

**TO: City Plan Board**

**Item Number: 3**

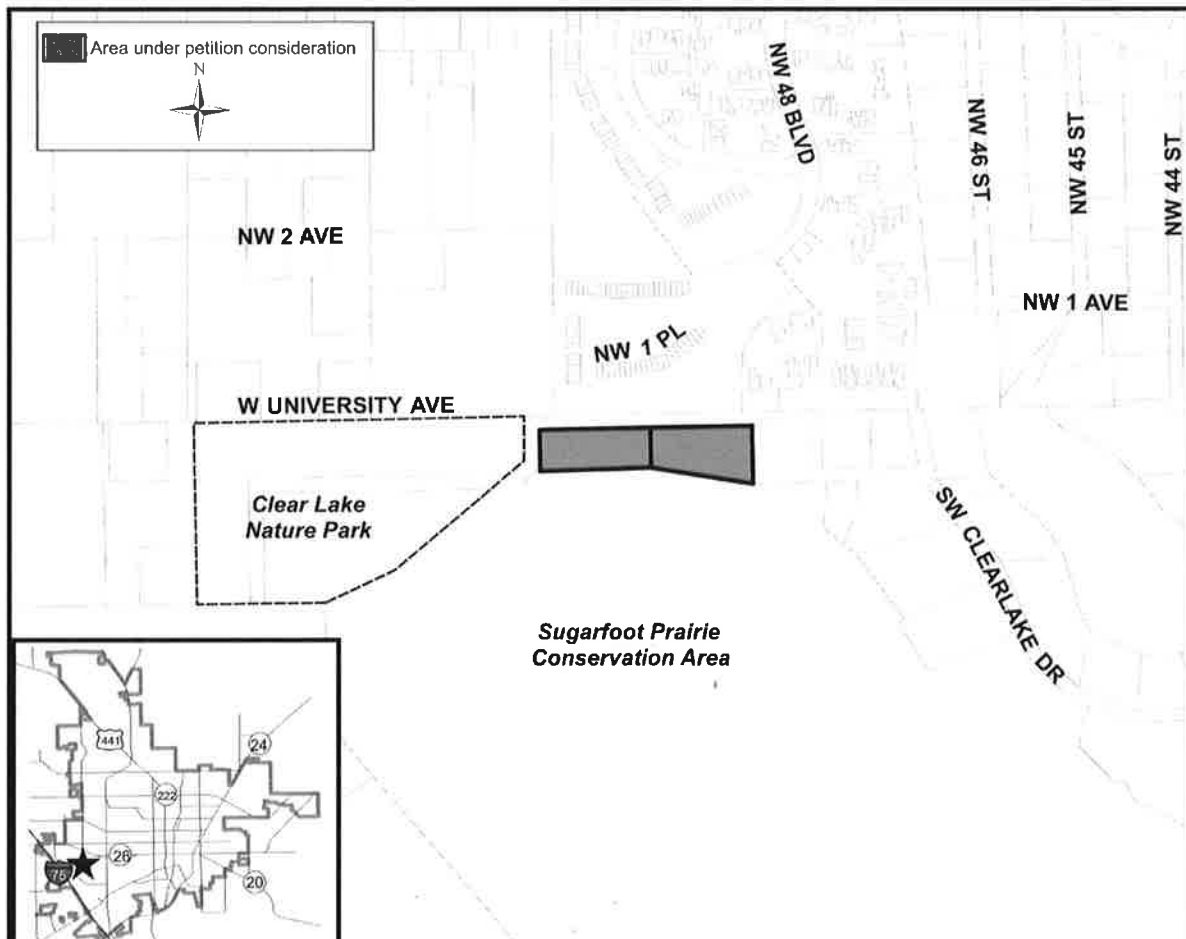
**FROM: Planning & Development Services Department Staff**

**DATE: August 27, 2015**

**SUBJECT: Petition PB-15-73 LUC. City Plan Board. Amend the City of Gainesville Future Land Use Map from Conservation to Single-Family (up to 8 units per acre). Located at 5021 & 4911 W. University Avenue. Related to PB-15-74 ZON.**

### Recommendation

Staff recommends approval of Petition PB-15-73 LUC.



