\Marion Radson\Planning\16LUC CVR.DOC

D R A F T

April 19, 2005

ORDINANCE NO. _____
0-05-42

1
2
3
4 An ordinance amending the City of Gainesville 2000-2010
5 Comprehensive Plan, Future Land Use Map; by changing the
6 land use category of certain properties annexed into the City
7 from the Alachua County land use category of "LOW, Low
8 Density Residential" to the City of Gainesville land use category
9 of "Single-Family (up to 8 units per acre)"; consisting of
10 approximately 34 acres; located at the south side of Southwest
11 24th Avenue, west of I-75 and east of Tower Road; providing a
12 severability clause; providing a repealing clause; and providing
13 an effective date.
14
15

16 WHEREAS, publication of notice of a public hearing was given that the Future Land Use
17 Map be amended by changing the land use category of certain lands annexed within the City from
18 the Alachua County land use category of "LOW, Low Density Residential" to the City of
19 Gainesville land use category of "Single-Family (up to 8 units per acre)"; and

20 WHEREAS, notice by the Plan Board was given and publication made as required by law
21 and a public hearing was held by the City Plan Board on March 17, 2005; and

22 WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10
23 inches long was placed in a newspaper of general circulation notifying the public of this proposed
24 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,
25 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
26 published; and

D R A F T

April 19, 2005

1 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of
2 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

3 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
4 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at
5 the adoption stage at least five (5) days after the day the second advertisement was published; and

6 **WHEREAS**, public hearings were held pursuant to the published notice described above at
7 which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

8 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered the
9 comments, recommendations and objections, if any, of the State Land Planning Agency.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
11 **CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
13 Plan is amended by changing the land use category of the following described properties from the
14 Alachua County land use category "LOW, Low Density Residential" to "Single-Family (up to 8
15 units per acre)":

16 See legal description attached hereto as Exhibit "A", and made a part
17 hereof as if set forth in full.

18
19 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
20 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
21 portion thereof in order to comply with this ordinance.

D R A F T

April 19, 2005

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

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

6 **Section 5.** This ordinance shall become effective immediately upon passage on second
7 reading; however, the effective date of this plan amendment shall be the date a final order is issued
8 by the Department of Community Affairs finding the amendment to be in compliance in accordance
9 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission
10 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

11 **PASSED AND ADOPTED** this ____ day of _____, 2005.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

PEGEEN HANRAHAN, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2005.

This ordinance passed on second reading this ____ day of _____, 2005.

D R A F T

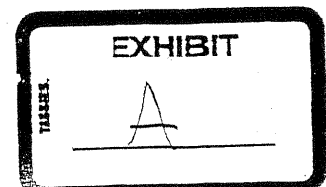
April 19, 2005

1
2 H:\Marion Radson\Planning\16luc.DOC

DESCRIPTION FOR PORTOFINO AS PER OFFICIAL RECORDS BOOK 2829, PAGE 1293, ET SEQ.

A PARCEL OF LAND SITUATED IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°57'51" WEST, ALONG THE SOUTH BOUNDARY OF SAID SECTION 9, A DISTANCE OF 2630.04 FEET TO THE INTERSECTION WITH THE EAST BOUNDARY OF A 15' X 15' EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1093, PAGE 740 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE FOLLOWING THE BOUNDARY OF SAID EASEMENT NORTH 01°04'12" WEST, A DISTANCE OF 15.00 FEET; THENCE SOUTH 88°57'51" WEST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION WITH THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1589, PAGES 201 THROUGH 202 OF SAID PUBLIC RECORDS; THENCE NORTH 01°04'12" WEST, ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 632.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE BOUNDARY OF SAID LANDS NORTH 01°04'12" WEST, A DISTANCE OF 87.46 FEET; THENCE CONTINUE ALONG THE BOUNDARY OF SAID LANDS NORTH 64°37'41" WEST, A DISTANCE OF 360.69 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD SW 30 (A.K.A. SW 24TH AVE) (RIGHT-OF-WAY WIDTH VARIES), SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1959.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE NORTH 27°49'20" EAST, 166.86 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 04°52'46", AN ARC DISTANCE OF 166.91 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 25°23'02" EAST, A DISTANCE OF 1465.38 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1859.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 42°26'55" EAST, 1091.56 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 34°07'37", AN ARC DISTANCE OF 1107.86 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 30°29'37" EAST, A DISTANCE OF 550.00 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1309.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 42°26'58" WEST, 768.80 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'46", AN ARC DISTANCE OF 780.29 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 25°23'02" WEST, A DISTANCE OF 1632.01 FEET; THENCE SOUTH 88°55'48" WEST, A DISTANCE OF 175.86 FEET TO THE POINT OF BEGINNING.



