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**City of  
Gainesville****Inter-Office Communication****Planning Division  
X5022, FAX x2282, Station 11****Item No. 1****To:** City Plan Board**Date:** May 17, 2001**From:** Planning Division Staff**Subject:** **Petition 44ZON-01 PB.** City of Gainesville. Rezone property from RMF-5 (12 units/acre single-family/multiple-family residential district) to RC (12 units/acre residential conservation district) on 61 parcels in the Lake Meta area. Located in the vicinity of the 1900 to 2300 blocks of Northwest 7<sup>th</sup> Street, Northwest 7<sup>th</sup> Terrace and Northwest 8<sup>th</sup> Court.**Recommendation**

Planning Division staff recommends approval of Petition 44ZON-01 PB.

**Explanation**

The application for a rezoning is for 61 parcels in the northeast portion of the Lake Meta neighborhood. Most of the subject parcels are located between NW 6<sup>th</sup> Street, NW 8<sup>th</sup> Street north of NW 19<sup>th</sup> Avenue and south of NW 23<sup>rd</sup> Avenue. All of the parcels are currently designated as RMF-5 (residential low density) zoning. Parcels adjacent to the south carry RMF-5 zoning. Parcels to the north carry OF (office) and MU-1 (mixed use low intensity) zoning. Parcels adjacent to the east carry OR (office residential) and MU-1 (mixed use low intensity) zoning.

The application would change the zoning of the parcels (the 61 parcels are a combined total of 14 acres) from RMF-5 to RC (residential conservation). See attached map.

As a part of the City's planning efforts in the Lake Meta neighborhood, the Public Works Committee of the City Commission, on December 4, 2000, requested Gainesville planning staff to determine if property owners in this portion of the neighborhood would approve of their property being re-zoned to RC. The rezoning was in consideration of neighborhood comments received at the July 25, 2000 Lake Meta neighborhood meeting.

Of the 62 survey ballots sent on December 12, 2000 by staff, 25 were returned. Of those 25, 20 voted "yes" and only 5 voted "no" to the proposed change from RMF-5 to RC. Because a strong majority of responding property owners voted "yes," the City is proceeding with a petition to the City Plan Board to recommend that 61 parcels be re-zoned.

RMF-5 and RC zoning districts are extremely similar with regard to their regulations. The only meaningful differences between the two is that RC does not allow triplexes or quadplexes, allows more lot coverage, and slightly more modest minimum lot dimensions and setbacks than RMF-5. Both districts allow the same residential density and building height. They both allow single-family homes and duplexes.

The parcels are not affected by any environmental overlay districts, or any of the City's other special overlay districts.

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Currently, Regional Transit System bus route 6 serves these parcels. The parcels are not served by sidewalks. There are no bicycle lanes on NW 6<sup>th</sup> Street or NW 23<sup>rd</sup> Avenue in the vicinity of the parcels.

Multi-family residential land use and zoning categories are often placed near or within neighborhood centers, because higher-density residential development in centers supports transportation choice objectives and the economic health of the center. The subject parcels are proximate to the NW 13<sup>th</sup> Street Neighborhood Center.

#### **Character of the District and Suitability**

RC zoning is intended to provide protection to neighborhoods with homes found on more modestly-sized, traditional lots. This portion of the neighborhood is older and more traditional, containing modestly-sized lots.

#### **Conservation of the Value of Buildings and Encouraging Appropriate Uses**

RC zoning is an appropriate and useful district for conserving the character of older neighborhoods, and by doing so, will promote compatibility in the neighborhood.

#### **Applicable Portions of Current City Plans**

There are no current City plans for the area.

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

The proposed zoning will not have an effect on these considerations.

#### **Substantial Changes in the Past in the Area**

A substantial multi-family residential project has just been built to the west of the subject parcels.

#### **Facts, Testimony and Reports Submitted to the Plan Board at Public Hearings**

No public hearings have been held previously on this petition.