## Description

This petition for a change in the land use category from Conservation to Single-Family (up to 8 units per acre) pertains to a 2.84-acre property located on the south side of unimproved W. University Avenue and at the western edge of the single-family, Clear Lake neighborhood. It is adjacent to the City's Clear Lake Nature Park to the west and to the City's Sugarfoot Prairie Conservation Area to the south. To the north across unimproved W. University Avenue are a single-family residence and a townhome development (Mill Pond). A single-family residence is to the east. The southerly one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin, and therefore is substantially constrained with respect to additional development potential. See the location map on Page 1, and see Table 1 on Page 9 for a tabular summary of adjacent existing uses and adjacent zoning and land use categories.

The existing single-family houses (one on each of the two lots) on the approximately 2.84-acre property do not conform to the 1 unit per 5 acre maximum density allowed by the current land use designation of Conservation, but they are legal nonconforming uses that were in place prior to the 1992 annexation into the City of Gainesville. This requested land use change (and related rezoning), if approved, will make the existing single-family residential use conform to its land use category (and zoning district). This petition is related to Petition PB-15-74 ZON which requests rezoning from Conservation district to RSF-1: 3.5 units/acre single-family residential district.

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps that show the existing and proposed land use categories.

## Key Issues

- The proposed small-scale amendment to Single-Family (up to 8 unit per acre) (SF) is consistent with the City's Comprehensive Plan and supportive of urban infill.
- This proposed land use change will change a legally nonconforming use into a conforming use.
- The proposed SF land use is consistent with the SF land use that is adjacent to the east and north, and is compatible with the adjacent Conservation land use to the south and west, and the RL (Residential Low-Density) (up to 12 units per acre) to the north .

## 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, small-scale land use change to Single-Family (up to 8 units per acre) is consistent with Future Land Use Element (FLUE) Objective 4.1 and Policy 4.1.1, which are included below. This petition is also consistent with FLUE policies (see Exhibit A-1, Comprehensive Plan GOPs) regarding both the discouragement of urban sprawl and densities that are consistent with policies pertaining to the protection of environmentally sensitive land and resources. The proposed Single-Family land use category for this location is also consistent with applicable Transportation Mobility Element policies (see Exhibit A-1). The requested Single-Family land use category will be implemented by the RSF-1 (Single-family residential, 3.5 units per acre) zoning district proposed by related Petition PB-15-74 ZON.

### Future Land Use Element

**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.

## 2. Compatibility and Surrounding Land Uses

The proposed Single-Family (up to 8 units per acre) land use (SF) category is compatible with the surrounding area and land uses. It is compatible with the surrounding residential properties: SF land use and RSF-1 (Single-family residential, 3.5 units per acre) zoning to the east and north (across unimproved W. University Avenue); RL (Residential Low-Density (up to 12 units per acre)) land use and PD (Planned development district) zoning to the north (across W. University

Avenue). It is also compatible with the adjacent City of Gainesville nature parklands (Conservation land use and Conservation district zoning) to the south and west (across unimproved W. University Avenue).

See Table 1 on Page 9 of this document for a tabular summary of adjacent existing uses and adjacent land use categories and zoning districts.

### 3. Environmental Impacts and Constraints

This property is in FEMA Flood Zone AE (Zone AE corresponds to a 1 percent chance every year that flood waters will inundate the area, or 100 percent chance over a 100 year period. Zone AE floodplains have base flood elevations that are determined by detailed methods.) See Exhibit B-4 (Map: FEMA Special Flood Hazard Area).

The City's Environmental Coordinator provided the following review in a memorandum dated July 30, 2015:

"The subject petitions for a proposed change in land use and zoning for two adjoining parcels have been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code 30-300 *Surface Waters and Wetlands*, 30-307 *Regulated Parks & Conservation Areas*, or 30-310 *Natural and Archaeological Resources*. The petition proposes a land use change from Conservation to Single-Family (up to 8 units per acre), and rezoning from Conservation to RSF-1: 3.5 units/acre single-family residential district. The petitions for the proposed amendments are submitted by the Gainesville City Plan Board.