CITY
OF
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 7

TO: City Plan Board DATE: March 17, 2005

FROM: Planning Division Staff

SUBJECT: **Petition 16LUC-05 PB, City Plan Board. Amend the City of Gainesville Future Land Use Map from Alachua County Low Density Residential to City of Gainesville SF (Single Family, up to 8 units per acre) on approximately 34 acres located at the south side of Southwest 24th Avenue, west of I-75 and east of Tower Road. Related to Petition 17ZON-05PB. (Portofino Subdivision)**

Recommendation

Planning Division staff recommends approval of Petition 16LUC-05 PB.

Explanation

This petition is related to zoning petition 17ZON-05 PB. The purpose of this petition is to apply City of Gainesville land use categories onto land that was annexed into the City in 2004. Land use districts are recommended that match those of the existing Alachua County districts or that are felt to be the most appropriate for the property based upon location, surrounding development and other factors. The county land use designation of each property will remain in effect until this proposed amendment has been adopted. Maps of the annexed properties are attached at the end of this report.

As indicated on Map 1, the annexed area includes 2 parcels that total approximately 34 acres. The Portofino Cluster Development is a subdivision of single-family detached houses located west of Interstate 75 on Southwest 24th Avenue. The Alachua County land use designation for Portofino is Low Density Residential (1-4 units per acre) with a County zoning designation of R-1A (Single-family, low density). The requested large-scale land use amendment is from Low Density Residential to the City of Gainesville land use designation of SF (Single Family, up to 8 units per acre).

The recommended SF land use designation is similar in character to the Alachua County Low Density Residential land use. The density allowed is comparable, depending on the subsequent zoning category that is chosen. The property that lies generally to the east of the subject property was annexed into the City of Gainesville in 2001. The current land use for this property is CON (Conservation), while the existing zoning classification is CON (Conservation). North of the subject property is

land with Alachua County High Density Residential (greater than 14 to less than or equal to 24 dwelling units per acre) land use with R-2A (Multiple-family, medium-high density) zoning, and Low Density Residential land use with R-1A zoning. To the west is Alachua County Medium High Density (greater than 8 to less than or equal to 14 dwelling units per acre) and Medium Density (greater than 4 to less than or equal to 8 dwelling units per acre) land uses. The respective zoning districts are R-2A and PD (Planned development). South of the subject property is land with Alachua County Institutional land use and R-1A zoning, plus conservation land that is within City limits, with CON land use and zoning.

The properties are not located within any of the Gainesville Transportation Concurrency Exception Areas (TCEA). The adopted level of service standard for this segment of Southwest 24th/Southwest 20th Avenue from Southwest 75th Street/Tower Road to Southwest 62nd Boulevard is "D." The current level of service is "B," meaning that trips are currently available along this road segment. The Portofino subdivision has received approval for 98 lots to be developed in 2 phases. The trips that will be generated by the development have already been accounted for in determining the roadway level of service. This site is within the Gainesville Regional Transit System main bus service area, along Route 75, and is served by the demand-responsive service administered by MV Transportation. Water and sanitary sewer service are also available at the site. Stormwater management was addressed at the time of the cluster development plan approval.

The Wellfield District maps indicate that the subject property does not fall within the Wellfield District. The property is not within the 100-year floodplain and is not located in any other adopted environmental overlay district. No creeks or wetlands have been identified on the site.

The subject property is located along a major arterial roadway. The general character of the existing properties in this area is residential. A low-density residential land use is appropriate for the subject property based upon its location adjacent to land that is designated for conservation. The SF land use category proposed for the subject property is consistent with the Alachua County Low Density Residential land use category. As a result, this proposal is compatible with the surrounding land use and zoning. Development is occurring on the subject property, which does promote urban infill between Interstate 75 and Tower Road.

