



MEMORANDUM

Office of the City Attorney

Registar No. 001149

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

PL

TO: Mayor and City Commission

DATE: March 4, 2002

SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-20; Petition No. 163LUC-00PB

An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use categories of certain properties within the City as follows: (1) from "Residential High Density (8-100 units per acre)" to "Mixed-Use Medium Intensity" (14-30 units per acre) in an area generally located at 2306 SW 13th Street; (2) from "Residential Low Density (up to 12 units per acre)" to "Recreation" in an area generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue; (3) from "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)", and "Single Family (up to 8 units per acre)" to "Single Family (up to 8 units per acre)", "Commercial", "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)" and "Conservation" in an area generally located west of NW 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd Avenue; (4) from "Planned Use District" to "Single Family (up to 8 units per acre)" in an area generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family subdivision on the north, US 441 on the east, and NW 43rd Street on the west; (5) from Alachua County "Commercial" to City of Gainesville "Commercial" in an area generally located at the 7100 block of West University Avenue on the north side; (6) from Alachua County "Commercial" to City of Gainesville "Mixed-Use Low Intensity (10-30 units per acre)" in an area generally located at the northeast corner of the intersection of SW 34th Street and Archer Road (SR 24); and (7) from Alachua County "Residential Low Density (1-4 units per acre)" to City of Gainesville "Single Family (up to 8 units per acre)" in an area generally located at the 2100 block of Williston Road on the north side; these changes are coincident with the Future Land Use Element amendment to be made part of the City of Gainesville 2000-2010 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

On August 27, 2001 the City Commission adopted Ordinance No. 0-01-20 (on first reading); Petition No. 163LUC-00PB (Future Land Use Map) for transmittal to the Department of

Community Affairs (DCA). City Planning staff submitted the petition as part of the City's Comprehensive Plan Amendment packet dated September 7, 2001, referenced as DCA No. 01-1. In a letter dated November 16, 2001 and received by the City on November 26, 2001, the Department of Community Affairs notified the City that they did not have any objections, recommendations or comments on the Future Land Use Map changes.

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3185, Florida Statutes (FS) and Rule 9J-11.011, FAC. The letter from DCA incorrectly stated that the City of Gainesville had 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. Based on an inquiry from City staff, DCA has indicated that the City has 120 days to make a decision on EAR-based amendments.

Fiscal Note. None

CITY ATTORNEY MEMORANDUM

The State of Florida Department of Community Affairs issued a letter dated November 16, 2001, that offered no comments or objections to this element upon receipt of the letter, the City of Gainesville has 120 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. If the ordinance is adopted, the Plan amendment will not become effective until the State Department of Community Affairs 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.

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:sw

#001149

----- Original Message ----- **From:** Maslin Russ **To:** CityComm@ci.gainesville.fl.us **Sent:**
Monday, April 23, 2001 8:20 PM **Subject:** Proposed comprehensive plan amendments considered
April 23, 2001

April 23, 2001 Dear Mayor and Commissioners. After listening to the hearings on the comprehensive plan amendments I must state a written objection to passage of any of the amendments at this time. The data and analysis supporting the amendments is not present, and appears to be based on pre-suppositions not supported by professionally accepted methodologies, or common sense. The procedure used to consider, study and review the amendments is flawed and not conducive to real public input. The plan amendments are inconsistent with existing portions of the plan; will accelerate the proliferation of urban sprawl and destruction of natural environments; are inconsistent with the Growth Management Act, the Regional Policy Plan and the State Comprehensive Plan; will further increase the backlog of over-due transportation facilities and further degrade level of service standards on local, state, regional and federal roads; and will otherwise be inconsistent with the public welfare and applicable law. David Russ 2701 NW 23rd Boulevard N-117 Gainesville, Florida 32605 (352) 373-4736 hpc@fdt.net

Citizen
Comment

Submitted
4/23/01

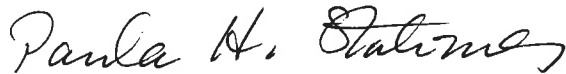
#001149

Regarding the City of Gainesville Proposed Comprehensive Plan

On behalf of myself and the Greenspace Preservation Association, I wish to state for the record that the City of Gainesville should delay transmittal of all elements of the proposed Comprehensive Plan in order to allow for more public comment and for response from city commissioners and staff. While there have been numerous public meetings with the participation of city staff at the committee level, the entirety of the Plan and the various elements have not been before the public as a whole for a reasonable amount of time commensurate with the complexity and ramifications of the Plan. When read together, the many elements raise fundamental and substantive questions about the Plan that did not arise and *could not have been identified* in the context of discussions focused merely on individual elements. Under Chapter 163, *Plan Adoption Process*, of the Florida Statutes, there is no requirement that the city transmit this Plan at this time. However, pursuant to Chapter 163, the city is obliged to provide "effective public participation in the comprehensive planning process...." This provision further states that the standards stated therein are the "*minimum requirements....*" Therefore, the city can and should allow more time and opportunity for the citizens of Gainesville to comment directly upon the Plan as a whole and its various elements. The strictures of time that limit comments to only a few minutes from each citizen are wholly inadequate to permit thoughtful comment and inquiry on this complex document of over 250 pages. The speed by which the city presently proposes to transmit this Plan is contrary to the spirit and mandate of Chapter 163. Failure of the city to delay transmittal for the purpose of further public inquiry places the city in direct contravention of Florida Statutes and raises the suspicion that the City Commission is deliberately acting in bad faith.

There are no substantive reasons that mandate the city transmit this Plan at this time. It is respectfully requested that the City Commissioners grant the request to delay transmittal and schedule more public hearings for the purpose of receiving public comments and questions about the Plan.

Respectfully submitted on April 23, 2001:



Paula H. Stahmer
4621 Clear Lake Drive
Gainesville, Florida 32607

Addendum to written comments submitted by Paula H. Stakmer
on behalf of the Greenspace Preservation Association at the April 23,
2001 City Commission meeting regarding the City of Gainesville Comprehensive
Plan.
April 23, 2001

801149

Recently the Commission approved the draft of the Concurency Management Element of the future comp plan which contains what appear on their surface to be provisions that give the City very broad powers to spend tax money and other funds possibly without future public scrutiny of specific actions by the government.

Policy 1.1.3. gives the City and the Community Redevelopment Agency broad powers to spend tax money on transit related projects for private developers:

In order to promote redevelopment and infill in the eastern portion of the city and the area near the University of Florida, Zone A is hereby established as a sub-area of the TCEA. Except as shown in Policy 1.1.4, funding for multi-modal transportation modifications and needs in Zone A shall be provided, to the maximum extent feasible, by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

Policy 1.2.1 allows the deeding of streets to private parties when...

the loss of the street of the street is necessary for the construction of a high density, mixed use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses;

There are other examples of expansive policies in various elements of the comp plan.

Most policies incorporated in a comp plan give rise to regulations, the application of which to specific developments is considered a quasi-judicial function of government. Citizens are not allowed to influence quasi-judicial decisions, unless they are interested parties, and then only by presenting expert testimony on narrow issues relating to the specific LDR's.

Basically, it appears from recent history that once a policy is approved by being incorporated in a comp plan, the public has no further role in the application of these policies.

It is therefore reasonable to ask whether decisions made by the City government in accordance with these two provisions will also be exempt from further public scrutiny in a legislative session of government for the next 10 years.

If so, one might wonder whether a comp plan that removes public participation from so broad an area of government for so long a duration is really in the best interests of the public or the government. I urge you to obtain a legal evaluation of this question before continuing with the such extremely broad delegations of authority.

001149
Submitted
4/23/01

Penny Wheat
P.O. Box 981
Gainesville, Florida 32602-0981
(371-2125; penny@gru.net)

April 23, 2001

Gainesville City Commission
P.O. Box 490
Gainesville, Florida 32601

Commissioners,

Petition 163LUC-00PB - Item # 1 proposes to change land use categories on 9 parcels of land in an area generally located adjacent and west of SW 13th Street from the 2400-block to the 3500-block. Tonight's public hearing is the meeting at which the City Commission will vote to transmit these proposed land use map changes to the Florida Department of Community Affairs. Thus, as an affected property owner who lives within a block of the area in question, I rise to formally place on the record my objections to this proposal.

SW 13th Street is a linear neighborhood comprised of businesses and single and multi-family residential areas, as well as your designated tourist facilities for the city. Teachers, laborers, single families - young and old - students, retired people and UF faculty and staff are among those who live here. This area falls within the natural-resource sensitive Tumblin' Creek watershed. City of Gainesville stormwater drains to the Bivens Arm area and ultimately, to Paynes Prairie and our Floridan Aquifer.

Your staff report suggests that the land use categories in the 2400-block to 3500-block of SW 13th Street should be changed because "Several (of the 9 parcels) contain a hotel or motel"; the proposed MUM land use allows MU-2 zoning, which allows hotels and motels by special use permit"; and the MUM land use category will allow development of multi-family residential and mixed uses that promote transportation choice". Your staff also states, "Because the MUM land use designation tends to be more compatible than Commercial to relatively sensitive land uses such as residential, it is more consistent and compatible to these adjacent designations."

In fact, there are no hotels or motels located on any of the nine parcels at issue tonight. The area in question already contains "mixed uses" (residential, commercial, and office, as well as sexually-oriented businesses), and people exercise multi-modal transportation choice - when they can make it past the prostitutes and their pimps on SW 13th Street.

For the most part, the existing commercial uses on the west side of SW 13th Street (parcels in question) are compatible to the closest adjacent neighborhood. Those commercial uses consist of a bank, the Gainesville Sun printing plant, and the Sheraton Hotel. Except for the Kirkwood single-family neighborhood east of 13th Street, the residential areas – on both sides of the street – are entirely medium to high-density multi-family.

There is no data or analysis to support the addition of still more multi-family uses, and thus, I object to such a land use change without first correcting the incompatible and offending uses that already exist. Indeed, it appears that the area needs less additional high-density multi-family uses, and more shops, office uses, sidewalks, and open space in a “pocket park”. Because of the wide variety and number of allowed uses, that may never happen.

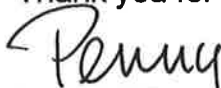
The March 9, 2001 draft of your proposed Future Land Use Element includes new policy 1.4.5 which states that “In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-through, warehouses, plasma centers and street-level parking lots.”

Your adopted and proposed land use and zoning categories do not consider this policy along the SW 13th Street corridor. There are some wholly incompatible uses that are allowed on one side of the street, or the other, but not next to each other. Attached is a review of the proposed and existing land use categories – on both sides of SW 13th Street, along with some of the uses permitted in the implementing zoning categories. Only he (or she) who doesn’t live in the real world would suggest that the highway “separates” these incompatible uses.

I urge you to approve only the proposed land use change for Lake Shore Towers. Apparently, the mixed uses within the building have existed for quite some time, though the land use to allow it has not. Then, approve alternative language in the text of your proposed land use element that allows you to work with corridor property owners and residents to design a specific land use and zoning “overlay” for the corridor. Together, we can make this a vibrant, thriving area and create a model for development and redevelopment of other transportation corridors.

Quality neighborhood scale development, thriving business and “high density infill” do not necessarily go hand in hand, even along a transportation corridor. It takes more attention to the details than your map changes allow. Please vote to create a land use and zoning overlay for the corridor.

Thank you for your consideration.


