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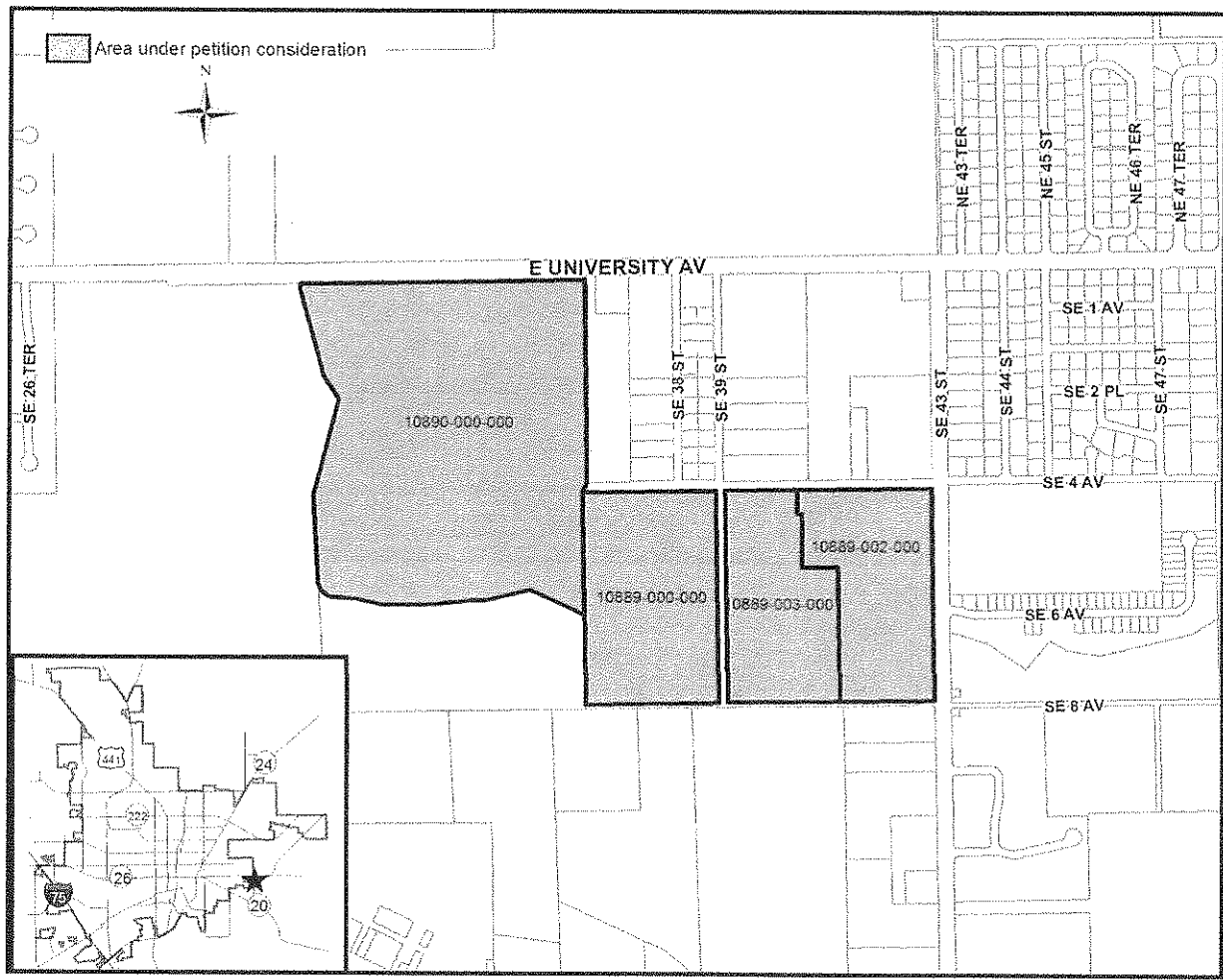
**TO:** City Plan Board **Item Number: 1**

**FROM:** Planning & Development Services Department Staff **DATE: October 24, 2013**

**SUBJECT:** Petition PB-13-94 LUC. City Plan Board. Amend 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). 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-13-95 ZON.

**Recommendation**

Staff recommends approval of Petition PB-13-94 LUC.



## 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 large-scale land use change from Alachua County Medium Density Residential (4-8 du/ac) to City of Gainesville Residential Low-Density (up to 12 units per acre) 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-13-96 ZON, which proposes 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).