There has been no recent zoning activity associated with the subject property. Recent years have seen continuing development in the area. The proposed land use change is in a developing area where roads, schools, water and sewer services are available. This in turn serves the best interests of the community since this would allow further residential development in an area that is currently seeing significant development, adjacent to the Alachua County Tower Road/ Southwest 24th Avenue activity center.

The following Comprehensive Plan Goals, Objectives and Policies of the Future Land Use Element are met by this proposal:

Objective 4.1

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.

Policy 4.1.1

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

Single-Family (up to 8 units per acre)

This land use category shall allow single -family detached dwellings at densities up to 8 dwelling units per acre. The Single -Family 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. Land development regulations shall determine the performance measures and gradations of density. 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 in conjunction with single -family dwellings under certain limitations.

Policy 4.1.3

The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Overall compatibility of the proposal;
2. Surrounding land uses;
3. Environmental impacts and constraints;
4. Whether the change promotes urban infill; and
5. Whether the best interests, community values, or neighborhood support is achieved.

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 shall be prepared for all annexed properties within one year of annexation.

Conclusion

The proposed single-family land use designation for the subject property is consistent with the current Alachua County land use designation and the City's comprehensive plan. Staff recommends approval of Petition 16LUC-04.

Applicant Information

City of Gainesville

Request

Amend the Land Use Map to change Alachua County designations to City of Gainesville designations

Land Use Plan Classification

Alachua County Low Density Residential

Existing Zoning

Alachua County R-1A

Proposed Land Use

SF

Proposed Zoning

RSF-1

Purpose of Request

To replace Alachua County land use categories on annexed land with City of Gainesville land use categories

Location

6600 block of S.W. 24th Avenue

Size

Approximately 34 acres

Surrounding Land Uses

North	Multi-family residential
East	Conservation
West	Multi-family residential
South	Institutional, conservation

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
--	-----------------------------------	---------------------------------

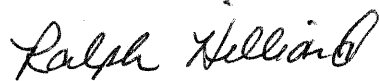
(The following are all Alachua County designations except for CON)

North	R-1A, R-2A	Low & High Density Residential
East	CON	CON
West	R-2A, PD	Medium & Medium High Residential
South	R-1A, CON	INST, CON

Impact on Affordable Housing

This petition will have no impact on the provision of affordable housing.