#### **Applicable Goals, Objectives and Policies**

Future Land Use Element

##### **Goal 1**

Achieve the highest long term quality of life for all Gainesville residents consistent with sound social, economic and environmental principles through land development practices that minimize detrimental impacts to the land, natural resources and urban infrastructure.

### **Objective 1.2**

The City shall protect historic architectural and archaeological resources by using the following policies.

**Policy 1.2.2** The City shall continue to identify, designate and protect historical resources through the land development regulations, in keeping with the Historic Preservation Element.

### **Goal 2**

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

### **Objective 2.1**

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.

### **Policies**

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

Residential Low-Density (up to 12 units per acre). This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

### **Objective 2.2**

By June 1992, The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.

**Policy 2.2.1** The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of activity centers and other high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, and site design. Regulation of site design shall address orientation, arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and existing tree canopy.

**Policy 2.2.3** By June 1992, the City shall adopt land development regulations that encourage better access between residential neighborhoods and adjacent activity centers through the use of road design and the use of pedestrian, bicycle and mass transit improvements.

### **Objective 2.3**

By June 1992, the City shall adopt Land Development Regulations that require concentrated development patterns through the use of the activity center concept. Activity Centers shall be designed to integrate housing with commercial, employment and recreational opportunities, and shall be located and designed to create vibrant urban areas, promote convenience for City residents and reduce vehicular travel and energy consumption.

**Policy 2.3.1** The activity center concept shall be implemented by the designation of Mixed-Use Low areas of a unified development of 10 acres, Mixed-Use Medium and Mixed Use High on the Future Land Use Map for concentrated high intensity mixed-use development designed to serve the needs of the City at large and by the designation of concentrated medium intensity mixed-use development designed to serve the needs of several surrounding neighborhoods. The activity center concept shall also be implemented by the designation of Commercial areas of a unified development of 30 acres or more designed to serve the needs of the entire city and the surrounding region. Such developments shall be denoted as regional activity centers.

**Policy 2.3.2** The land use map shall designate appropriate areas for high density residential development in close proximity to Activity Centers.

### **Objective 2.4**

Redevelopment should be encouraged to promote urban infill, improve the condition of blighted areas, to reduce urban sprawl, and foster compact development patterns.

**Policy 2.4.4** The City's Future Land Use Plan shall accommodate increases in student enrollment at the University of Florida and the relocation of students, from the urban fringe by designating appropriate areas for high-density residential development and/or appropriate mixed-use development within 1/2 mile of the University of Florida campus and J. Hillis Miller Medical Center.

**Applicant Information** City of Gainesville.

**Request** Rezone property from RMF-5 (low density residential district) to RC (residential conservation district).

**Existing Land Use Plan Classification** RL

**Existing Zoning** RMF-5

**Location** Between NW 6<sup>th</sup> Street, NW 8<sup>th</sup> Street north of NW 19<sup>th</sup> Avenue and south of NW 23<sup>rd</sup> Avenue.

**Size** 14 acres

**Existing Use** Residential

**Surrounding Land Uses**

**North** Office and Retail  
**South** Residential  
**East** Office and Retail  
**West** Office

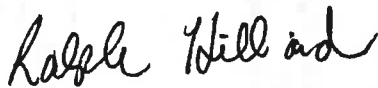
<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
<b>North</b>	OF, MU-1	O, MUL
<b>South</b>	RMF-5	RL
<b>East</b>	MU-1, OR	MUL, O
<b>West</b>	OF, RMF-6	RM, O

**Recent Zoning History** None.

**Affordable Housing**

This petition will not have a negative impact on the provision of affordable housing. No existing housing is being lost with this proposal.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

