

MEMORANDUM

Office of the City Attorney

Box 46
Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: April 11, 2005

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-05-22, Petition 192ZON-04PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from the zoning categories of "RSF-1: 3.5 units/acre single-family residential district" and "RSF-2: 4.6 units/acre single-family residential district" to the zoning category of "PS: Public services and operations district"; allowing development of a stormwater park with a retention basin and recreational nature trails; without approval of a preliminary development plan; located in the vicinity of the 500 to 600 blocks between Northeast 20th Terrace and Northeast 24th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission: 1) approve Petition No. 192ZON-04PB and; 2) adopt the proposed ordinance.

STAFF REPORT

This petition concerns 7 vacant parcels owned by the City of Gainesville, totaling approximately 26-acres in the Duval Neighborhood. Six of the 7 properties are zoned RSF-1 (3.5 units/acre single-family residential district) with SF (Single Family, up to 8 units per acre) land use. The other property is zoned RSF-2 (4.6 units/acre single-family residential district) with the SF land use. The site is surrounded by single-family residential development with RSF-2 and RSF-3 (5.8 units/acre single-family residential district) to the north, RSF-1 and RSF-2 to the east, RSF-3 to the west, and RSF-1 and RC (12 units/acre residential conservation district) to the south. The land use of this land is primarily SF, with the R-L (Residential Low-Density, up to 12 units per acre) category for the RC-zoned properties.

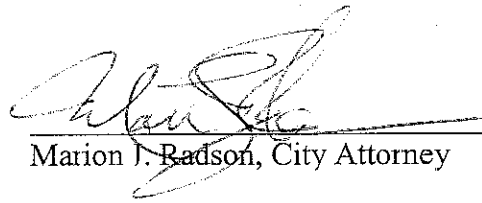
The request of this petition is to change the zoning from RSF-1 and RSF-2 to PS (Public services and operations district). This change is requested in order to allow for the development of a stormwater park with a retention basin and recreational nature trails.

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

Public notice was published in the Gainesville Sun on January 4, 2005. Letters were mailed to surrounding property owners on January 5, 2005. The Plan Board held a public hearing January

20, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 192ZON-04 PB. Plan Board vote 7-0.

Prepared and submitted by:



Marion J. Radson, City Attorney

MJR/afm

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ORDINANCE NO. _____
0-05-22

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4 An ordinance of the City of Gainesville, Florida, amending the Zoning
5 Map Atlas and rezoning certain lands within the City from the zoning
6 categories of "RSF-1: 3.5 units/acre single-family residential district"
7 and "RSF-2: 4.6 units/acre single-family residential district" to the
8 zoning category of "PS: Public services and operations district";
9 allowing development of a stormwater park with a retention basin
10 and recreational nature trails; without approval of a preliminary
11 development plan; located in the vicinity of the 500 to 600 blocks
12 between Northeast 20th Terrace and Northeast 24th Street; providing
13 a severability clause; providing a repealing clause; and providing an
14 immediate effective date.

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16
17 WHEREAS, the City Plan Board authorized the publication of notice of a public hearing
18 that certain lands within the City be rezoned from the zoning categories of "RSF-1: 3 5
19 units/acre single-family residential district" and "RSF-2: 4 6 units/acre single-family residential
20 district" to the zoning category of "PS: Public services and operations district"; and

21 WHEREAS, notice was given and publication made as required by law and a Public
22 Hearing was held by the City Plan Board on December 2, 2004; and

23 WHEREAS, the City Commission finds that the rezoning of the property described
24 herein is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

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

D R A F T

2/2/2005

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

4 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
5 described at which hearings the parties in interest and all others had an opportunity to be and were,
6 in fact, heard.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The properties shown on the map attached to this ordinance are rezoned and
10 changed from the zoning categories of "RSF-1: 3.5 units/acre single-family residential district"
11 and "RSF-2: 4.6 units/acre single-family residential district" to the zoning category of "PS:
12 Public services and operations district":

13 See Map attached hereto as Exhibit "A", and made a part hereof as if set
14 forth in full.

15 **Section 2.** The uses permitted by right on the property shown in Section 1 of this
16 Ordinance are a stormwater park, retention basin and recreational nature trails. No preliminary
17 development plan is required as a part of this rezoning

18 **Section 3.** The City Manager is authorized and directed to make the necessary changes in
19 the Zoning Map to comply with this Ordinance

20 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
21 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
22 affect the validity of the remaining portions of this ordinance.