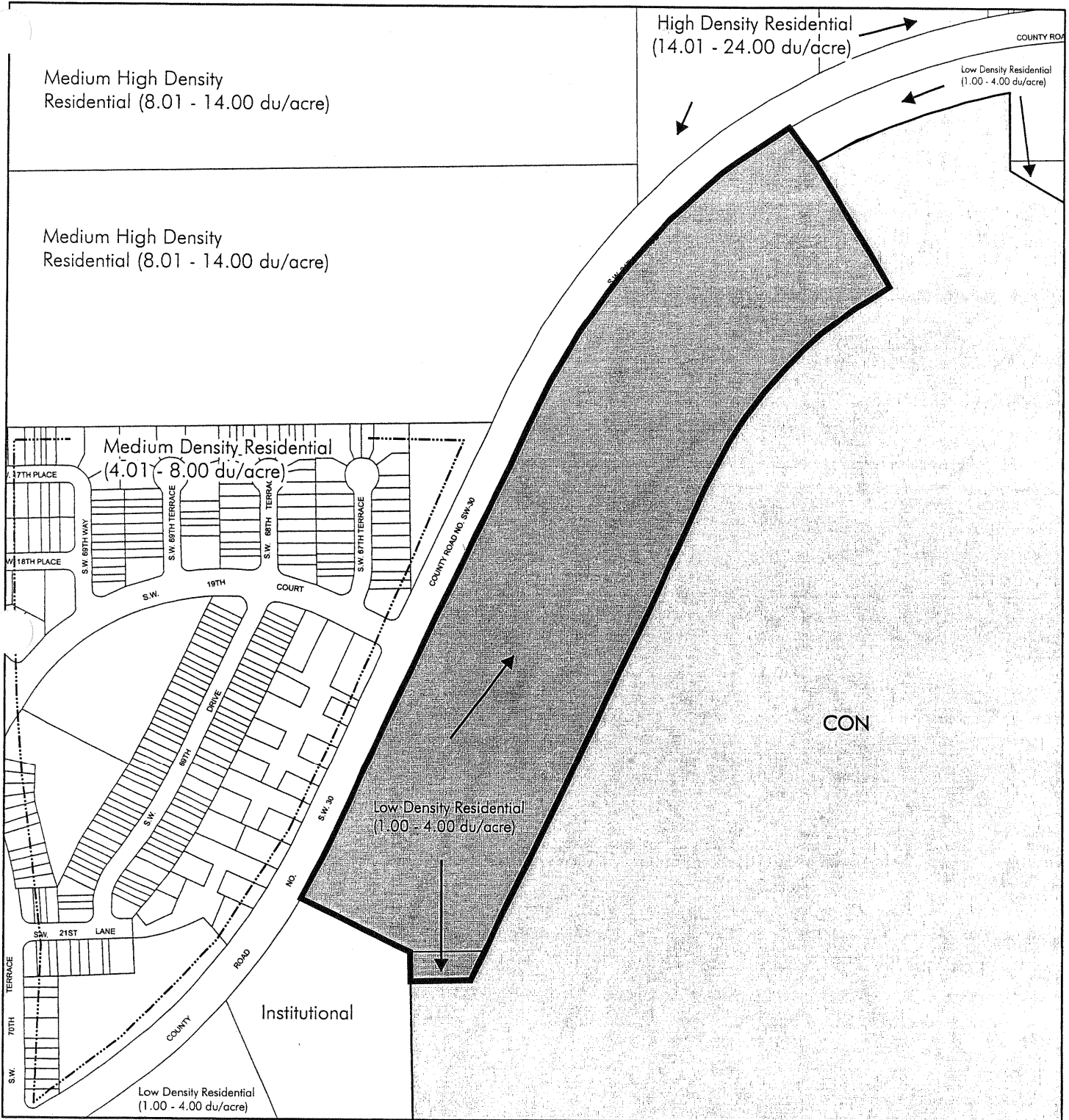
Respectfully submitted,





Ralph Hilliard
Planning Manager

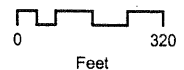
RH: JS

MAP 1 - ANNEXATION AREA - EXISTING LAND USE



16LUC-05 PB