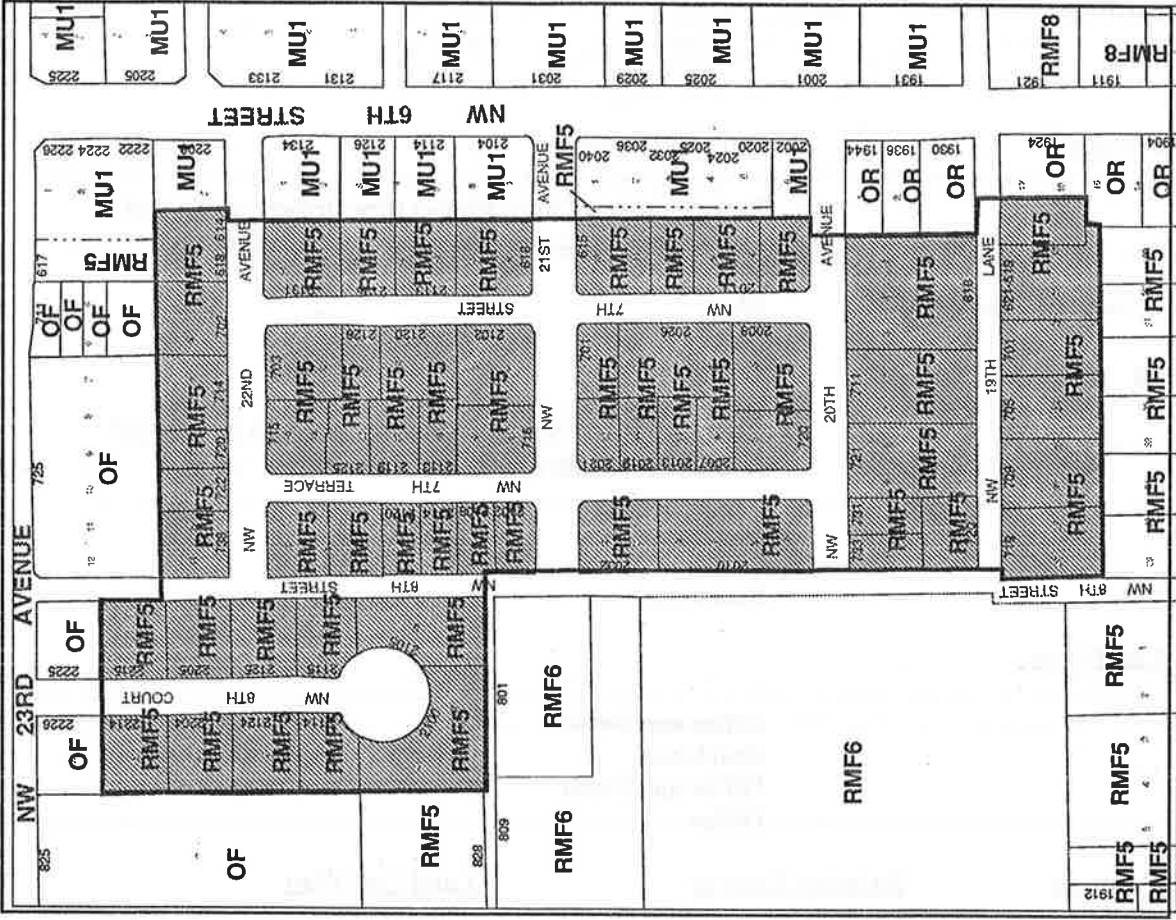
RW:DM:DN

Attachment

# Zoning Districts

- RSF1 Single-family Residential (3.5 du/acre)
- RSF2 Single-family Residential (4.6 du/acre)
- RSF3 Single-family Residential (5.8 du/acre)
- RSF4 Single-family Residential (8 du/acre)
- RMF5 Single-family/Multiple-family Residential (12 du/acre)
- RMF6 Multiple-family Residential (8-15 du/acre)
- RMF7 Multiple-family Residential (8-21 du/acre)
- RMF8 Multiple-family Residential (8-30 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (20 du/acre)
- OF General Office
- BUS General Business
- BA Automotive-oriented Business
- BT Tourist-oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District (up to 150 du/acre)
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park
- PD Planned Development

Area under petition consideration



# ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	From RMF5 to RC	3750	44ZON-01PB



LEGAL DESCRIPTION FOR PETITION # 44ZON-01PB

March 27, 2001

An area of land lying in the Northwest one-quarter (NW ¼) of Section 32, Township 9 South, Range 20 East in Alachua County, Florida, being more particularly described as follows:

Lots 3 – 13 (inclusive) of Felton Court, a plat as recorded in Plat Book "D", page 30 of the Public Records of Alachua County, Florida; AND Lots 3 – 11 (inclusive) of Block A of Pine Park, a plat as recorded in Plat Book "B", page 99 of the Public Records of Alachua County, Florida; AND the west 49.6 feet of Lots 1 and 2 of said Block "A"; AND all of Block B, C, E and F of said plat of Pine Park; AND Lots 8 – 14 (inclusive) of Block D of said Pine Park; AND Lots 7 – 12 (inclusive) of Block G of said Pine Park; AND Lots 3 – 11 (inclusive) of Block H of said Pine Park; AND that area of land lying south of Lots 3 – 11 (inclusive) of Block H of said Pine Park, said area being bordered on the south by the north right-of-way line of N.W. 19<sup>th</sup> Lane; AND the west 35 feet of Lots 16 and 17 of Gateway Park, a plat as recorded in Plat Book "B", page 38, of the Public Records of Alachua County, Florida; AND Lots 18 – 20 (inclusive) and Lots 24 – 28 (inclusive) of said plat of Gateway Park.  
All being and lying in the City of Gainesville, Florida.





1. **Petition 44ZON-01 PB** City of Gainesville. Rezone property from RMF-5 (12 units/acre single-family/multiple-family residential district) to RC (12 units/acre residential conservation district) on 61 parcels in the Lake Meta area. Located in the vicinity of the 1900 to 2300 blocks of Northwest 7<sup>th</sup> Street, Northwest 7<sup>th</sup> Terrace and Northwest 8<sup>th</sup> Court.

Mr. Dom Nozzi was recognized. Mr. Nozzi indicated that the petition proposed to change the zoning on 61 parcels in the Lake Meta neighborhood from RMF-5 to Residential Conservation Zoning (RC). He explained that the City Commission had worked with the neighborhood on areas of concern and staff had been requested to consider rezoning several parcels to RC. He noted that a survey was mailed to the owners of the properties under consideration for rezoning to determine their wishes in the matter. Mr. Nozzi indicated that there was significant support for the rezoning. He noted that the zoning districts were very similar. He reviewed the differences between RMF-5 and RC, and presented photographs of the properties in the area. He noted that one of the major differences was that the RMF-5 Zoning District allowed triplexes and quadraplexes and the RC Zoning District did not. Mr. Nozzi offered to answer any questions from the board.

Mr. Carter asked what percentage of property owners responded affirmatively to the zoning survey.

Mr. Nozzi indicated that 25 of the 62 letters were returned to staff, and 20 of those responding supported the change.

Mr. Carter cited a concern about how property owners were contacted.

Mr. Nozzi explained that the survey included a self-addressed stamped, envelope which made it more convenient for responses.

Mr. Pearce requested that Mr. Nozzi review the zoning on surrounding properties.

Mr. Nozzi described the surrounding properties and their uses.

Mr. Polshek noted that Mr. Nozzi stated that there was no substantial difference in the two zoning districts. He asked staff's reasons for pursuing the matter.

Mr. Dean Mimms indicated that the Public Works Committee had held charettes in the Lake Meta neighborhood and residents expressed concern about the single-family character of the homes. He explained that the proposed zoning changes would move the area in that direction.

Mr. Polshek noted that many of the Lake Meta neighborhood residents had been activists in the past. He suggested the lack of response to the survey seemed to indicate support for the rezoning.

Mr. Pearce noted that, while the single-family character of the neighborhood was spoken to, the proposed RC zoning was not single-family. He asked if the purpose of the residential low zonings districts was to provide for single-family and small scale multiple-family districts.

Mr. Nozzi indicated that traditional neighborhoods would have duplex character to some extent.

Chair Fried indicated that he was familiar with the neighborhood and the lots were very small. He agreed that, while there was rental property, many of the renters were young families. He noted that the neighborhood was stable. He suggested that the small size lots might prohibit the assemblage of lots to create a larger multi-family development.