Penny Wheat

<u>USES PERMITTED BY RIGHT & BY SPECIAL USE PERMIT</u> Proposed Land Use: Mixed Use-Medium, implemented by MU-2 zoning. West side of SW 13 th Street	<u>USES PERMITTED BY RIGHT & BY SPECIAL USE PERMIT</u> Existing Commercial Land Use, implemented by BUS zoning. West side of SW 13 th Street	<u>USES PERMITTED BY RIGHT & BY SPECIAL USE PERMIT</u> Existing Commercial Land Use, implemented by Business-Tourist Zoning. East side of SW 13 th Street
		<u>By right:</u> Adult & sexually oriented establishments, in accordance w/ conditions & requirements of Article VI.
<u>By right:</u> Places of religious assembly, in accordance with Article VI.	<u>By right:</u> Same as MU-2.	
<u>By right:</u> Museums & art galleries	<u>By right:</u> same as MU-2.	<u>By right:</u> same as MU-2.
<u>By right:</u> Personal services including funeral services & crematories, in accordance w/ Article VI.	<u>By right:</u> same as MU-2.	<u>By right:</u> Personal services, excluding funeral service & crematories, & also excluding linen supply, diaper service & industrial launderers.
<u>By special use permit:</u> Hotels & motels, rooming houses & boardinghouses, in accordance w/ Article VI.	<u>By special use permit:</u> same as in MU-2.	<u>By right:</u> Hotels & motels. Organization hotels & lodging houses, on membership basis.
<u>By special use permit:</u> Alcoholic beverage establishments, in accordance w/ Article VI.	<u>By special use permit:</u> same as in MU-2.	<u>By right:</u> Alcoholic beverage establishments, in accordance w/ the conditions & requirements of Article VI.
<u>By right:</u> Community residential homes w/ 14 or fewer residents in accordance with Article VI.		
<u>By right:</u> Social services, including day care centers as defined in this chapter & in accordance w/ Article VI, excluding rehabilitation centers, halfway houses, social service homes, & residences for destitute people as defined in this chapter but, by special use permit, can allow rehabilitation centers, social service homes & residences for destitute people	<u>By right:</u> same as in MU-2. <u>By special use permit:</u> Food distribution centers for the needy in accordance w/ Article VI.	<u>By special use permit:</u> Same as in MU-2, including "soup kitchens".
		<u>By right:</u> Recreational vehicle parks & campsites, in accordance w/ Article VI.
<u>By right:</u> Residential uses (14-30 dwelling units/acre. Residential development shall conform to the requirements of the RMF-7 or RMF-8 zoning districts & the additional requirements of this section.		

<p>By special use permit: Other uses (including light assembly or packaging) within completely enclosed structures; no outdoor storage, truck traffic limited to that normal to commercial activities such as grocery stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in accordance w. the county hazardous materials management code.</p>		
<p>By right: U.S. Postal Service</p>	<p>By right: same as MU-2.</p>	<p>By right: same as MU-2.</p>
<p>By right: Amusement & recreation services only within enclosed structures & excluding go-cart rental & raceway operations & excluding commercial sports (GN-794). By special use permit: Amusement & recreation services when outside enclosed structures in compliance w/ noise ordinance.</p>	<p>By right: Same as MU-2. Allowable use does not include recreational services outside an enclosed structure.</p>	<p>By right: Amusement and recreation services <u>except motion pictures & excluding go-cart raceway operations & go-cart rentals</u>. Uses not required to be within enclosed structures; doesn't exclude commercial sports.</p>
<p>By right: Motion pictures excluding drive-in theatres (IN-7833) & outdoor filming facilities.</p>	<p>By right: same as MU-2.</p>	<p>By right: Motion pictures, but no conditions to exclude drive-in theatres & outdoor filming facilities.</p>
<p>By right: Food stores. Accessory gasoline & alternative fuel pumps in accordance w/ Article VI.</p>	<p>By right: same as MU-2.</p>	<p>By right: Food stores, but no conditions as to gas pumps or alternative fuels.</p>
<p>By right: Gasoline service stations including the sale of alternative fuels for automobiles in accordance w/ Article VI.</p>	<p>By right: same as MU-2.</p>	<p>By right: Same as MU-2, as well as automotive repair, services and garages, excluding carwashes. But carwashes permitted by special use permit, in accordance w/ the conditions & requirements of Article VI.</p>
<p>By right: Auto & home supply stores.</p>	<p>By right: same as MU-2, excluding garage & installation facilities except as provided for w/ a special use permit.</p>	
<p>By special use permit: Limited automotive services in accordance w/ Article VI.</p>	<p>By right: same as MU-2.</p>	
<p>By right: Arrangement of passenger transportation - offices only, w/ no operation of passenger tours from the site.</p>	<p>By right: same as MU-2.</p>	<p>By right: Arrangement of passenger transportation but no conditions as to offices only w/ no operation of tours.</p>
<p>By right: Public service vehicles as defined and in accordance w/ Article VI.</p>	<p>By right: same as MU-2. As defined in Article II</p>	<p>By right: same as MU-2.</p>
		<p>By right: local and suburban</p>

		transit & inter-urban passenger transportation.
By right: Any accessory uses customarily & clearly incidental to the permitted principal uses.	By right: same as MU-2.	By right: same as MU-2.
By right: Bed & breakfast establishments.	By right: same as MU-2, in accordance w/ Article VI	By right: same as MU-2.
By right: Compound uses.	By right: same as MU-2.	
By right: Outdoor cafes as defined in Article II & in accordance w/ Article VI.	By right: same as MU-2.	By right: same as MU-2.
By right: Itinerant food vendor in accordance w/ Chapter 19, Article IV.		
By right: Eating-places.	By right: same as MU-2.	By right: same as MU-2.
By right: Personal fitting & sales of prosthetic or orthopedic appliances.	By right: same as MU-2.	
By right: Repair services for household needs	By right: same as MU-s, as defined in Article II	
By right: Veterinary services only within enclosed buildings & in accordance w/ Article VI.	By right: same as MU-2.	
By right: Animal specialty services, except veterinary only within enclosed buildings.	By right: same as MU-2.	
By right: Landscape & horticultural services	By right: same as MU-2.	
By right: Retail nurseries, lawn & garden supply stores	By right: same as MU-2.	
By right: Business services excluding outdoor advertising services (IN-7312), disinfecting & pest control services (IN-7342), heavy construction, equipment rental & leasing (IN-7353) & equipment rental & leasing not elsewhere classified (IN-7359.)	By right: same as MU-2.	
By right: Building construction – general contractors & operative builders	By right: same as MU-2.	
By right: Plumbing, heating & air conditioning	By right: same as MU-2.	
By right: Painting & paper hangers	By right: same as MU-2.	
By right: Electrical work	By right: same as MU-2.	
By right: Finishers of broad woven fabrics of cotton	By right: same as MU-2.	
By right: Finishers of broad woven fabrics of manmade fiber & silk	By right: same as MU-2.	
By right: Printing, publishing & allied industries	By right: same as MU-2.	
By right: Telephone communications. Accessory transmission, retransmission & microwave towers up to & including 100 feet in height in accordance w/ Article VI. By special use permit: Accessory transmission, retransmission & microwave towers over 100 ft. in height. Condition: In accordance w/ Article VI.	By right: same as MU-2; listed as "communication services".	

By right: Telegraph & other message communications: Accessory transmission, retransmission & microwave towers up to & including 100 feet in height in accordance w/ Article VI. By special use permit: Accessory transmission, retransmission & microwave towers over 100 ft. in height. Condition: In accordance w/ Article VI.	By right: same as MU-2; listed as "communication services".	
By right: Radio & television broadcasting stations: Accessory transmission, retransmission & microwave towers up to & including 100 feet in height in accordance w/ Article VI. By special use permit: Accessory transmission, retransmission & microwave towers over 100 ft. in height. Condition: In accordance w/ Article VI.	By right: same as MU-2; listed as "communication services".	
By right: Cable & other pay television services: Accessory transmission, retransmission & microwave towers up to & including 100 feet in height in accordance w/ Article VI. By special use permit: Accessory transmission, retransmission & microwave towers over 100 ft. in height. Condition: In accordance w/ Article VI.	By right: same as MU-2; listed as "communication services".	
By right: Paint, glass & wallpaper stores	By right: same as MU-2.	
By right: Hardware stores	By right: same as MU-2.	
By right: General merchandise stores	By right: same as MU-2.	
By right: Apparel & accessory stores	By right: same as MU-2.	By right: same as MU-2.
By right: Home furniture, furnishings & equipment stores	By right: same as MU-2.	
By right: Miscellaneous retail excluding fuel dealers (SIC #IN-5983)	By right: Direct selling establishments (IN-5963) & fuel oil dealers (IN-5983) w/ inside storage, display & sales only; fuel dealers by special use permit in accordance w/ Article VI.	By right: Same as MU-2.
By right: Finance, insurance & real estate. Condition: excluding cemetery subdivisions & developers (SIC # IN-6553.)	By right: same as MU-2.	
By right: Automobile parking	By right: same as MU-2.	
By right: Misc. repair services. excluding misc. repair shops & related services (GN-769) & including repair services for household needs as defined in this chapter.	By right: same as MU-2, but as defined in Article II.	
By right: Health services excluding hospitals (GN-806) & including nursing & personal care facilities (GN-805) in accordance w/ Article VI, & excluding	By right: same as MU-2.	

rehabilitation centers.			
By right: Legal services	By right: same as MU-2.		
By right: Educational services including private schools in accordance w/ Article VI.	By right: same as MU-2.		
By right: Auto & home supply stores.	By right: same as MU-2, excluding garage & installation facilities except as provided for w/ a special use permit.		
By right: Membership organizations. See also definition of places of religious assembly & in accordance w/ Article VI.	By right: same as MU-2.		By right: Same as MU-2, but no definitions or conditions.
By right: Engineering, accounting, research management & related services excluding testing laboratories (IN-8734) & facilities support management services (IN-8744)	By right: same as MU-2.		
By right: Services not elsewhere classified	By right: same as MU-2.		
By right: Public Administration	By right: same as MU-2.		
By special use permit: Recycling centers. <u>Condition:</u> in accordance w/ Article VI.			

Comments On the Comprehensive Plan
Of the City of Gainesville
Public Hearing
April 23, 2001
By Francine Robinson
Florida League of Conservation Voters

Submitted 4/23/01
Citizen
Comment
#001149

On April 9, 2001, I spoke to the Comprehensive Plan before those commissioners who were present that evening: Commissioners Hanrahan, Barrow, and Nielson. It was a loss to both the City Commission and to citizens alike that Mayor Delaney and Commissioner Chestnut could not be present, as well, to hear the well-founded concerns of the many citizens whose comments were delivered orally and then submitted for the written record.

Before going into specifics concerning the Plan, I would like to express on behalf of citizens some of the general, but nonetheless, significant problems with the process:

First, the allotted time of only three minutes for each citizen to address concerns is inadequate. After all, it will be another ten years before citizens will again have the opportunity to revise the Comprehensive Plan. Additionally, the Plan is comprised of some 300 pages which contain goals, objectives and policies that will impact on each and every resident of Gainesville, and beyond. For a citizen to address in appropriate detail even one or two points, within three minutes, denies reasonable access to the process that was mandated by the State of Florida so that local residents could work out their own community destinies.

Second, no matter how many workshops were or were not attended by citizens, the FINAL document of some 300 pages was not available for public perusal until very recently. A document of such size and complexity needs to be distributed to City Commissioners and the public alike in order that adequate time be available for all to read, digest, cross-referencing, analyzing how one element may interact with another element, etc.

Third, citizens need to be provided with time for interchange with their commissioners and staff on any points of concern with the Plan that they may bring forward. Too many concerns expressed at the April 9, 2001 meeting were glossed over or ignored. We need

open, informative and mutually respectful communication.