These two adjacent parcels are located on the south side of West University Avenue at its westernmost terminus in the Clear Lake neighborhood, south of the Mill Pond/Monticello Planned Development. University Avenue in this location is a one-lane unpaved road section which ends at a residence at the 5021 address, the more westerly of the two parcels. A recreational trail entry point to the City's adjacent nature park, the Clear Lake Nature Park, exists off the roadway immediately west of Parcel 6539-9. Nature park lands of Sugarfoot/Hogtown Prairie adjoin the south boundaries of the two subject parcels. One single-family residence is located on the higher elevations of each lot (there is approximately 4 feet of elevational difference from the north to the south side of the parcels). Areas below the approximate 58 foot elevation, consisting of the southerly half to two-thirds of the subject property, fall within regulated wetlands of the Hogtown Creek basin. The uplands of the property are covered by a mature mixed pine/hardwood forest openings of the lawns of the included residence yard areas. The parcels drop quickly to the south, especially off the residence structure fill pads, down into a regularly inundated wetland supporting a very high quality mixed hardwood swamp community. As mentioned above, proposed development activities within the wetland areas and buffers on and immediately adjacent to these parcels would be subject to regulation under City Land Development Code 30-300 *Surface Waters and Wetlands*.

Based on available information, no regulated natural and archaeological resources or resource areas are known to be present on the subject parcels. Listed species may be present, but have not been located through survey or other assessment methods. The parcels nearly about the regulated Hogtown Prairie - Sugarfoot Strategic Ecosystem unit, which lies just off the south boundary. Continuation of the existing residential use would not be expected to result in any activity which would require compliance with the provisions of Division 4. *Regulated Natural and Archaeological Resources*.

Because the subject properties lie within 400 feet of the boundary of a designated nature park, proposed development activities and expansion or alteration of existing uses must comply with the provisions of Section 30-307 *Regulated Parks & Conservation Areas*. Coordination with the City of Gainesville Nature Parks staff is recommended for guidance with any proposed development activity which may be proposed on the subject parcels.”

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

This proposed small-scale land use amendment is consistent with the City’s infill goals (see Exhibit A-1, Future Land Use Element Objective 1.5). The proposed change in land use from the Conservation category to the Single-Family (up to 8 units per acre) category is supportive of urban infill primarily because it will make the long-established single-family residential use (two single-family houses, one on each of the two lots) conform with the proposed land use category. Although additional residential development is very unlikely due to substantial environmental constraints, the increase in the allowable density from 1 unit per 5 acres (existing Conservation land use) to a maximum of 8 units per acre is also supportive of urban infill.

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

The proposed small-scale land use amendment will have negligible to no impact on the supply of potential affordable housing in the City due to the property’s severe environmental constraints. The increase in density from 1 unit per 5 acres allowed by the existing Conservation land use designation, to up to 8 units per acre allowed by the proposed Single-Family land use for the approximately 2.84-acre property (consisting of adjacent, separately owned lots), can allow up to 22 units. However, the potential for any additional residential units is extremely low due to the property’s severe environmental constraints for development, which include but are not limited to the fact that one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin. Any additional development (additional residential units) of the existing property that consists of two lots (1.35 acres and 1.49 acres respectively) that are currently developed with one single-family house each would require subdivision of the property, compliance with numerous applicable requirements of the Land Development Code, and compliance with all other applicable City of Gainesville regulations. (Note, the related zoning petition, PB-15-74 ZON is for RSF-1 zoning, which allows up to 3.5 units per acre, for a maximum total of 9 residential units.)

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

There are no major transportation issues associated with the proposed land use change for this property that is at the western terminus of unimproved W. University Avenue and at the western edge of the Clear Lake residential neighborhood. The property is located within Zone B of the Gainesville Transportation Mobility Program Area (TMPA), and is accessible by motor vehicle, bicycle and walking. The property is not served by the Gainesville Regional Transit (RTS), the nearest transit service of which is along Newberry Road (State Road 26).

The two existing single-family houses generate 19.04 average daily trips (ADT) (based on 9.52 ADT per residential unit (source: ITE Trip Generation Manual, 9<sup>th</sup> Edition). If the property were to be developed at the maximum density (8 units per acre) allowed by the Single-Family land use category, the net increase in ADT by the 20 additional residential units is 190. (Note: the related zoning petition proposes RSF-1 zoning, which allows up to 3.5 units per acre, for a total maximum of 7 additional residential units, and a net increase of 67 ADT.) Although it is unlikely (due to the substantial environmental limitations of the property) that additional residential units will be proposed, development will be subject to the Zone B requirements of Policy 10.1.5 and 10.1.6 (See Exhibit A-1) of the Transportation Mobility Element at the time of development plan review.