Mr. Pearce suggested that, because of the lot sizes, rezoning to RC might encourage more duplexes than the present RMF-5 zoning.

Chair Fried pointed out that RMF-5 zoning allowed triplexes and quadraplexes.

Mr. Pearce agreed, but noted that it did so with the same number of dwelling units per acre.

Chair Fried opened the floor to public comment.

Ms. Mary Frances Shepherd was recognized. Ms. Shepherd indicated that she owned property in the area proposed for rezoning. She indicated that she supported the petition. She pointed out that the neighborhood was approximately fifty percent owner occupied housing and she believed the majority of the letters in support of the rezoning came from those people.

Ms. Mary Charles Harris was recognized. Ms. Harris indicated that she owned property in the area proposed for rezoning. She spoke in favor of the petition. She requested that the board approve the petition.

Mr. Stan Harris was recognize. Mr. Harris spoke in favor of the petition.

Mr. Edward Williams was recognized. Mr. Williams indicated that he was opposed to the petition to rezone the properties and considered it to be taking by the government. He questioned the constitutionality of changing zoning designations and cited Supreme Court actions on the matter.

Mr. Kevin Fortin was recognized. Mr. Fortin cited concerns that a developer would purchase parcels of land and construct large multi-family development. He stated that he would support any zoning that would support the existing character of the neighborhood.

Chair Fried closed the floor to public comment.

Mr. Pearce noted that the potential zoning change had been brought about by concerns about the nearby Hidden Lakes apartment development. He discussed the major differences between the existing RMF-5 zoning on the subject properties and the RMF-6 zoning on the Hidden Lakes property. He noted that the existing RMF-5 zoning would not permit the Hidden Lakes type of development. He pointed out that the subject properties had been zoned RMF-5 for twenty years and no such development had taken place. Mr. Pearce indicated that the density and number of dwelling units on a lot were the same for RMF-5 and RC, however, the building form was limited to duplexes in RC rather than the quadraplexes in RMF-5. Mr. Pearce suggested the board needed to determine whether a quadraplex was incompatible for the neighborhood, in comparison to two duplexes. He explained that taking surrounding properties with significantly higher densities into consideration, he did not find the quadraplex to be incompatible. He stated that he believed the existing RMF-5 zoning was appropriate. Mr. Pearce indicated that he would vote to deny the petition.

Mr. Ralph Hilliard was recognized. Mr. Hilliard pointed out that one major protection of the RC zoning was the requirement for landlord licenses, which controlled rentals to a certain degree. He explained that the existing RMF-5 zoning did not have that protection. He pointed out that it was a major difference in how neighborhoods are developed. Mr. Hilliard explained that the neighborhood approached the City with a request for a more single-family oriented zoning. He indicated that RC gave the added regulation to control the number of persons in a structure and RMF-5 was not covered by landlord licensing.

Mr. Polshek agreed that the RC zoning would discourage development which would be the equivalent of quadraplexes. He indicated that he supported the RC zoning.

Mr. Carter indicated that he agreed with Mr. Pearce about the proposed rezoning. He explained that allowing a zoning change in reaction to a controversial project would set a bad precedent. He cited a concern about the small number of property owners that responded to the survey. He indicated that he could not support the petition.

Mr. Polshek pointed out that it was stated that the responses to the survey came from owner occupied property owners.

Mr. Hilliard reiterated that staff sent the survey letter to property owners with a stamped return envelope and the neighborhood did approach the City.

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There was discussion of the types and diversity and housing types around the City.

Ms. Mary Frances Shepherd was recognized. Ms. Shepherd asked if someone could approach the City at a future date and request that the zoning be changed to RMF-6.

Chair Fried agreed that a person could approach the Plan Board and the City Commission with such a request. He pointed out that that request could be granted or denied.

<u>Motion By:</u> Mr. Polshek	<u>Seconded By:</u> Mr. Guy
<u>Moved to:</u> Approve Petition 44ZON-01 PB.	<u>Upon Vote:</u> Motion Carried 3 - 2 Ayes: Guy, Polshek, Fried Nays: Carter, Pearce