Fourth, the document was pointed out to be inadequate regarding the requirements of Florida's Administrative Code [9J5-005 (2) (a)] because many of the proposed changes were not buttressed, as mandated, by standards, findings, data, numbers (where applicable) and other supporting components which must be included in the Plan.

Just a few examples among many in the proposed Comprehensive Plan demonstrate the vagueness and lack of supporting materials required and show that the Plan, overall, weakens current environmental protection of wetlands, uplands and other significant natural resources.

Ordinance No. 0-01-18 Pet. #175 CPA-00 PB is proposed to amend the element known as Conservation, Open Space and Groundwater Recharge.

Goal 1. Establish and maintain an integrated and urban-defining open space network that protects and conserves key environmental features.

(What are the definitions of "key environmental features"? Citizens need clarification of this interpretable phrase. Further, what are the criteria for "protects and conserves"? What are the data for the use of "conserves" and not the stronger "preserves"?)

Objective 1.1 Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the (Environmentally Significant Land and Resources) map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

(What are the criteria for the designation "environmentally significant open space"? Who decides the fulfillment of the criteria?)

Policies

1.1.1

- a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a presumption that development is detrimental to the regulated creek unless demonstrated otherwise.

(What are the criteria for finding that development is not "detrimental"? What numbers [where applicable], data and standards are required to justify "unless demonstrated otherwise"?)

- b. Wetlands: **Removal of prior language:** Developments containing wetlands must maintain the existing level of wetland acreage and function on the property. **Added:** avoid loss of function or degradation of wetland habitat hydrology as the highest priority. Degradation or loss of function that is unavoidable shall be minimized, and the applicant must demonstrate that the cause of the degradation or loss of function is clearly in the public interest.

(What is the definition of "unavoidable"? What are the criteria? What is the definition of "in the public interest"? Do the criteria include economic considerations? Environmental considerations? Where are the numbers and data available that inform citizens of how many acres of wetlands have been lost over the last 20 years? 10 years? 5 years?)

The City shall develop and implement land development regulations that at a minimum:

(The foregoing statement that "the City shall develop and implement land development regulations..." indicates clearly that no land development regulations are currently available, although without them citizens cannot make valid analyses of their own Comprehensive Plan.)

- 1) Establish criteria for determining whether or not the proposed development or activity is clearly in the public interest;
- 2) Establish mitigation ratios for wetland preservation, restoration and creation;
- 3) Establish bonding, monitoring and maintenance requirements for wetland mitigation projects;
- 4) Establish means of assuring that the wetland mitigation project continues to exist and function as approved;
- 5) Require review and approval of wetland mitigation projects by qualified professionals.

(Again we need to ask, What is the definition of "in the public

interest"? Why should mitigation of destroyed wetlands be an option for the community when numerous scientific studies have shown that mitigation does not work?)

- c. Lakes: ...Development shall be prohibited within 35 feet of the landward extent of the lake.

(Where are the numbers, data, standards, etc. as required by 9J5 to justify limiting a setback to 35 feet?)

- d. Wellfields: The City shall continue to have land development regulations that require best management practices for stormwater.

(On what basis has the City removed the word "adopt" [stronger] for "continue to have" [weaker] re: land development regulations? What justification does the City have for removing "state of the art" [stronger] in favor of "best management practices" [weaker]? Why omit prior requirements for land development regulations for stormwater quality and hazardous materials management designs to prevent damage to environmentally significant areas and transition zones?)

- 1.1.3 The City shall continue to have land development regulations that require new developments to dedicate land and easements using constitutional guidelines, particularly for the creation of buffers along and around surface waters and natural reservations and to facilitate the development of greenways.

(On what basis does the City use "shall continue" [weaker] in lieu of "adopt"[stronger]? What is the definition of greenways? What is the definition of facilitate? The definition of development here? Without the land development regulations available, citizens are deprived of reasonably easy access to these components of the Plan.

Objective 2.1

Upon adoption of this plan, citywide levels of wetland acreage and functions within City limits shall be maintained to the extent feasible through the year 2010.

(On what basis did the City remove the word "existing" levels [stronger] for "citywide" levels [weaker] of wetland acreage? On what basis did the City add "to the extent feasible" re: maintaining levels of wetland acreage and functions? What are the data to deter-

ine feasibility? Economic? Environmental? Who will determine this?

Policies

2.1.1 The City shall continue to maintain an inventory of wetlands and adopt land development regulations designed to conserve existing wetland acreages and conserve wetland acreages and preserve natural functions on a citywide basis. When wetlands are unavoidably lost to development, mandatory mitigation shall be required to ensure no net loss of acreage and functions occurs. Mitigation will be performed within city limits except where special circumstances prohibit this option, in which case all mitigation must remain within Alachua County.

(On what basis did the City opt for "continue to" [weaker] over "develop and maintain" an inventory of wetlands? On what basis did the City choose "conserve" [weaker] over "preserve" [stronger] re: wetlands? What are the data to support including "unavoidably lost to development"? What is the definition of "unavoidable"? What are the criteria? On what basis does the City permit development to have "special circumstances" which expand the area of City "mitigation" to the entire Alachua County?)

Further, too many elements to be transmitted to the Department of Community Affairs for approval do not yet have the implementing Land Development Regulations formulated. It becomes, therefore, not possible, in those cases, as we said before, for citizens to evaluate the policies and how they will be carried out.

Overall, congruency (i.e. all parts of the Comprehensive Plan considered together for compatibility) and cross-referencing are therefore either difficult for citizens and their public officials to evaluate, or made impossible to evaluate due to non-existence of Land Development Regulations at a time when they are necessary to informed decisions.

It is essential that citizens and their elected officials have all pertinent information reasonably accessible before any vote on the Comprehensive Plan is taken. Indeed, in a working democracy, this should be provided for votes on all citizen and community issues.

Included below is a partial list of policies that we consider to need clarification, definition, data, standards, numbers (where applicable) or other appropriate, additional information before the Comprehensive Plan can be considered complete and to be carrying out the mandate of the Growth Management Act which was set in place for citizens to determine the destiny of their own communities.

Addendum

Policies needing further work: 2.2.43; 2.2.4; 2.2.5; 2.3.1; 2.3.2; 2.3.3; 2.3.5;
2.3.6; 2.3.7; 2.4.7...and many more.

Please add the following from the Future Land Use Element: P. 23 Policy 4.9.2



MEMORANDUM

Office of the City Attorney

Registar No. 001149
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

DATE: April 9, 2001
FIRST READING

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-20; Petition No. 163LUC-00PB
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use categories of certain properties within the City as follows: (1) from "Commercial" and "Residential High Density (8-100 units per acre)" to "Mixed-Use Medium Intensity" (14-30 units per acre) in an area generally located adjacent and west of SW 13th Street from the 2400-block to the 3500-block; (2) from "Residential Low Density (up to 12 units per acre)" to "Recreation" in an area generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue; (3) from "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)", and "Single Family (up to 8 units per acre)" to "Single Family (up to 8 units per acre)", "Commercial", "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)" and "Conservation" in an area generally located west of NW 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd Avenue; (4) from "Planned Use District" to "Single Family (up to 8 units per acre)" in an area generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family subdivision on the north, US 441 on the east, and NW 43rd Street on the west; (5) from Alachua County "Commercial" to City of Gainesville "Commercial" in an area generally located at the 7100 block of West University Avenue on the north side; (6) from Alachua County "Commercial" to City of Gainesville "Mixed-Use Low Intensity (10-30 units per acre)" in an area generally located at the northeast corner of the intersection of SW 34th Street and Archer Road (SR 24); and (7) from Alachua County "Residential Low Density (1-4 units per acre)" to City of Gainesville "Single Family (up to 8 units per acre)" in an area generally located at the 2100 block of Williston Road on the north side; these changes are coincident with the Future Land Use Element amendment to be made part of the City of Gainesville 2000-2001 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) approve Petition 163LUC-00 PB and (2) adopt the proposed ordinance.

STAFF REPORT

The proposed update of the Future Land Use Map was the subject of the City Plan Board hearing on December 19, 2000 and January 18, 2001. The City Commission reviewed the proposed

update on January 16, 2001, February 6, 2001 and March 5, 2001. The proposed map changes consisted of the following:

1. SW 13th Street (from Commercial to Mixed Use Medium)

These 9 parcels are on SW 13th Street, and total 24 acres in size. Several contain a hotel or motel. MU-2, which is a zoning district that implements Mixed Use Medium Intensity (MUM) land use, allows hotels and motels by Special Use Permit. Retail and service uses allowed in the BUS zoning designation currently on these parcels are similar to those allowed in the MU-2 zoning district.

The City proposes to change the land use of the parcels from Residential-High (RH) and Commercial (C) to MUM (14-30 units per acre) in order to allow development of multi-family residential and mixed uses that promote transportation choice. MUM land use allows MU-2 zoning (14-30 units per acre), which allows hotels and motels by special use permit.

All of the parcels are designated Commercial, with the exception of one parcel, which is designated Residential-High. Adjacent parcels within city limits are designated RH, C, and RM to the north, south and west. Because the MUM land use designation tends to be more compatible than Commercial to relatively sensitive land uses such as residential, it is more consistent and compatible to these adjacent designations.

2. NW 3rd Street at 500-block in Pleasant Street neighborhood (from Residential Low to Recreation)

These parcels – 511 & 513 NW 3rd Street -- are adjacent and west of a City-owned mini-park (see Map 2). The park carries a Recreation (REC) land use designation. The subject parcels are vacant, and designated Residential Low (RL), as are the adjacent parcels to the north, west, and south. Changing the designation of the subject parcels to Recreation would allow for the expansion of the City park, and would promote redevelopment plans in the neighborhood.

3. Hartman (from Residential Medium, Residential Low, Single Family to Single Family, Commercial, Residential Medium, Residential Low)

This property is approximately 99 acres. The northern portion of a pond/wetland area within the northwest portion of the property has RM (Residential Medium Density, 8-30 units per acre) land use, which is now proposed for change to SF (Single Family, up to 8 units per acre) land use.

The lower density allowed by SF land use will be more conducive to clustering of residential units away from the pond/wetland area.

Several other land use changes are needed because of non-existent land use for vacated right of way, and because of several areas with conflicting land use and zoning categories. The vacated right of way with no land use is proposed to be changed in order to be consistent with the underlying Business, RMF-6, and RMF-5 zoning. The respective proposed land use changes are to Commercial, Residential Medium Density, and Residential Low Density. The proposed changes to areas of conflicting land use and zoning are from: Residential Medium (conflicts with RSF-1 zoning) to Single Family; Residential Low (conflicts with RSF-1 zoning) to Single Family; Residential Low (conflicts with RMF-6 zoning) to Residential Medium; and Single Family (conflicts with BUS zoning) to Commercial.

Adjacent parcels are designated Residential Medium, Residential Low, Single Family, and Commercial.

4. Home Depot (from Alachua County Commercial to Gainesville Commercial)

The City of Gainesville annexed a 10-acre parcel west of Oaks Mall and I-75 on April 10, 2000. Planning staff recommends that this parcel be given a Commercial (C) designation, which allows the present retail operation.

The parcel currently carries the COMM (Commercial) Alachua County land use designation, which allows various commercial land uses. Adjacent parcels are all outside of city limits and are designated COMM.

5. Regency Oaks (from Alachua County Commercial to Mixed Use Low)

The City of Gainesville annexed a 8-acre parcel on SW 34th Street on May 8, 2000. Planning staff recommends that this parcel be given a Mixed Use Low (MUL) designation, which makes the present residential operation conforming, as well as allowing retail and office operations. MU-L allows residential densities up to 30 units/acre. Regency Oaks is approximately 18 units per acre.