DRAFT

2/2/2005

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

3 Section 6. This ordinance shall become effective immediately upon final adoption

4 PASSED AND ADOPTED this _____ day of _____, 2005.

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PEGEEN HANRAHAN, MAYOR

9 ATTEST:

Approved as to form and legality:

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13 _____
14 KURT LANNON,
15 CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

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

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

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Zoning Districts

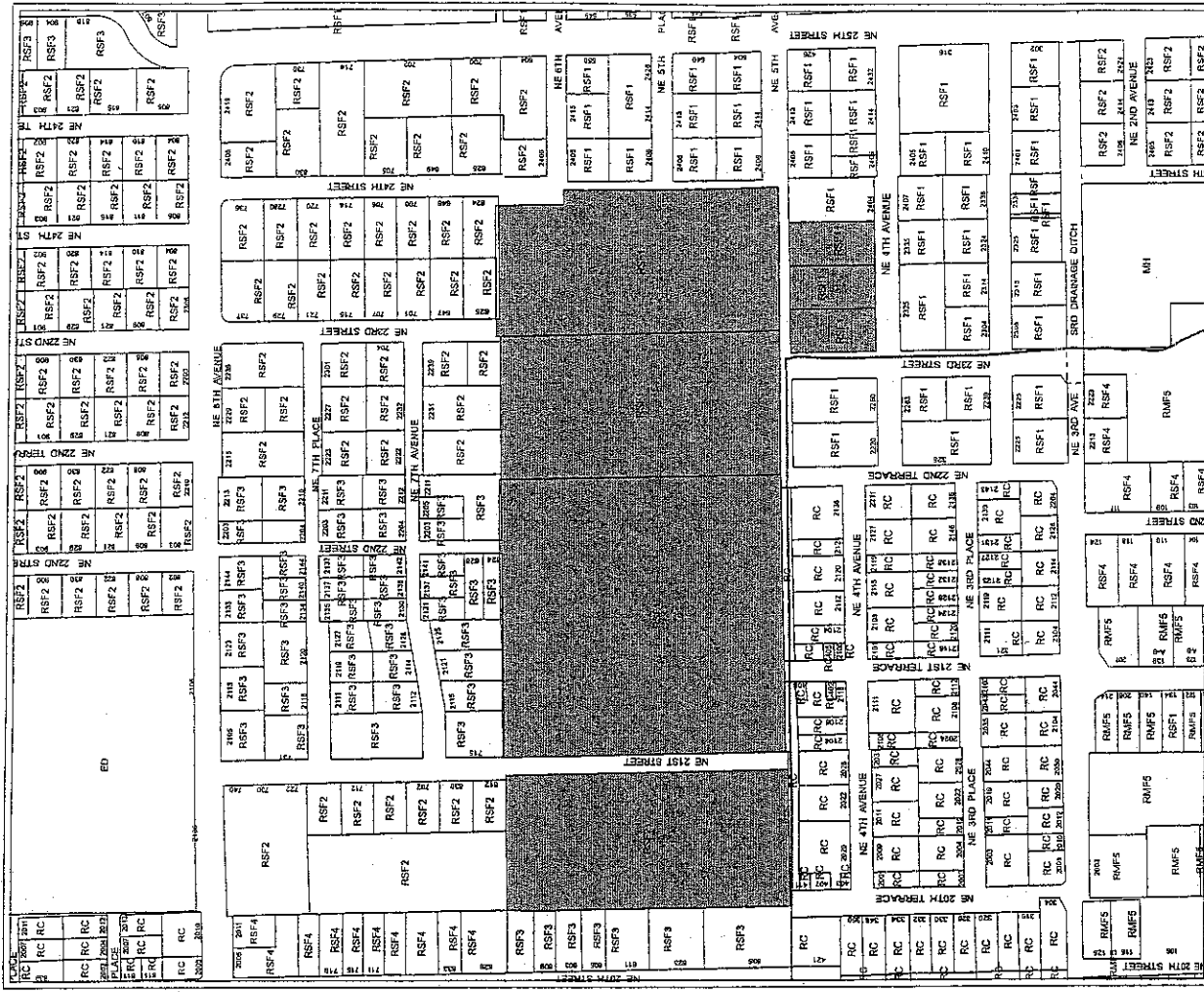
- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential High Density (8-43 du/acre)
- MH Mobile Home Residential (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
- 11 Limited Industrial
- 12 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