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

This property is in a developed, urbanized area, most of which is served by public utilities and other public services. In an August 5, 2015 e-mail, Alice Rankeillor, GRU Utility Engineer stated that: "The lots referenced in this petition are not currently served by GRU Wastewater Utility. Parcel 06539-009-00 is not served by GRU Water. Parcel 06539-008-000 is currently served by GRU's Water Utility. According to GRU policy, the developer of the property will be responsible for the cost of extending water and wastewater service connections and for any off-site system improvements that may be necessary to provide service. An allowance to provide water supply capacity for future population growth is included in GRU's 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 water supply to the property."

The proposed land use will not impact the adopted levels of service for potable water and wastewater, water supply, solid waste, recreation or public school facilities. 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.**

The proposed small-scale land use amendment will add 2.84 acres to the Single-Family (up to 8 units per acre) land use category. There are approximately 9,780 acres (15.28 square miles) of land with the Single-Family land use category. Of that total, approximately 8,731 acres (13.64 square miles) are developed and approximately 550 acres (0.86 square miles) are undeveloped. Given that only 5.6 percent of the total Single-Family land use area in the City is undeveloped,

the proposed addition of 2.84 acres to the Single-Family land use category will have a negligible impact on the acreage totals.

**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 proposed land use amendment will allow for single-family development within a developed area of the city. It will bring the existing, legally nonconforming residential use into conformance with its land use category within an established and stable residential neighborhood. It will not have an adverse impact upon regulated natural resources. Any future development of the property would be required to meet all applicable environmental and other land development regulations.*

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

*Yes. The property does not have public wastewater service, and only the easternmost of the two lots has potable water service. Existing potable water and wastewater lines provide service to this developed property. Should there be any future development (additional residential units), the developer will be responsible for the cost of extending water and wastewater service connections and for any off-site system improvements that may be necessary to provide service, according to GRU policy.*

*The property is served by the adjacent, unpaved W. University Avenue and is located in the Transportation Mobility Program Area Zone B. Any future development would require improvement of the adjacent section of W. University Avenue.*

- (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 proposed land use amendment will encourage compact development by establishing a land use category that matches the established residential use of the property and that is consistent with the development pattern of the established Clear Lake neighborhood. The proposed change from Conservation to Single-Family land use represents an increase in potential residential density, which is consistent with this criterion (III). The property is not served by RTS bus routes but is accessible by motor vehicle along unimproved W. University Avenue from Clear Lake Drive (a paved local street) to the east.*

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

*Yes. The proposed Single-Family land use will make the existing residential development conform to its Future Land Use Map category. The proposed land use is part of the balance of land uses in the Newberry Road corridor, where various nonresidential needs of the residential population will continue to be met.*

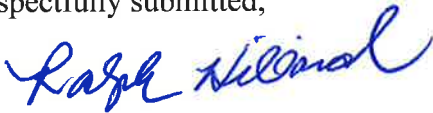
- 10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and,**

*The proposed land use amendment will have no impact on job creation, capital investment and economic development, but it will bring the long-existing single-family use of the property into conformance with its land use category on the Future Land Use Map of the Gainesville Comprehensive Plan.*

- 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,



Ralph Hilliard,  
Planning Manager

Prepared by: Dean Mimms, AICP  
Lead Planner



**Table 1****Adjacent Existing Uses**

<b>North</b>	Single-family residence; Townhomes
<b>South</b>	City of Gainesville nature park
<b>East</b>	Single-family residence
<b>West</b>	City of Gainesville nature park

**Adjacent Zoning and Land Use and Zoning**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	SF – Single-Family (up to 8 units per acre); RL - Residential Low-Density (up to 12 units per acre)	RSF-1 (Single-family residential, 3.5 units per acre); PD (Planned development)
<b>South</b>	CON – Conservation	CON – Conservation
<b>East</b>	SF – Single-Family (up to 8 units per acre)	RSF-1 (Single-family residential, 3.5 units per acre)
<b>West</b>	CON – Conservation	CON – Conservation

**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: FEMA Special Flood Hazard Area

**Appendix C Application**

Exhibit C-1 Application