The parcel currently carries the COMM Alachua County land use designation, which allows various commercial land uses. Adjacent parcels are designated COMM outside of city limits and E (education) within city limits (to the north).

6. A.D. Weiss (from Planned Use District to Single Family)

Northwest Gainesville contains an undeveloped 716-acre property that was designated as the Gainesville North Activity Center in the 1991-2001 Gainesville Comprehensive Plan, and carried PUD (Planned Use District) land use. This property was part of the contemplated "Greenways of Gainesville" Development of Regional Impact. The Gainesville North Activity Center and the PUD land use were effectively eliminated by the November 2000 denial of a requested time extension for the required Planned Development zoning approval. This action resulted in reversion to the underlying Single-Family land use category.

7. Idlywild/Serenola ("Kidd Property") (adopt Special Area Plan)

Planning staff recommends that the Special Area Plan prepared and adopted by Alachua County for the recently annexed 44-acre Kidd property be adopted. Special Area Plan language is contained in petition 163CPA-00PB

..Fiscal Note

None

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on January 18, 2001, and the Community Development Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs 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:sw

DRAFT

4/9/01

ORDINANCE NO. _____
0-01-20

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5 An ordinance amending the City of Gainesville 1991-2001
6 Comprehensive Plan; by changing the land use categories of
7 certain properties within the City as follows: (1) from
8 "Commercial" and "Residential High Density (8-100 units per
9 acre)" to "Mixed-Use Medium Intensity" (14-30 units per acre)
10 in an area generally located adjacent and west of SW 13th Street
11 from the 2400-block to the 3500-block; (2) from "Residential
12 Low Density (up to 12 units per acre)" to "Recreation" in an
13 area generally located on the east side of NW 3rd Street between
14 NW 4th Place and NW 6th Avenue; (3) from "Residential
15 Medium Density (8-30 units per acre)", "Residential Low
16 Density (up to 12 units per acre)", and "Single Family (up to 8
17 units per acre)" to "Single Family (up to 8 units per acre)",
18 "Commercial", "Residential Medium Density (8-30 units per
19 acre)", "Residential Low Density (up to 12 units per acre)" and
20 "Conservation" in an area generally located west of NW 13th
21 Street/US 441, east of NW 19th Street, north of NW 45th Avenue,
22 and south of NW 53rd Avenue; (4) from "Planned Use District"
23 to "Single Family (up to 8 units per acre)" in an area generally
24 located between NW 68th Avenue on the south, the Turkey
25 Creek Forest single-family subdivision on the north, US 441 on
26 the east, and NW 43rd Street on the west; (5) from Alachua
27 County "Commercial" to City of Gainesville "Commercial" in
28 an area generally located at the 7100 block of West University
29 Avenue on the north side; (6) from Alachua County
30 "Commercial" to City of Gainesville "Mixed-Use Low Intensity
31 (10-30 units per acre)" in an area generally located at the
32 northeast corner of the intersection of SW 34th Street and
33 Archer Road (SR 24); and (7) from Alachua County
34 "Residential Low Density (1-4 units per acre)" to City of
35 Gainesville "Single Family (up to 8 units per acre)" in an area
36 generally located at the 2100 block of Williston Road on the
37 north side; these changes are coincident with the Future Land
38 Use Element amendment to be made part of the City of
39 Gainesville 2000-2001 Comprehensive Plan; providing a
40 severability clause; providing a repealing clause; and providing
41 an effective date.

DRAFT

4/9/01

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WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the land use categories of certain lands within the City be changed; and

WHEREAS, notice was given and publication made and Public Hearings were held by the City Plan Board on February 24, 2000, May 25, 2000, June 22, 2000, November 16, 2001, December 19, 2000 and January 18, 2001 and the City Commission on January 16, 2001, February 6, 2001, and March 5, 2001; and

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

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

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

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

WHEREAS, prior to adoption of this ordinance the City Commission has considered the

DRAFT

4/9/01

1 comments, recommendations and objections, if any, of the State Land Planning Agency.

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
3 **CITY OF GAINESVILLE, FLORIDA:**

4 **Section 1.** The land use categories of the following described properties are amended as
5 follows: from “Commercial”, “Residential High Density (8-100 units per acre)” to “Mixed-Use
6 Medium Intensity (14-30 units per acre)” in an area generally located adjacent and west of SW 13th
7 Street from the 2400-block to the 3500-block as shown.

Property Description	Area
SW 13 th Street; Tax Parcel Nos. 15696-001-000, 15696-003-000, 15696-005-000, 07332-000-000, 07332-200-001, 07332-200-002, 07332-200-003, 07252-002-000 and 07336-000-000.	see Map attached as Exhibit “A”, * and made a part hereof as if set forth in full.

8 * In the event of conflict between the property description and the Map, the area shown on the
9 map shall govern and prevail.

10
11 **Section 2.** The land use categories of the following described properties are amended as
12 follows: from “Residential Low Density (up to 12 units per acre)” to “Recreation” in an area
13 generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue;

Property Description	Area
511 and 513 NW 3 rd Street: Tax Parcel Nos. 14318-010-002 and 14318-010-003	See Map attached as Exhibit “B”, * and made a part hereof as if set forth in full.

14 * In the event of conflict between the property description and the Map, the area shown on the
15 map shall govern and prevail.

16

DRAFT

4/9/01

1 **Section 3.** The land use categories of the following described properties are amended as
2 follows: from “Residential Medium Density (8-30 units per acre)”, “Residential Low Density (up to
3 12 units per acre)”, and “Single Family (up to 8 units per acre)” to “Single Family (up to 8 units per
4 acre)”, “Commercial”, “Residential Medium Density (8-30 units per acre)”, “Residential Low
5 Density (up to 12 units per acre)”, and “Conservation”, in an area generally located west of NW
6 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd
7 Avenue;

Property Description	Area
Hartman Property: Tax Parcel Nos. 07883-000-000 and 07883-001-000	See Map attached as Exhibit “C”, * and made a part hereof as if set forth in full.

8 * In the event of conflict between the property description and the Map, the area shown on the
9 map shall govern and prevail.
10

11 **Section 4.** The land use categories of the following described properties are amended as
12 follows: from “Planned Use District” to “Single Family (up to 8 units per acre)” in an area
13 generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family
14 subdivision on the north, US 441 on the east, and NW 43rd Street on the west;

Property Description	Area
Weiss property: Tax Parcel Nos. 06010-000-000 and 06013-003-000	See Map attached as Exhibit “D”, * and made a part hereof as if set forth in full.

15 * In the event of conflict between the property description and the Map, the area shown on the
16 map shall govern and prevail.

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4/9/01

1
2 **Section 5.** The land use category of the following described property are amended as
3 follows: from Alachua County “Commercial” to City of Gainesville “Commercial” in an area
4 generally located at the 7100 block of West University Avenue on the north side;

Property Description	Area
Home Depot: Tax Parcel No. 06654-002-000	See Map attached as Exhibit “E”, * and made a part hereof as if set forth in full.

5 * In the event of conflict between the property description and the Map, the area shown on the
6 map shall govern and prevail.

7
8 **Section 6.** The land use category of the following described property is amended as
9 follows: from Alachua County “Commercial” to City of Gainesville “Mixed-Use Low Intensity
10 (10-30 units per acre)” in an area generally located at the northeast corner of the intersection of SW
11 34th Street and Archer Road (SR 24);

Property Description	Area
Regency Oaks: Tax Parcel No. 06784-001-000	See Map attached as Exhibit “F”, * and made a part hereof as if set forth in full.

12 * In the event of conflict between the property description and the Map, the area shown on the
13 map shall govern and prevail.

14
15 **Section 7.** The land use category of the following described property is amended as
16 follows: from Alachua County “Residential Low Density (1-4 units per acre)” to City of
17 Gainesville “Single Family (up to 8 units per acre)” in an area generally located at the 2100 block of

DRAFT

4/9/01

1 Williston Road on the north side;

Property Description	Area
Kidd Property: Tax Parcel Nos. 07275-000-000 and 07280-000- 000	See Map attached as Exhibit "G", * and made a part hereof as if set forth in full.

2 * In the event of conflict between the property description and the Map, the area shown on the
3 map shall govern and prevail.
4

5 **Section 8.** The City Manager is authorized and directed to make the necessary changes in
6 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element, or
7 portion thereof in order to comply with this ordinance.

8 **Section 9.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
9 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
10 the validity of the remaining portions of this ordinance.

11 **Section 10.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
12 such conflict hereby repealed.

13 **Section 11.** This ordinance shall become effective immediately upon passage on second
14 reading; however, the effective date of this plan amendment shall be the date a final order is issued
15 by the Department of Community Affairs finding the amendment to be in compliance in accordance
16 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

DRAFT

4/9/01

1 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

2 **PASSED AND ADOPTED** this ____ day of _____, 2001.

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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 _____, 2001.

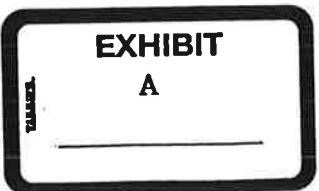
This ordinance passed on second reading this ____ day of _____, 2001.

PROPOSED AMENDMENTS

SW 13th Street

Legend

-  Proposed as Mixed Use-Medium Land Use Designation
- xx Existing Land Use Designations
-  Gainesville City Limits