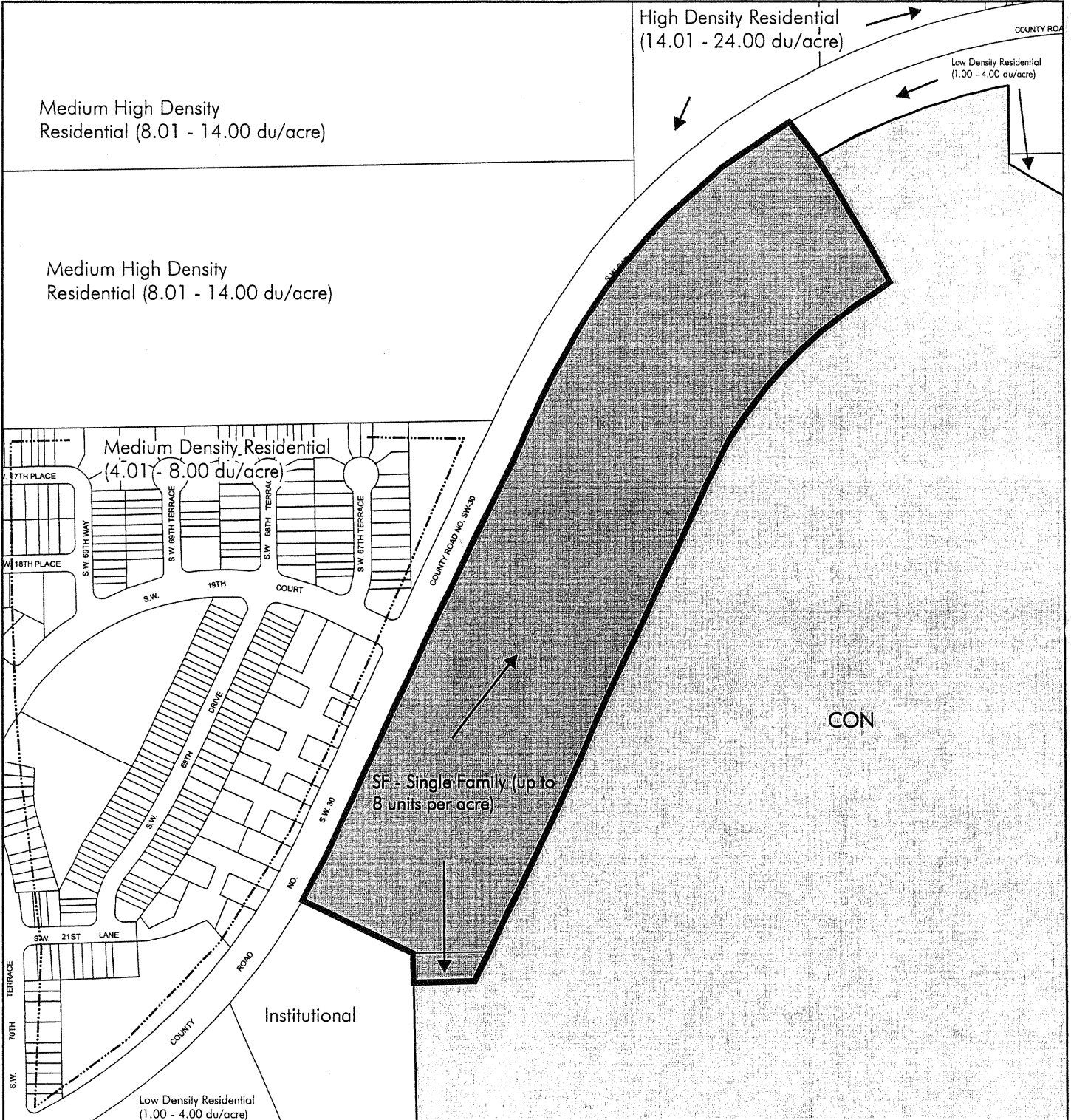
-  Annexation Area
-  City Limits





Prepared by the Department of Community Development/GIS 03-03-05

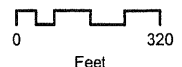
This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.