Area under petition consideration

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



EXHIBIT "A"



ZONING

Name

Public Works for the City Of Gainesville

Petition Request

From RSF1 and RSF2 to PS

Map(s)

3954, 3955

Petition Number

192ZON-04PB

CITY
-----OF-----
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 12

TO: City Plan Board **DATE:** January 20, 2005

FROM: Planning Division Staff

SUBJECT: Petition 192ZON-04 PB, City of Gainesville. Rezone property from RSF-1 (3.5 units/acre single-family residential district) and RSF-2 (4.6 units/acre single-family residential district) to PS (Public services and operations district) on 26 acres. Located in the Duval Neighborhood generally in the vicinity of the 500 to 600 blocks of Northeast 21st, 22nd, 23rd and 24th Streets.

Recommendation

Planning Division staff recommends approval of Petition 192ZON-04 PB without a preliminary development plan.

Explanation

This petition concerns 7 vacant parcels owned by the City of Gainesville, totaling approximately 26-acres in the Duval Neighborhood. Six of the 7 properties are zoned RSF-1 (3.5 units/acre single-family residential district) with SF (Single Family, up to 8 units per acre) land use. The other property is zoned RSF-2 (4.6 units/acre single-family residential district) with the SF land use. The site is surrounded by single-family residential development with RSF-2 and RSF-3 (5.8 units/acre single-family residential district) to the north, RSF-1 and RSF-2 to the east, RSF-3 to the west, and RSF-1 and RC (12 units/acre residential conservation district) to the south. The land use of this land is primarily SF, with the R-L (Residential Low-Density, up to 12 units per acre) category for the RC-zoned properties.

The request of this petition is to change the zoning from RSF-1 and RSF-2 to PS (Public services and operations district). This change is requested in order to allow for the development of a stormwater park with a retention basin and recreational nature trails.

Potential Impact on Adopted LOS standards

In reviewing this petition, the potential impact of the proposed rezoning on adopted level of service standards must be evaluated. The property is located within Zone A of the Gainesville Transportation Concurrency Exception Area (TCEA) and is

excepted from transportation concurrency for roadway level of service standards. This site is within the Gainesville Regional Transit System main bus service area, and is served by the demand-responsive service administered by MV Transportation. Water and sanitary sewer service are also available at the site

The development proposed for the site consists of a stormwater retention basin and recreational nature trails. Floodplain and stormwater management issues are being addressed with this proposal. Zoning changes are not required to meet concurrency requirements, and do not vest for concurrency, which will be determined at the time of any future development plan approval, if necessary.

Character of the District and Suitability

The subject property is located within an existing residential neighborhood. The character of the neighborhood is residential. The use and development of the subject property for stormwater management purposes and outdoor recreational activities is compatible with the area. The site does have identified wetland areas, making it generally unsuitable for significant residential development. A stormwater retention basin can be used to alleviate drainage problems in the area. 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 but a wetland area is within the site.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The uses that are proposed for this site are compatible with the adjacent residential areas.

Applicable Portions of Current City Plans

The subject property is currently within the Community Redevelopment Area, an area identified as needing revitalization and redevelopment. The City Commission has made a finding that slum and blight exist in the area. The proposed stormwater basin can provide a common facility for any new development in the area.

Needs of the City for Land Areas to Serve Purposes, Populations, and Economic Activities

The purpose of the rezoning is to allow for a stormwater management facility that will meet the current and future drainage needs of the area, reduce pollution levels in the stormwater system, promote future economic activity associated with construction in the neighborhood, increase the tax base and encourage development in east Gainesville. The outdoor recreational activities will provide recreational opportunities for the neighborhood.

Substantial Changes in Character of Development in the Area

There has not been a substantial change in the overall character of the area and development of the area in recent years. Recent activity has included the construction of some single-family homes. There has been no recent zoning activity associated with the subject property.

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

Goal 4:

The land use element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses neighborhood centers to provide goods and services to city residents; protects neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The land use element shall promote statewide goals for compact development and efficient use of infrastructure

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:

Public Facilities

This category identifies administrative and operational governmental functions such as government offices, utility facilities and storage facilities. Maximum lot coverage in this district shall not exceed 80 percent

Stormwater Management Element

Objective 1.5

The City shall continue to implement an integrated stormwater management program for redevelopment.