This large-scale amendment, if approved, will facilitate future residential development of the property. The proposed Residential Low-Density (up to 12 units per acre) (RL) land use provides an increase in maximum density of up to 4 units per acre over the maximum of 8 units per acre under the existing Alachua County land use category of Medium Density Residential (4-8 du/ac). Both RL land use and the existing County land use allow attached dwelling units. The allowance of attached dwelling units in combination with the relative increase in density by the proposed RL land use provides needed flexibility for future residential development of an 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 land use. Exhibit C-1 is the application. Also see Exhibit B-4 (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 land use designation.
- The proposed large-scale amendment to Residential Low-Density (up to 12 units per acre) (RL) is consistent with the City's Comprehensive Plan.
- 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 Element.

- This land use 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 factors stated in the Future Land Use Element and on State statute criteria, which are discussed below: Consistency with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Support for urban infill and redevelopment; Impacts on affordable housing; Impacts on the transportation system; An analysis of the availability of facilities and services; Need for the additional acreage in the proposed future land use category; Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a)9, F.S.; Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and, Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.

#### **1. Consistency with the Comprehensive Plan**

The proposed land use change from Alachua County Medium Density Residential (4-8 du/ac) to City of Gainesville Residential Low-Density (up to 12 units per acre) is consistent with Future Land Use Policy 4.4.1, Objective 4.4, and Policies 4.4.1 and 4.4.2, below. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies.

**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. Compatibility and Surrounding Land Uses**

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 Institutional and Alachua County Medium Density Residential (4-8 du/acre) land use designations. The City of Gainesville's Morningside Nature Park (Conservation land use) is across East University Avenue to the north. Properties to the south have Alachua County Medium Density Residential (4-8 du/acre), Institutional, and Mixed Use Medium Density Residential (4-8 du/acre) land use designations, and are undeveloped with the exception of a telecommunications tower and the Florence landfill. The properties to the east have Alachua County Institutional, Medium Density Residential (4-8 du/acre), and Low Density Residential (1-4 du/acre) land use 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 Recreation land use) are to the west.

The proposed RL land use designation 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 land use and zoning 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 land use for the property and surrounding area.

## **3. Environmental Impacts and Constraints**

This undeveloped property has 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), and the flood channel (10-Year Flood Zone), but the majority of the property is outside of the 100-year Flood Zone. See Exhibit B-4 for a map that shows these floodplain areas.

The October 7, 2013 memorandum (Exhibit B-5) 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% of all uplands within the overlap area of Strategic Ecosystem.

#### **4. Support for Urban Infill and/or Redevelopment**

This proposed large-scale land use amendment for an undeveloped property is consistent with the City goals for infill development in the eastern portion of the City. (See Appendix A, Exhibit A-1, Transportation Mobility Element, Policies 10.1.2 and 10.1.3.) The property is surrounded by developed and undeveloped areas. The developed areas include existing residential and places of religious assembly to the north and east, a public elementary school to the east, and Cone Park to the west (beyond its undeveloped eastern edge that adjoins the property).

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

The proposed RL land use 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 land use with its maximum density of 8 units per acre.

The RL land use, if approved for this undeveloped property, has the potential to have a positive impact on the supply of potential affordable housing in Gainesville.

#### **6. Impacts on the Transportation System**

There are no major transportation issues associated with this proposed large-scale land use amendment. 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.

## **7. Availability of Facilities and Services**

This undeveloped property is in an urban area that is served by public utilities and other public services. Potable water and wastewater mains are adjacent to the property, but the water distribution and wastewater collection system capacities may require off-site upgrades (source: September 17, 2013 e-mail from GRU's Ellen Underwood, New Service Supervisor). An allowance to provide water supply capacity for future population growth is included in the current Consumptive Use Permit. No issues with providing sufficient water supply capacity are anticipated at this time, but this statement does not constitute a reservation or guarantee of future water supply to the property (source: October 15, 2013 e-mail from GRU's Alice Rankeillor, P.E., Project Engineer).

The proposed land use will not impact adopted levels of service for potable water and wastewater, water supply, solid waste, or public schools (see Exhibit B-7: Memorandum from Alachua County Public Schools), which will be reviewed for concurrency at the time of development plan review.

The proposed land use may impact adopted levels of service for recreation (specifically for: Community Parks, which have an existing LOS of 2.13 acres and an adopted LOS Standard of 2.00 acres per 1,000 people; and, Neighborhood Parks, which have an adopted LOS standard of 0.80 acres per 1,000 people, and an existing LOS of 1.33 acres). However, recreation will be reviewed for concurrency at the time of development plan review, and all applicable concurrency requirements will have to be met at the time of development plan approval.

Stormwater level of service requirements will have to be met when a development plan for the site is submitted.