City of Gainesville Gainesville, Florida


Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

NW 3rd Street

Legend

 Proposed as Recreation Land Use Designation

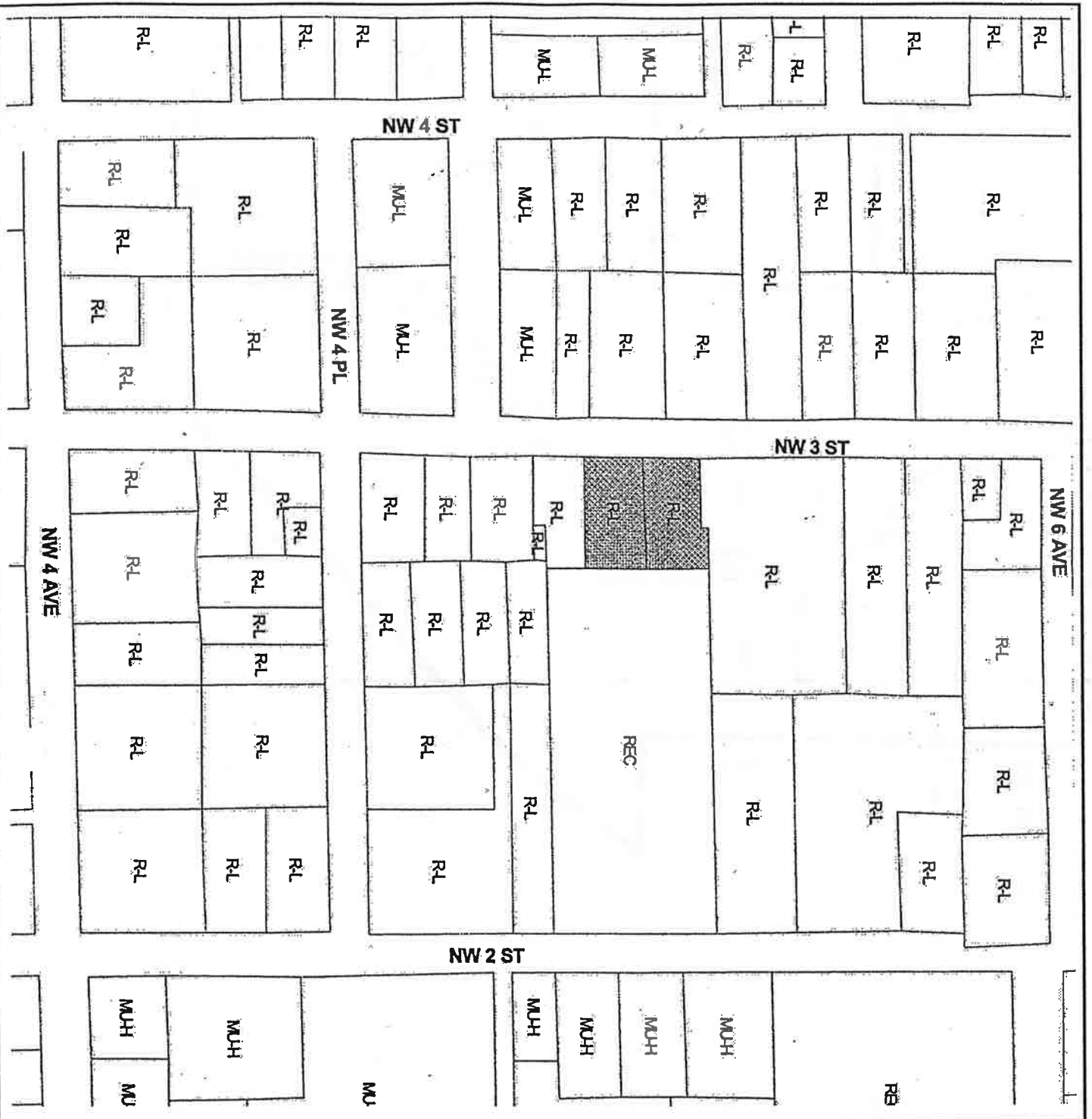
XX Existing Land Use Designations



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
November 2000

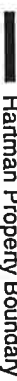
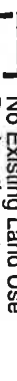
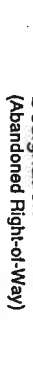
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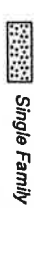





PROPOSED AMENDMENTS

Hartman Property

Legend

-  Hartman Property Boundary
-  No Existing Land Use Designation (Abandoned Right-of-Way)
-  Existing Land Use Designation

Proposed Land Use Designation:

-  Single Family
-  Residential Low
-  Residential Medium
-  Commercial
-  Conservation
-  Regulated Creek

EXHIBIT

C



**City of Gainesville
Gainesville, Florida**
Prepared by the
Department of Community Development
January 2001



PROPOSED AMENDMENTS

A.D. Weiss

Legend



Proposed as Single Family Land Use Designation



Gainesville City Limits

City of Gainesville
Gainesville, Florida

Prepared by the
Department of Community Development
December 2000

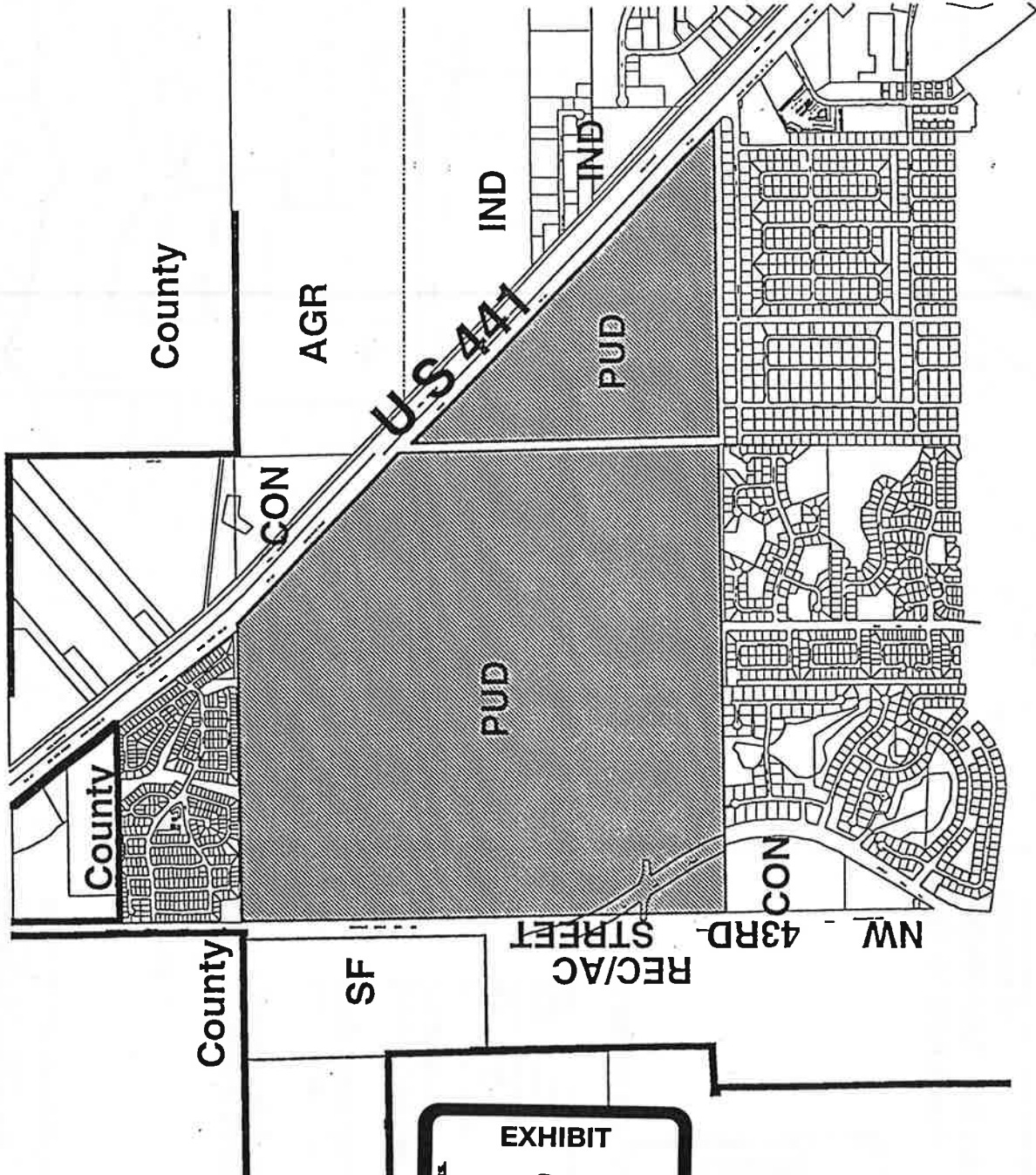


EXHIBIT
D

PROPOSED AMENDMENTS

Home Depot Annexation

Legend

 Proposed as Commercial Land Use Designation

XX Existing Land Use Designations (City)

XX Existing Land Use Designations (County)

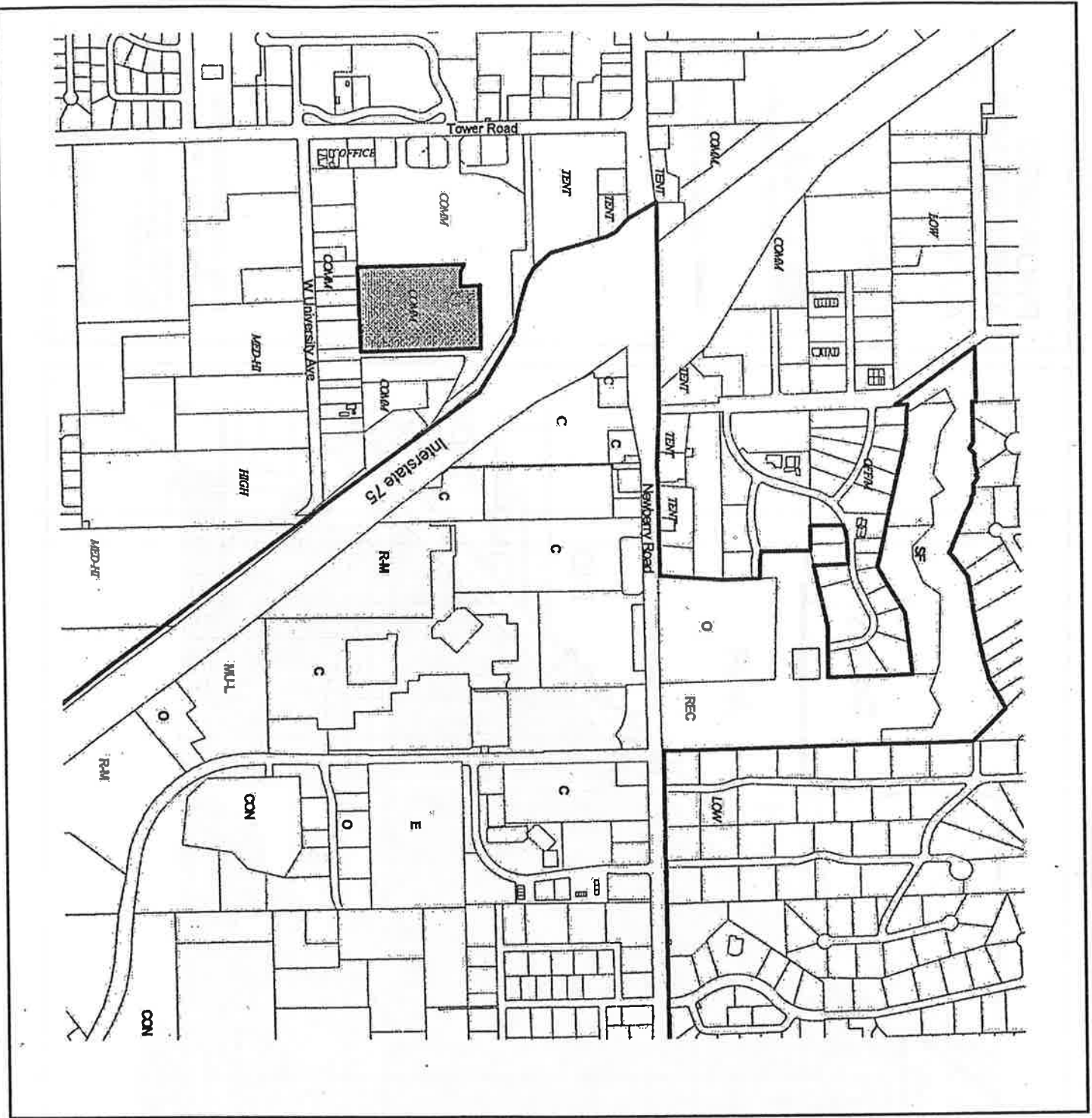
- COMM Commercial
- LOW Low
- HIGH High
- MED-HI Medium High
- OFFICE Office
- OFFM Office/Medical
- TENT Tourist/Entertainment