Policy 1.5.1

The City shall implement Land Development Regulations that allow shared or joint-use stormwater facilities, including public or private master stormwater basins.

Objective 1.9

The City shall continue to implement stormwater management facility design guidelines that promote dual use and aesthetically pleasing facilities.

Policy 1.9.1

The City shall develop guidelines that promote the following:

- a. Encourage the joint use of retention and detention basins for passive recreation, habitat and open space.

Conclusion

This petition meets the goals, objectives and policies of the Future Land Use Element. Staff recommends approval of Petition 192ZON-04.

Applicant Information

City of Gainesville

Request

Rezone property from RSF-1 and RSF-2 to PS

Land Use Plan Classification

SF

Existing Zoning

RSF-1 and RSF-2

Required Proposed Zoning

PS

Purpose of Request

To rezone property from RSF-1 and RSF-2 to PS to allow a stormwater park

Location

Vicinity of 500 to 600 block of
NE 21st, 22nd, 23rd, and 24th
Streets

Size

Approximately 26 acres

Surrounding Land Uses

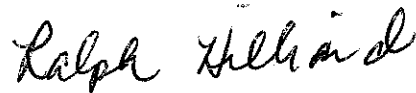
North	Single-family residential
East	Single-family residential
West	Single-family residential
South	Single-family residential

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	RSF-2, RSF-3	SF
East	RSF-1, RSF-2	SF
West	RSF-3	SF
South	RSF-1, RC	SF, R-L

Impact on Affordable Housing

This petition will not have a negative impact on the provision of affordable housing.