## **8. Need for the Additional Acreage in the Proposed Future Land Use Category.**

There are approximately 1,606 acres of land with the RL land use category in Gainesville. Of that total, approximately 1,245 acres are developed and approximately 361 acres (62 acres of which (17%) are within the Plan East Gainesville area) are undeveloped. The proposed large-scale land use amendment from Alachua County Medium Density Residential (4-8 du/ac) to City of Gainesville Residential Low-Density (up to 12 units per acre) will add 134 acres, resulting in a total of 495 undeveloped acres of RL land use. This land use change will help meet future housing needs in east Gainesville, and is supportive of economic development in east Gainesville.

## **9. Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a) 9, F.S.**

Sub-section 163.3164 (51), F.S. states that "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. Sub-section 163.3177(6) (a) 9 requires that the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

This amendment to the future land use element discourages the proliferation of urban sprawl because it meets the following criteria of Sub-section 163.3177(6) (a) 9 b.:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

*Yes. The considerable areas of regulated natural resources on this property are subject to the Conservation, Open Space and Groundwater Recharge Element Objective 2.4, Policy 2.4.2 and 2.4.10 requirements for the protection of listed species of plants and animals (and their habitats), significant natural communities, and strategic ecosystems.*

*Conservation, Open Space and Groundwater Recharge Element Policy 2.4.6 requirements for buffers and or setbacks from regulated surface waters and wetlands must also be met. Compliance with Objective 2.4 and Policies 2.4.2, 2.4.6 and 2.4.10 will provide substantial protection for the natural resources associated with this property. In particular, compliance with Policy 2.4.10 f. allows for the transfer of land use density within a site to protect natural areas by clustering development in appropriate areas.*

*The proposed land use change is also supportive of economic development in east Gainesville.*

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

*Yes. Existing potable water and wastewater lines are adjacent to the property. Connections to existing public utilities in the vicinity will be required for future development of the property. Two roadways (with sidewalks) operating at LOS "B" adjoin the property, and RTS already provides transit service along both roadways.*

- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

*Yes. The areas of regulated natural resources are of an extent that compact development is likely to be proposed for this property in order to optimize the density in areas that can be developed, while minimizing the impact on regulated natural resource areas. The adjacent roadways (E. University Avenue and SE 43rd Street) have sidewalks and are served by transit, which are two components of a multimodal transportation system.*

- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

*Yes. This is neither an agricultural nor silvicultural property. It has an existing urban designation from Alachua County.*



- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

*Yes. The considerable areas of regulated natural resources on this property will be subject to Conservation Element Objective 2.4 and Policy 2.4.2 and 2.4.10 requirements for the protection of listed species of plants and animals (and their habitats), significant natural communities, and strategic ecosystems. Compliance with them will likely result in the future preservation of areas of open space and natural lands on the property. Compliance with Policy 2.4.6. will require buffers and or setbacks from regulated surface waters and wetlands that will also result in preservation of areas of open space and natural lands. Should such areas be open to the public, they would provide additional public open space and could help meet public recreation needs.*

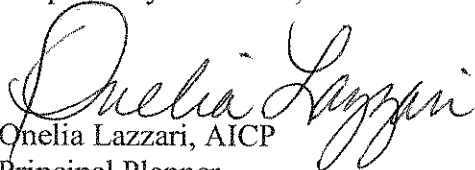
- 10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and,**

The proposed land use change provides for additional density that may increase the potential for future development of this undeveloped property in east Gainesville. Additional residential units could help with job creation by creating an additional market for commercial services in the area.


- 11. Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.**

This is not applicable because the property does not contain a subdivision.

Respectfully submitted,

  
 Onelia Lazzari, AICP  
 Principal Planner

Prepared by:

  
 Dean Mimms, AICP  
 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 and Zoning**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	CON (Conservation) north of E. Univ. AVE (SR 26); Alachua County Institutional; Alachua County Medium Density Residential (4-8 du/acre)	CON (Conservation district) north of E. Univ. AVE (SR 26); Alachua County R-1b (Single family, medium density, 4-8 du/acre); Alachua County R-1a (Single family low density, 1-4 du/acre)
<b>South</b>	Alachua County: Medium Density Residential (4-8 du/acre); Institutional; Mixed Use Medium Density Residential (4-8 du/acre)	Alachua County: 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 County: Institutional; Medium Density Residential (4-8 du/acre); Low Density Residential (1-4 du/acre)	Alachua County: 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 Land Use

Exhibit B-3 Map: Proposed Land Use

Exhibit B-4 Map: Floodplain Area

Exhibit B-5 Memorandum from City of Gainesville Environmental Coordinator

Exhibit B-6 Memorandum from Alachua County Public Schools

### Appendix C Application

Exhibit C-1 Application