— Gainesville City Limits



City of Gainesville Gainesville, Florida


Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

Regency Oaks Annexation

Legend

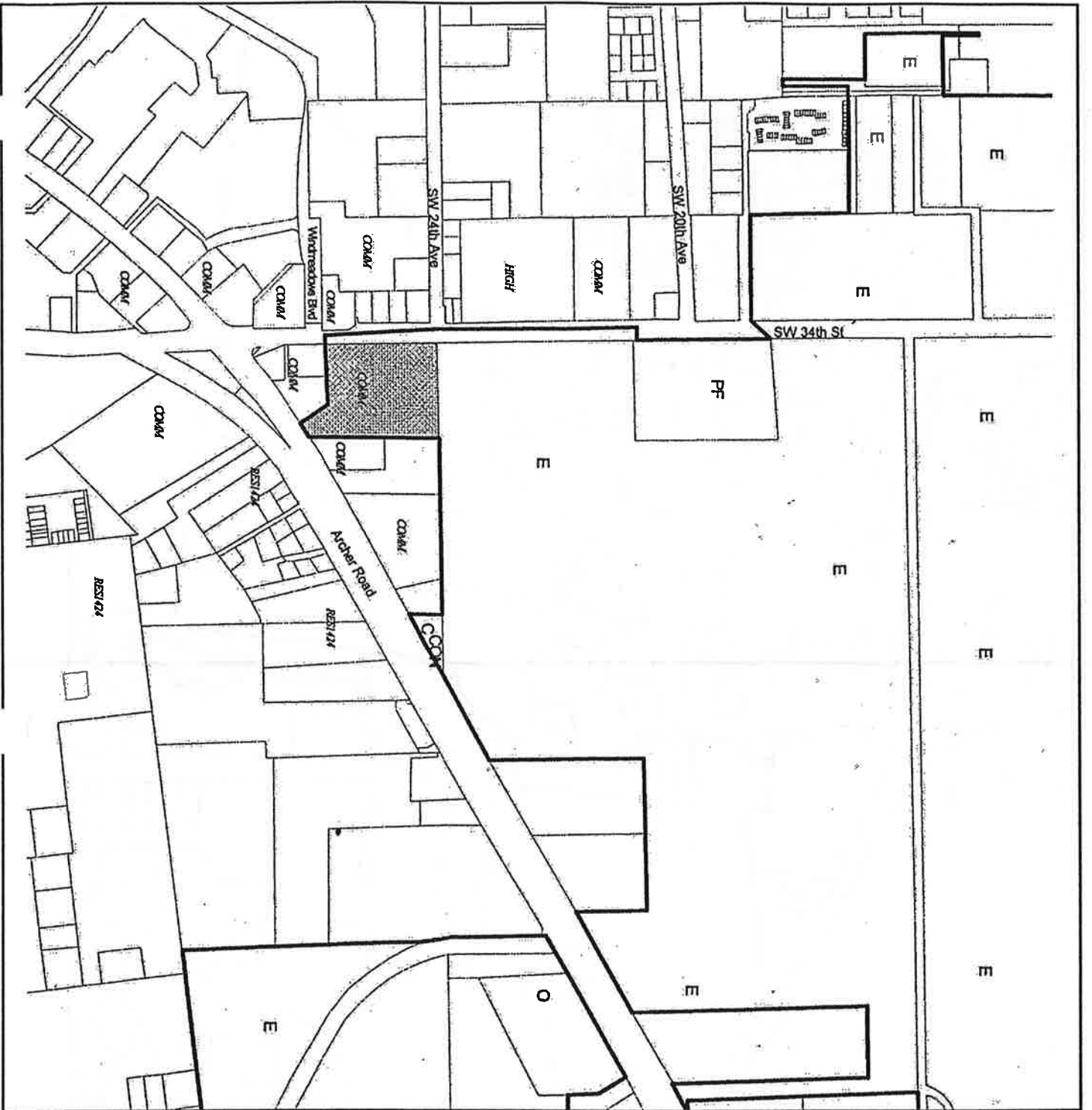
 Proposed as Mixed Use Land Use Designation

XX Existing Land Use Designations (City)

XX Existing Land Use Designations (County)

COMM Commercial
HIGH High
RES1424 Residential (14-24)

— Gainesville City Limits



**City of Gainesville
Gainesville, Florida**

Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

Kidd Property Annexation

Legend

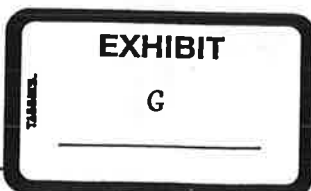
 Proposed as Single Family Land Use Designation

xx Existing Land Use Designations (City)

xx Existing Land Use Designations (County)

LAKE Residential (0-2)
 RES02 Residential (2-4)
 RES1424 Residential (14-24)
 COMM Commercial

— Gainesville City Limits



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
November 2000



001149
Submitted - 4/23/01

CITY OF
GAINESVILLE

INTER-OFFICE
COMMUNICATION

DATE: April 17, 2001
TO: Wayne Bowers, City Manager
FROM: Tom Saunders, Community Development Director *TDS*
Ralph Hilliard, Planning Manager
SUBJECT: Alternative Text for SW 13th Street

Please find attached possible text to be added as Policy 4.1.5 in the Future Land Use Element in lieu of the proposed map changes for S.W. 13th Street. Staff would support this language as an alternative to the proposed map changes. If the City Commission is interested in that approach, staff will propose it at second reading of the Future Land Use Element, and notify DCA that such text may be forthcoming.

TDS/blb

cc: Dean Mimms, Comprehensive Planning Chief

Attachment

Community Development Department
P.O. Box 490, Station 11
Gainesville, FL 32602-0490
(352) 334-5022 – (352) 334-2282-fax

**Alternative text for 13th Street
(Eliminate map changes):**

Policy 4.1.5 By 2002, the City will consider amending the land use designations of certain parcels along S.W. 13th Street in order to discourage new strip commercial uses and encourage the addition of residential uses to the current use mix.



MEMORANDUM

Office of the City Attorney

Registrar No. 001149
Phone: 334-5011/Fax 334-2229

Box 46

TO: CITY COMMISSION

FROM: CITY ATTORNEY

SUBJECT: Ordinance No. 0-01-20; Petition No. 163LUC-00PB

DATE: ~~XXXXXX2001~~
APRIL 23, 2001
FIRST READING

An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use categories of certain properties within the City as follows: (1) from "Commercial" and "Residential High Density (8-100 units per acre)" to "Mixed-Use Medium Intensity" (14-30 units per acre) in an area generally located adjacent and west of SW 13th Street from the 2400-block to the 3500-block; (2) from "Residential Low Density (up to 12 units per acre)" to "Recreation" in an area generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue; (3) from "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)", and "Single Family (up to 8 units per acre)" to "Single Family (up to 8 units per acre)", "Commercial", "Residential Medium Density (8-30 units per acre)", "Residential Low Density (up to 12 units per acre)" and "Conservation" in an area generally located west of NW 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd Avenue; (4) from "Planned Use District" to "Single Family (up to 8 units per acre)" in an area generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family subdivision on the north, US 441 on the east, and NW 43rd Street on the west; (5) from Alachua County "Commercial" to City of Gainesville "Commercial" in an area generally located at the 7100 block of West University Avenue on the north side; (6) from Alachua County "Commercial" to City of Gainesville "Mixed-Use Low Intensity (10-30 units per acre)" in an area generally located at the northeast corner of the intersection of SW 34th Street and Archer Road (SR 24); and (7) from Alachua County "Residential Low Density (1-4 units per acre)" to City of Gainesville "Single Family (up to 8 units per acre)" in an area generally located at the 2100 block of Williston Road on the north side; these changes are coincident with the Future Land Use Element amendment to be made part of the City of Gainesville 2000-2001 Comprehensive Plan; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) approve Petition 163LUC-00 PB and (2) adopt the proposed ordinance.

STAFF REPORT

The proposed update of the Future Land Use Map was the subject of the City Plan Board hearing on December 19, 2000 and January 18, 2001. The City Commission reviewed the proposed

update on January 16, 2001, February 6, 2001 and March 5, 2001. The proposed map changes consisted of the following:

1. SW 13th Street (from Commercial to Mixed Use Medium)

These 9 parcels are on SW 13th Street, and total 24 acres in size. Several contain a hotel or motel. MU-2, which is a zoning district that implements Mixed Use Medium Intensity (MUM) land use, allows hotels and motels by Special Use Permit. Retail and service uses allowed in the BUS zoning designation currently on these parcels are similar to those allowed in the MU-2 zoning district.

The City proposes to change the land use of the parcels from Residential-High (RH) and Commercial (C) to MUM (14-30 units per acre) in order to allow development of multi-family residential and mixed uses that promote transportation choice. MUM land use allows MU-2 zoning (14-30 units per acre), which allows hotels and motels by special use permit.

All of the parcels are designated Commercial, with the exception of one parcel, which is designated Residential-High. Adjacent parcels within city limits are designated RH, C, and RM to the north, south and west. Because the MUM land use designation tends to be more compatible than Commercial to relatively sensitive land uses such as residential, it is more consistent and compatible to these adjacent designations.

2. NW 3rd Street at 500-block in Pleasant Street neighborhood (from Residential Low to Recreation)

These parcels -- 511 & 513 NW 3rd Street -- are adjacent and west of a City-owned mini-park (see Map 2). The park carries a Recreation (REC) land use designation. The subject parcels are vacant, and designated Residential Low (RL), as are the adjacent parcels to the north, west, and south. Changing the designation of the subject parcels to Recreation would allow for the expansion of the City park, and would promote redevelopment plans in the neighborhood.

3. Hartman (from Residential Medium, Residential Low, Single Family to Single Family, Commercial, Residential Medium, Residential Low)

This property is approximately 99 acres. The northern portion of a pond/wetland area within the northwest portion of the property has RM (Residential Medium Density, 8-30 units per acre) land use, which is now proposed for change to SF (Single Family, up to 8 units per acre) land use.

The lower density allowed by SF land use will be more conducive to clustering of residential units away from the pond/wetland area.

Several other land use changes are needed because of non-existent land use for vacated right of way, and because of several areas with conflicting land use and zoning categories. The vacated right of way with no land use is proposed to be changed in order to be consistent with the underlying Business, RMF-6, and RMF-5 zoning. The respective proposed land use changes are to Commercial, Residential Medium Density, and Residential Low Density. The proposed changes to areas of conflicting land use and zoning are from: Residential Medium (conflicts with RSF-1 zoning) to Single Family; Residential Low (conflicts with RSF-1 zoning) to Single Family; Residential Low (conflicts with RMF-6 zoning) to Residential Medium; and Single Family (conflicts with BUS zoning) to Commercial.

Adjacent parcels are designated Residential Medium, Residential Low, Single Family, and Commercial.

4. Home Depot (from Alachua County Commercial to Gainesville Commercial)

The City of Gainesville annexed a 10-acre parcel west of Oaks Mall and I-75 on April 10, 2000. Planning staff recommends that this parcel be given a Commercial (C) designation, which allows the present retail operation.

The parcel currently carries the COMM (Commercial) Alachua County land use designation, which allows various commercial land uses. Adjacent parcels are all outside of city limits and are designated COMM.

5. Regency Oaks (from Alachua County Commercial to Mixed Use Low)

The City of Gainesville annexed a 8-acre parcel on SW 34th Street on May 8, 2000. Planning staff recommends that this parcel be given a Mixed Use Low (MUL) designation, which makes the present residential operation conforming, as well as allowing retail and office operations. MU-L allows residential densities up to 30 units/acre. Regency Oaks is approximately 18 units per acre.

The parcel currently carries the COMM Alachua County land use designation, which allows various commercial land uses. Adjacent parcels are designated COMM outside of city limits and E (education) within city limits (to the north).

6. A.D. Weiss (from Planned Use District to Single Family)

Northwest Gainesville contains an undeveloped 716-acre property that was designated as the Gainesville North Activity Center in the 1991-2001 Gainesville Comprehensive Plan, and carried PUD (Planned Use District) land use. This property was part of the contemplated "Greenways of Gainesville" Development of Regional Impact. The Gainesville North Activity Center and the PUD land use were effectively eliminated by the November 2000 denial of a requested time extension for the required Planned Development zoning approval. This action resulted in reversion to the underlying Single-Family land use category.