Respectfully submitted,



Ralph Hilliard
Planning Manager

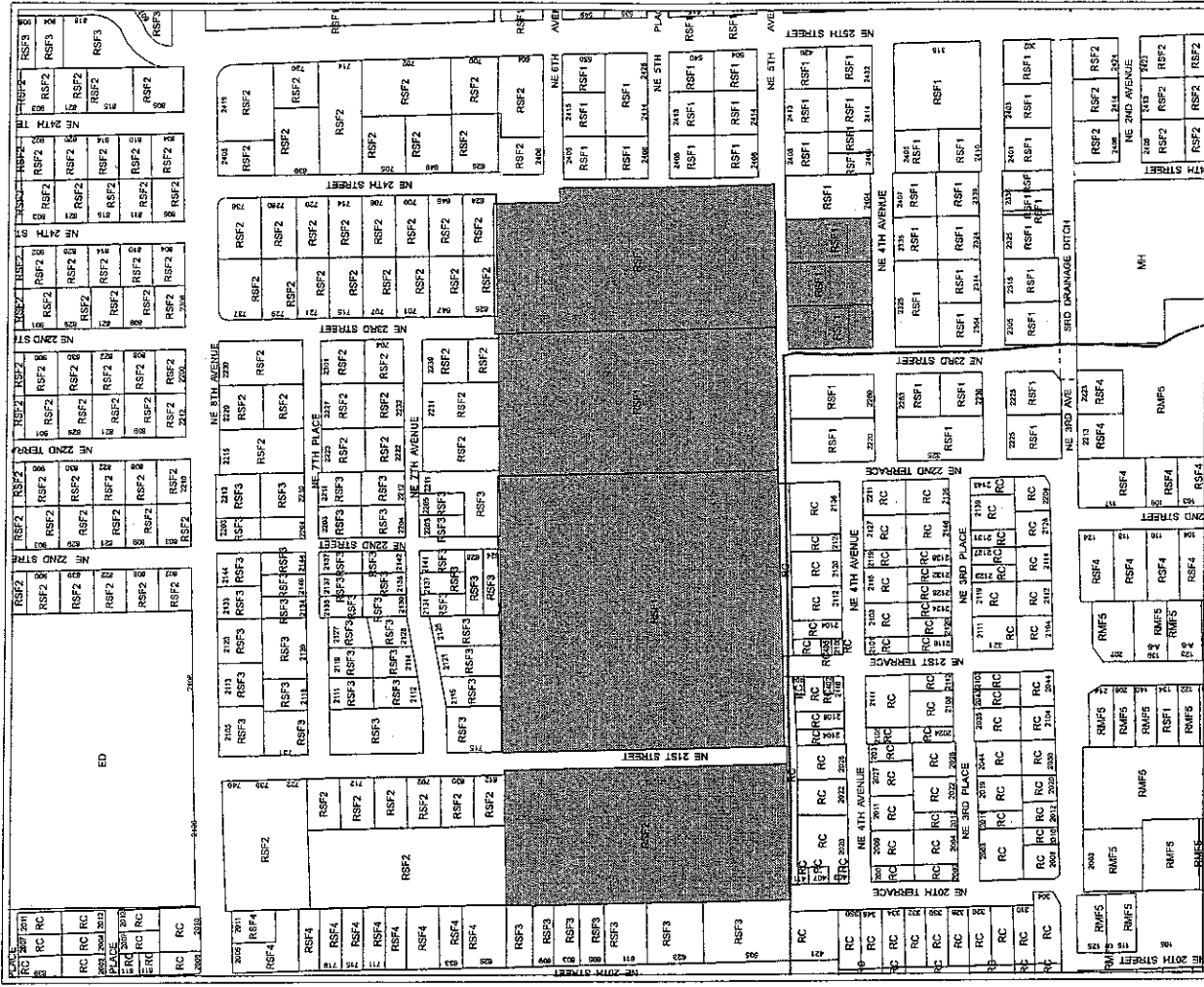
RH: JS

Zoning Districts

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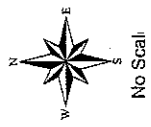
Historic Preservation/Conservation District
 Special Area Plan
 Division line between two zoning districts
 City Limits

Area under petition consideration



ZONING

Name	Petition Request	Map(s)	Petition Number
Public Works for the City Of Gainesville	From RSF1 and RSF2 to P	3954, 3955	192ZON-04PB



12. **Petition 192ZON-04 PB** City of Gainesville. Rezone property from RSF-1 (3.5 units/acre single-family residential district) and RSF-2 4.6 units/acre single-family residential district) to PS (Public services and operations district) on 26 acres. Located in the Duval Neighborhood generally in the vicinity of the 500 to 600 blocks of Northeast 21st, 22nd, 23rd and 24th Streets.

Mr. Jason Simmons was recognized. Mr. Simmons indicated that the rezoning involved vacant property the City recently purchased with grant money from the Florida Communities Trust. He explained that the grant money was awarded with the express purpose of creating a stormwater park and basin to deal with flood issues in the area and provide recreational opportunities in the neighborhood. He presented an aerial photo of the site and pointed out the surrounding uses. He also presented slides of the property and noted that there were wetlands identified on the site. He noted that staff recommended approval of the petition without a preliminary development plan. Mr. Simmons offered to answer any questions from the board.

Mr. Reiskind noted that the land use on the property was designated as Single Family; he asked if there should also be a land use petition with the zoning petition.

Mr. Simmons explained that the PS Zoning was consistent with all land uses, therefore, no land use change was required. He presented a concept plan provided by the Public Works Department and he noted that there had been neighborhood meetings.

Mr. Mimms stated that the proposal would enhance the wetlands on the site.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Cole	<u>Seconded By:</u> Mr. Cole
<u>Moved to:</u> Approve Petition 192ZON-04 PB.	<u>Upon Vote:</u> Motion Carried 7 - 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Cole, Pearce, Tecler.

CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Registration Form

2005 APR -5 AM 10:06

RE: Petition 192ZON-04 PB. City of Gainesville. Rezone property from RSF-1 (3.5 units/acre single-family residential district) and RSF-2 (4 6 units/acre single-family residential district) to PS (Public services and operations district) on 26 acres Located in the Duval Neighborhood generally in the vicinity of the 500 to 600 blocks of Northeast 21st, 22nd, 23rd and 24th Streets
CC Meeting Date: 04/11/05

Name: (please print) DAVID MANGHAM

Address: 18327 WILDEMERE

Telephone Number: 313 - 345 - 3573

Please indicate whether you are for or against this petition: FOR ___ or AGAINST X (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES ___ or NO X (mark "X")

.....
Complete the following section of the form **only** if you are requesting a **formal** quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 192ZON-04 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the PUBLIC HEARING/FIRST READING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission—Station 19, Quasi-Judicial Hearing, Petition 192ZON-04 PB, P O Box 490, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____