MAP 2 - ANNEXATION AREA - PROPOSED LAND USE



16LUC-05 PB

-  Annexation Area
-  City Limits



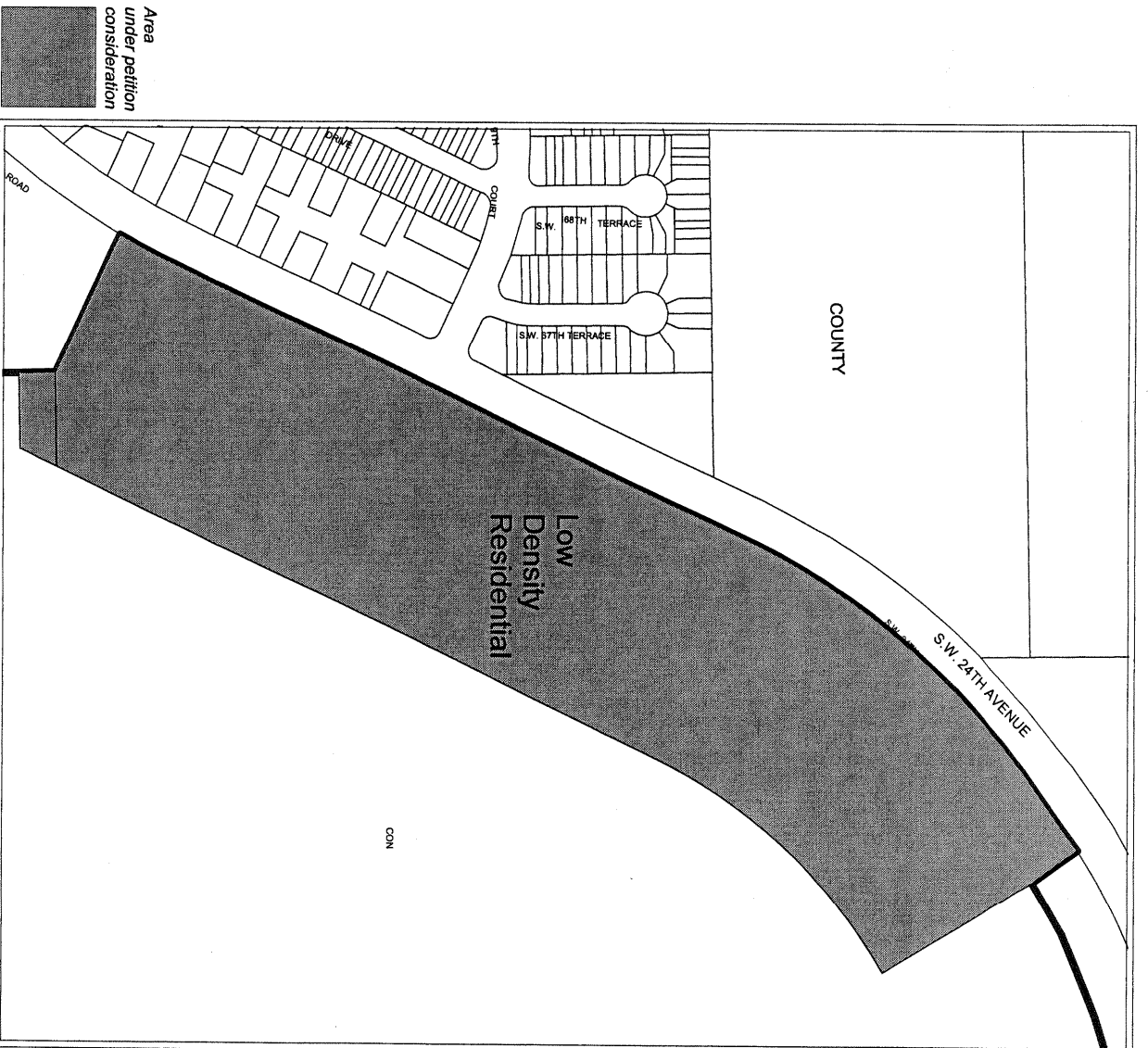
Prepared by the Department of Community Development/GIS 03-03-05

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.

Land Use Designations

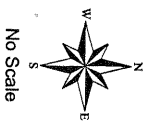
- SF Single Family (up to 8 units per acre)
- RL Residential Low Density (up to 12 units per acre)
- RM Residential Medium Density (8-30 units per acre)
- RH Residential High Density (8-100 units per acre)
- MUR Mixed Use Residential (up to 75 units per acre)
- MUL Mixed Use Low Intensity (10-30 units per acre)
- MUM Mixed Use Medium Intensity (14-30 units per acre)
- MUH Mixed Use High Intensity (up to 150 units per 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