7. Idlywild/Serenola ("Kidd Property") (adopt Special Area Plan)

Planning staff recommends that the Special Area Plan prepared and adopted by Alachua County for the recently annexed 44-acre Kidd property be adopted. Special Area Plan language is contained in petition 163CPA-00PB

..Fiscal Note

None

CITY ATTORNEY MEMORANDUM

The above-referenced ordinance was approved by the Plan Board on January 18, 2001, and the Community Development Department has requested the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately seven (7) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs 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:sw

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4/9/01

ORDINANCE NO. _____
0-01-20

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5 **An ordinance amending the City of Gainesville 1991-2001**
6 **Comprehensive Plan; by changing the land use categories of**
7 **certain properties within the City as follows: (1) from**
8 **“Commercial” and “Residential High Density (8-100 units per**
9 **acre)” to “Mixed-Use Medium Intensity” (14-30 units per acre)**
10 **in an area generally located adjacent and west of SW 13th Street**
11 **from the 2400-block to the 3500-block; (2) from “Residential**
12 **Low Density (up to 12 units per acre)” to “Recreation” in an**
13 **area generally located on the east side of NW 3rd Street between**
14 **NW 4th Place and NW 6th Avenue; (3) from “Residential**
15 **Medium Density (8-30 units per acre)”, “Residential Low**
16 **Density (up to 12 units per acre)”, and “Single Family (up to 8**
17 **units per acre)” to “Single Family (up to 8 units per acre)”,**
18 **“Commercial”, “Residential Medium Density (8-30 units per**
19 **acre)”, “Residential Low Density (up to 12 units per acre)” and**
20 **“Conservation” in an area generally located west of NW 13th**
21 **Street/US 441, east of NW 19th Street, north of NW 45th Avenue,**
22 **and south of NW 53rd Avenue; (4) from “Planned Use District”**
23 **to “Single Family (up to 8 units per acre)” in an area generally**
24 **located between NW 68th Avenue on the south, the Turkey**
25 **Creek Forest single-family subdivision on the north, US 441 on**
26 **the east, and NW 43rd Street on the west; (5) from Alachua**
27 **County “Commercial” to City of Gainesville “Commercial” in**
28 **an area generally located at the 7100 block of West University**
29 **Avenue on the north side; (6) from Alachua County**
30 **“Commercial” to City of Gainesville “Mixed-Use Low Intensity**
31 **(10-30 units per acre)” in an area generally located at the**
32 **northeast corner of the intersection of SW 34th Street and**
33 **Archer Road (SR 24); and (7) from Alachua County**
34 **“Residential Low Density (1-4 units per acre)” to City of**
35 **Gainesville “Single Family (up to 8 units per acre)” in an area**
36 **generally located at the 2100 block of Williston Road on the**
37 **north side; these changes are coincident with the Future Land**
38 **Use Element amendment to be made part of the City of**
39 **Gainesville 2000-2001 Comprehensive Plan; providing a**
40 **severability clause; providing a repealing clause; and providing**
41 **an effective date.**

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WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the land use categories of certain lands within the City be changed; and

WHEREAS, notice was given and publication made and Public Hearings were held by the City Plan Board on February 24, 2000, May 25, 2000, June 22, 2000, November 16, 2001, December 19, 2000 and January 18, 2001 and the City Commission on January 16, 2001, February 6, 2001, and March 5, 2001; and

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

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

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

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

WHEREAS, prior to adoption of this ordinance the City Commission has considered the

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4/9/01

1 comments, recommendations and objections, if any, of the State Land Planning Agency.

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
3 **CITY OF GAINESVILLE, FLORIDA:**

4 **Section 1.** The land use categories of the following described properties are amended as
5 follows: from “Commercial”, “Residential High Density (8-100 units per acre)” to “Mixed-Use
6 Medium Intensity (14-30 units per acre)” in an area generally located adjacent and west of SW 13th
7 Street from the 2400-block to the 3500-block as shown.

Property Description	Area
SW 13 th Street; Tax Parcel Nos. 15696-001-000, 15696-003-000, 15696-005-000, 07332-000-000, 07332-200-001, 07332-200-002, 07332-200-003, 07252-002-000 and 07336-000-000.	see Map attached as Exhibit “A”, * and made a part hereof as if set forth in full.

8 * In the event of conflict between the property description and the Map, the area shown on the
9 map shall govern and prevail.

10
11 **Section 2.** The land use categories of the following described properties are amended as
12 follows: from “Residential Low Density (up to 12 units per acre)” to “Recreation” in an area
13 generally located on the east side of NW 3rd Street between NW 4th Place and NW 6th Avenue;

Property Description	Area
511 and 513 NW 3 rd Street: Tax Parcel Nos. 14318-010-002 and 14318-010-003	See Map attached as Exhibit “B”, * and made a part hereof as if set forth in full.

14 * In the event of conflict between the property description and the Map, the area shown on the
15 map shall govern and prevail.

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1 **Section 3.** The land use categories of the following described properties are amended as
2 follows: from “Residential Medium Density (8-30 units per acre)”, “Residential Low Density (up to
3 12 units per acre)”, and “Single Family (up to 8 units per acre)” to “Single Family (up to 8 units per
4 acre)”, “Commercial”, “Residential Medium Density (8-30 units per acre)”, “Residential Low
5 Density (up to 12 units per acre)”, and “Conservation”, in an area generally located west of NW
6 13th Street/US 441, east of NW 19th Street, north of NW 45th Avenue, and south of NW 53rd
7 Avenue;

Property Description	Area
Hartman Property: Tax Parcel Nos. 07883-000-000 and 07883-001-000	See Map attached as Exhibit “C”, * and made a part hereof as if set forth in full.

8 * In the event of conflict between the property description and the Map, the area shown on the
9 map shall govern and prevail.
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11 **Section 4.** The land use categories of the following described properties are amended as
12 follows: from “Planned Use District” to “Single Family (up to 8 units per acre)” in an area
13 generally located between NW 68th Avenue on the south, the Turkey Creek Forest single-family
14 subdivision on the north, US 441 on the east, and NW 43rd Street on the west;

Property Description	Area
Weiss property: Tax Parcel Nos. 06010-000-000 and 06013-003-000	See Map attached as Exhibit “D”, * and made a part hereof as if set forth in full.

15 * In the event of conflict between the property description and the Map, the area shown on the
16 map shall govern and prevail.

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2 **Section 5.** The land use category of the following described property are amended as
3 follows: from Alachua County “Commercial” to City of Gainesville “Commercial” in an area
4 generally located at the 7100 block of West University Avenue on the north side;

Property Description	Area
Home Depot: Tax Parcel No. 06654-002-000	See Map attached as Exhibit “E”, * and made a part hereof as if set forth in full.

5 * In the event of conflict between the property description and the Map, the area shown on the
6 map shall govern and prevail.

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8 **Section 6.** The land use category of the following described property is amended as
9 follows: from Alachua County “Commercial” to City of Gainesville “Mixed-Use Low Intensity
10 (10-30 units per acre)” in an area generally located at the northeast corner of the intersection of SW
11 34th Street and Archer Road (SR 24);

Property Description	Area
Regency Oaks: Tax Parcel No. 06784-001-000	See Map attached as Exhibit “F”, * and made a part hereof as if set forth in full.

12 * In the event of conflict between the property description and the Map, the area shown on the
13 map shall govern and prevail.

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15 **Section 7.** The land use category of the following described property is amended as
16 follows: from Alachua County “Residential Low Density (1-4 units per acre)” to City of
17 Gainesville “Single Family (up to 8 units per acre)” in an area generally located at the 2100 block of

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4/9/01

1 Williston Road on the north side;

Property Description	Area
Kidd Property: Tax Parcel Nos. 07275-000-000 and 07280-000-000	See Map attached as Exhibit "G", * and made a part hereof as if set forth in full.

2 * In the event of conflict between the property description and the Map, the area shown on the
3 map shall govern and prevail.
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5 **Section 8.** The City Manager is authorized and directed to make the necessary changes in
6 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element, or
7 portion thereof in order to comply with this ordinance.

8 **Section 9.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
9 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
10 the validity of the remaining portions of this ordinance.

11 **Section 10.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
12 such conflict hereby repealed.

13 **Section 11.** This ordinance shall become effective immediately upon passage on second
14 reading; however, the effective date of this plan amendment shall be the date a final order is issued
15 by the Department of Community Affairs finding the amendment to be in compliance in accordance
16 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

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4/9/01

1 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

2 **PASSED AND ADOPTED** this ____ day of _____, 2001.

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Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

11 _____
12 Kurt Lannon,
13 Clerk of the Commission

Marion J. Radson, City Attorney

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This ordinance passed on first reading this ____ day of _____, 2001.

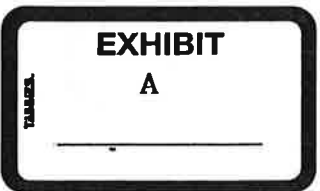
This ordinance passed on second reading this ____ day of _____, 2001.

PROPOSED AMENDMENTS

SW 13th Street

Legend

-  Proposed as Mixed Use-Medium Land Use Designation
- xx Existing Land Use Designations
-  Gainesville City Limits



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

NW 3rd Street

Legend

 Proposed as Recreation Land Use Designation

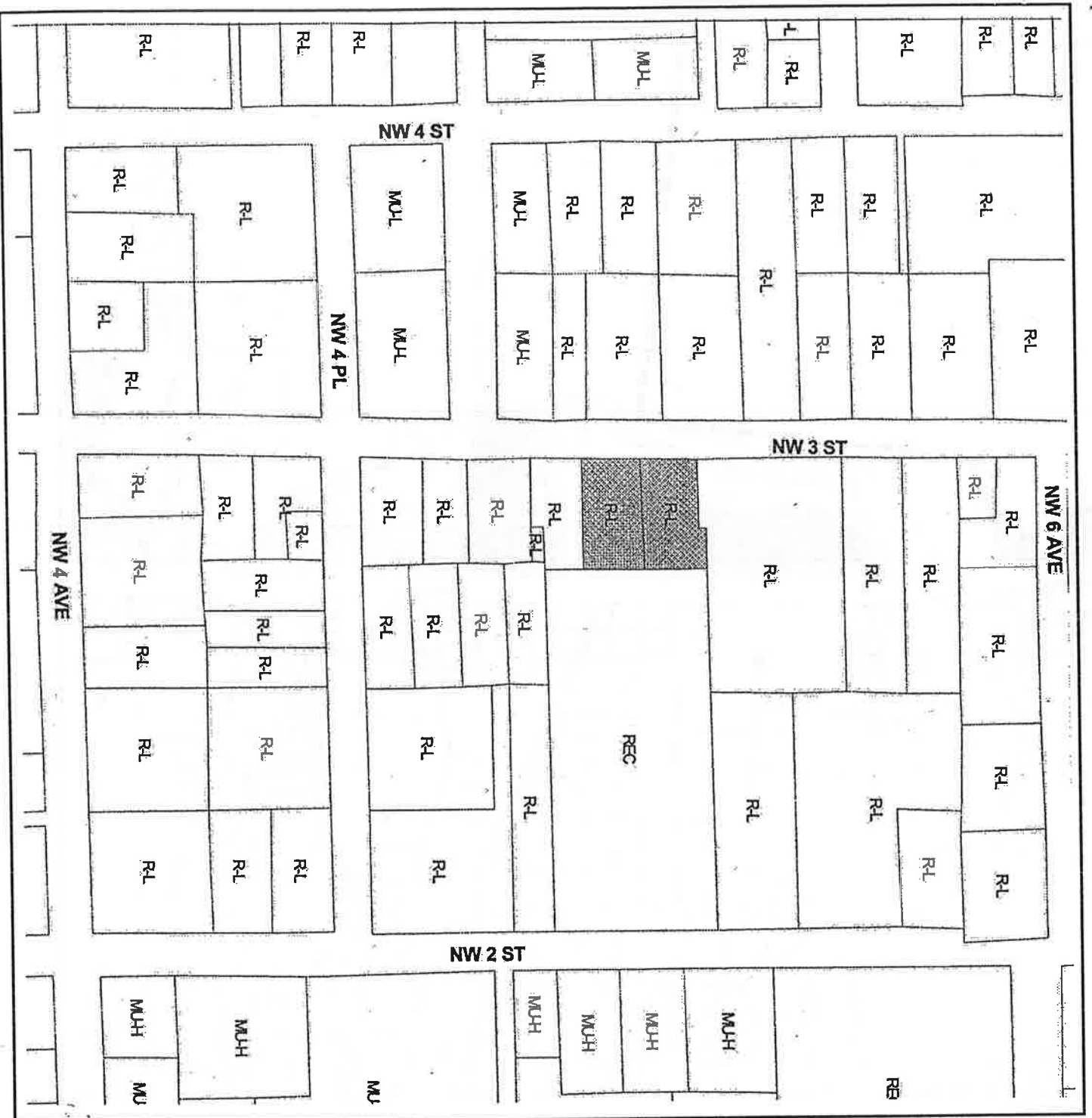
XX Existing Land Use Designations



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
November 2000

No Scale









PROPOSED AMENDMENTS

Hartman Property

Legend

-  Hartman Property Boundary
-  No Existing Land Use Designation (Abandoned Right-of-Way)
-  Existing Land Use Designation

Proposed Land Use Designation

-  Single Family
-  Residential Low
-  Residential Medium
-  Commercial
-  Conservation
-  Regulated Creek



City of Gainesville Gainesville, Florida

Prepared by the
Department of Community Development
January 2001



PROPOSED AMENDMENTS

A.D. Weiss

Legend



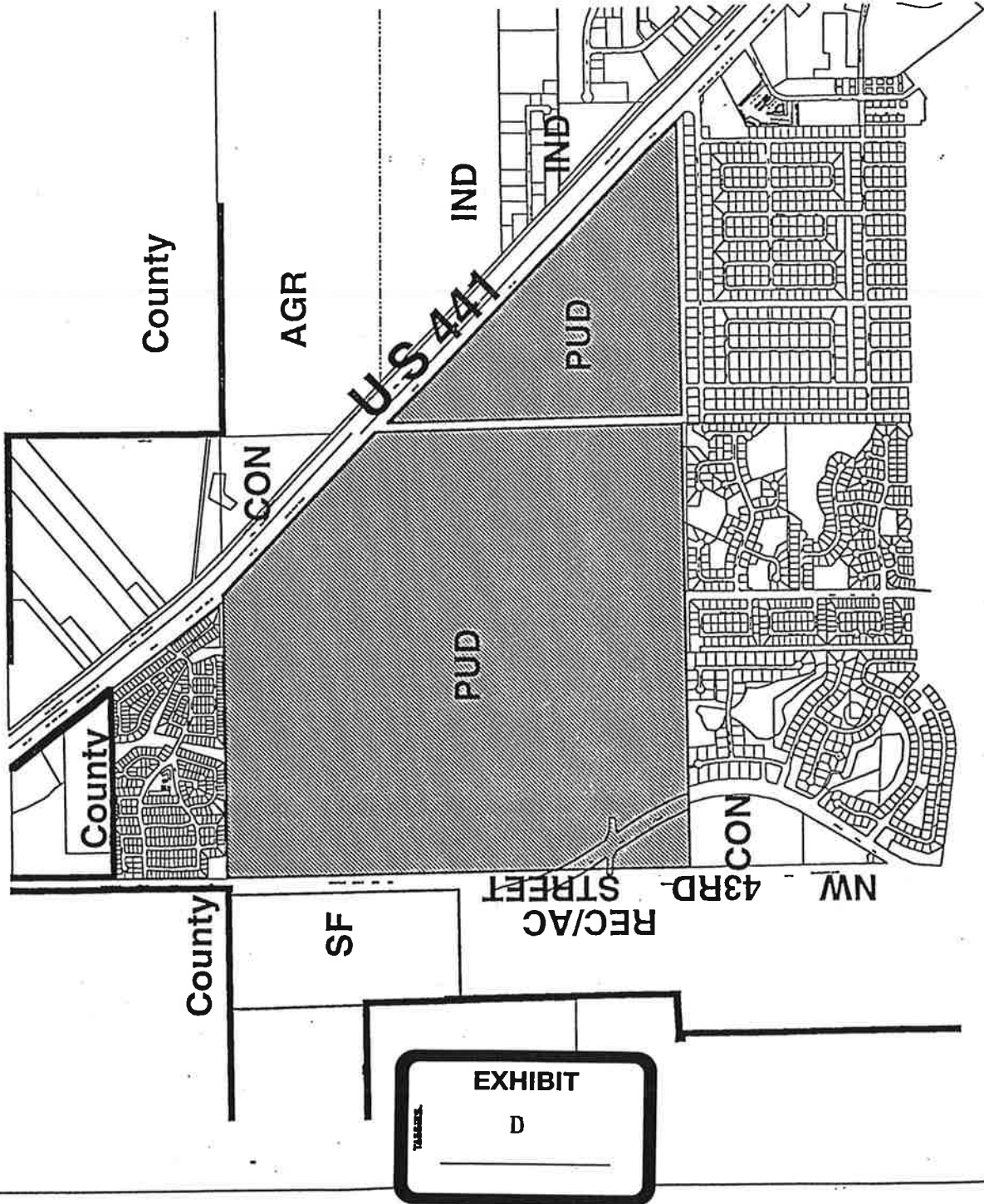
Proposed as Single Family Land Use Designation



Gainesville City Limits

City of Gainesville
Gainesville, Florida

Prepared by the
Department of Community Development
December 2000



PROPOSED AMENDMENTS

Home Depot Annexation

Legend

 Proposed as Commercial Land Use Designation

XX Existing Land Use Designations (City)

XX Existing Land Use Designations (County)

COMM	Commercial
LOW	Low
HIGH	High
MED-HI	Medium High
OFFICE	Office
OFFM	Office/Medical
TEMT	Tourist/Entertainment

— Gainesville City Limits



**City of Gainesville
Gainesville, Florida**


Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

Regency Oaks Annexation

Legend

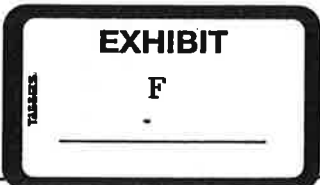
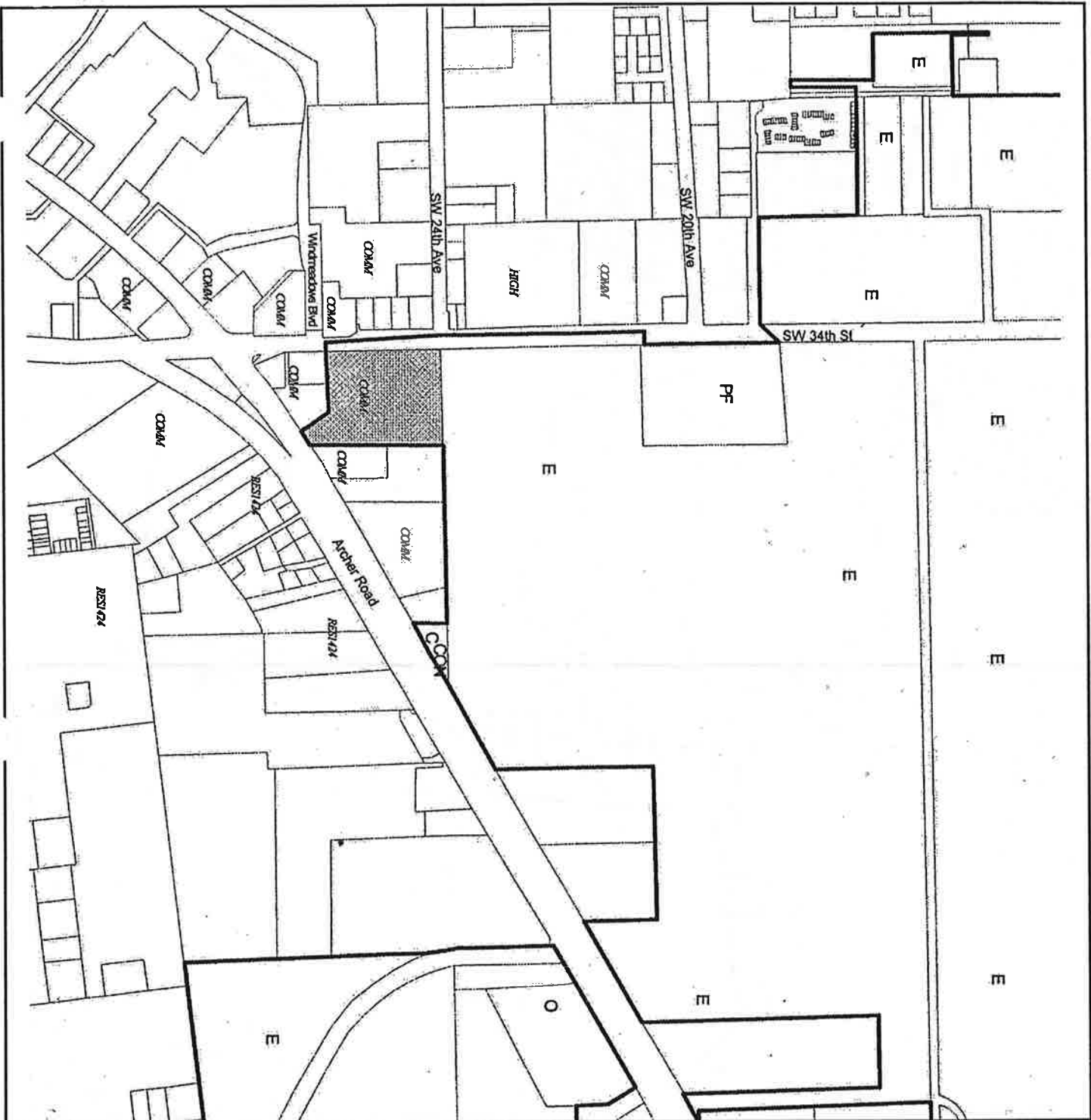
 Proposed as Mixed Use Land Use Designation

XX Existing Land Use Designations (City)

XX Existing Land Use Designations (County)

COMM Commercial High Residential (1+24)

— Gainesville City Limits



**City of Gainesville
Gainesville, Florida**


Prepared by the
Department of Community Development
November 2000



PROPOSED AMENDMENTS

Kidd Property Annexation


Legend

 Proposed as Single Family Land Use Designation

xx Existing Land Use Designations (City)

xx Existing Land Use Designations (County)

LAKE Lake
 RES02 Residential (0-2)
 RES24 Residential (2-4)
 RES1424 Residential (1+2-4)
 COMM Commercial

 Gainesville City Limits



**City of Gainesville
 Gainesville, Florida**

Prepared by the
 Department of Community Development
 November 2000