EXISTING LAND USE

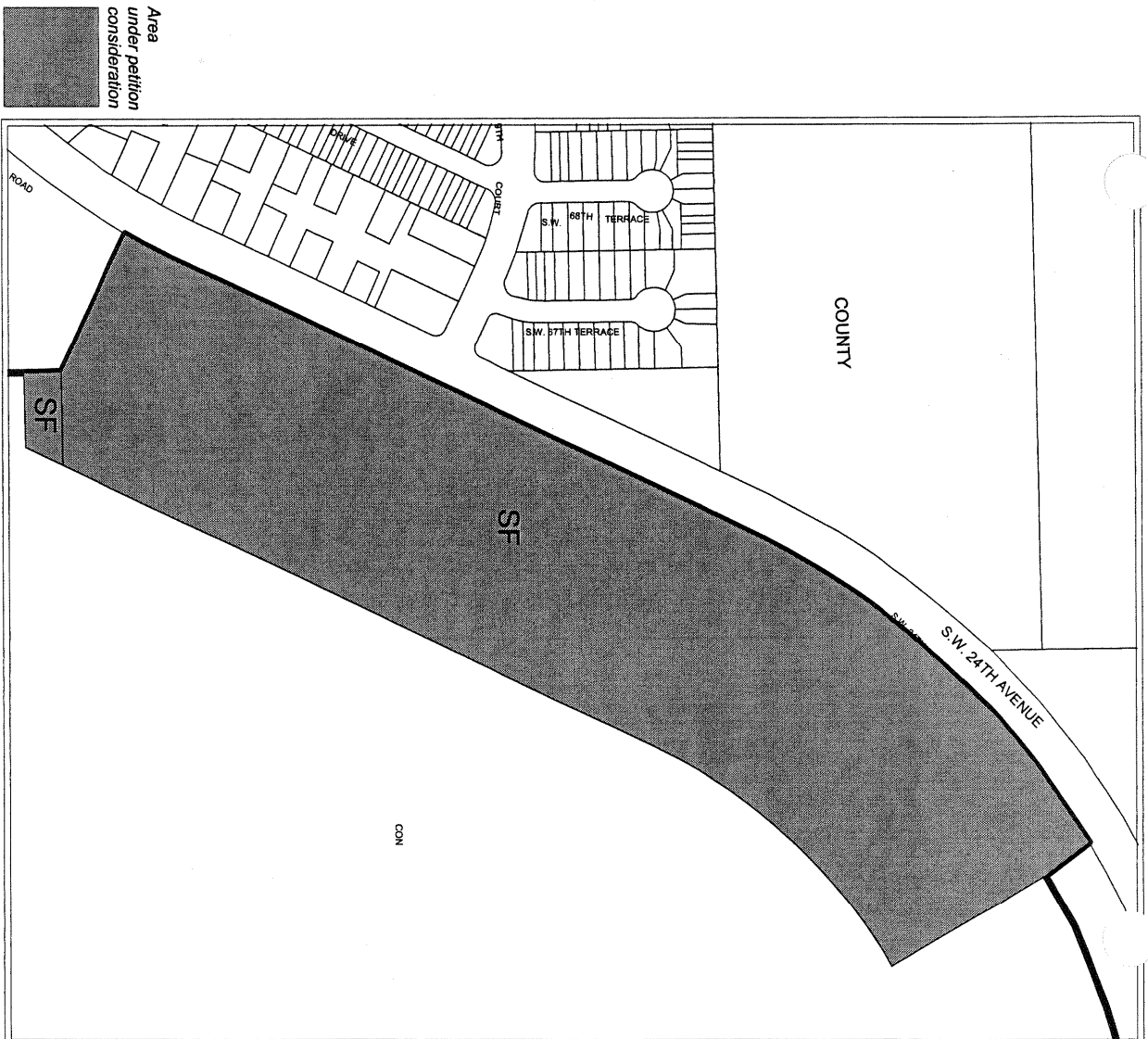
Name	Petition Request	Map(s)	Petition Number
City Plan Board	From Low Density Residential to SF	4141, 4240, 4241	16LUC-05PB



Land Use Designations

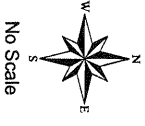
- SF Single Family (up to 8 units per acre)
- RL Residential Low Density (up to 12 units per acre)
- RM Residential Medium Density (8-30 units per acre)
- RH Residential High Density (8-100 units per acre)
- MUR Mixed Use Residential (up to 75 units per acre)
- MUL Mixed Use Low Intensity (10-30 units per acre)
- MUM Mixed Use Medium Intensity (14-30 units per acre)
- MUH Mixed Use High Intensity (up to 150 units per 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



PROPOSED LAND USE

Name	Petition Request	Map(s)	Petition Number
City Plan Board	From Low Density Residential to SF	4141, 4240, 4241	16LUC-05PB



7. **Petition 16LUC-05 PB** City Plan Board. Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Low Density Residential to City of Gainesville SF (Single-Family, up to 8 units per acre) on approximately 34 acres located at the south side of Southwest 24th Avenue, west of I-75 and east of Tower Road. Related to Petition 17ZON-05 PB. (Portofino Subdivision)

Mr. Jason Simmons was recognized. Mr. Simmons presented a map of the site and described it in detail. He noted that the parcels had been annexed into the city in 2004, and were required to have city land use and zoning designations applied. He explained that staff tried to match the city zoning and land use as close as possible to the county land use and zoning. He offered to answer any questions from the board.

There was no comment from the public or affected parties.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Reiskind
<u>Moved to:</u> Approve Petition 16LUC-05 PB	<u>Upon Vote:</u> Motion Carried 5 - 0 Ayes: Gold, Rwebyogo, Reiskind, Pearce, Tecler

