



MEMORANDUM
Office of the City Attorney

LEGISLATIVE ITEM NO. 990713

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

TO: Mayor and City Commission **DATE:** January 10, 2000
FROM: Marion J. Radson, City Attorney **FIRST READING**
CITY ATTORNEY

SUBJECT: Ordinance No. 0-00-30, Petition No. 170ZON-99PB
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RSF-1: 3.5 units/acre single-family residential district" to "RMF-6: 10-15 units/acre multiple-family residential district" and "CON: conservation district" ; located in the vicinity of the 400 block of Southeast 25th Street, east of Southeast 24th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition No. 170ZON-99PB; and 2) adopt the proposed ordinance.

STAFF REPORT

The application for a rezoning is for a vacant, 5-acre parcel (this parcel has a western 5 acres that is not part of this petition). The subject parcel is located in the 400-block of Southeast 25th Street, east of Southeast 24th Street. The 5-acre western portion of this parcel carries an MUL (mixed-use low) land use and MU-1 (mixed-use low intensity) zoning. The parcel adjacent to the south carries a single-family residential land use and an RSF-1 (3.5 units per acre single-family residential district) zoning. The parcel to the north carries a residential single-family land use and RSF-4 (8 dwelling units per acre) zoning. The parcel adjacent to the east carries a single-family residential land use and an RSF-1 (3.5 dwelling units per acre) zoning. All adjacent parcels are currently undeveloped.

The application would change the zoning of the western portion of the parcel (approximately 4 acres) from single-family to multi-family, and, because of floodplain considerations, change the eastern portion of the parcel (approximately 1 acre) from single-family to conservation.

The parcel is affected by the floodplain environmental overlay district for that portion proposed as conservation. It is not affected by the Central Corridors district.


Currently, Regional Transit System bus route 7 (and a bus stop for this route) is within one-quarter mile of the parcel. The parcel is served by sidewalks along Hawthorne Road and on Southeast 24th Street. This arterial contains a "shared street-oriented bicycle route" (a parking lane that is a shared bicycle lane). In addition, on-street bicycle lanes are found on Southeast 24th Street.

Multi-family residential land use and zoning categories are often placed next to or within activity centers, because higher-density residential development in centers supports transportation choice objectives and the economic health of the center. The subject parcel falls within the Hawthorne Road Activity Center.

The Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on November 2, 1999. Letters were mailed to surrounding property owners on November 3, 1999. The Plan Board held a public hearing November 18, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 170ZON-99 PB. Plan Board vote 7-0

Prepared and
Submitted by:



Marion J. Radson
City Attorney

MJR/afm

ORDINANCE NO. _____
0-00-30

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from “RSF-1: 3.5 units/acre single-family residential district” to “RMF-6: 10-15 units/acre multiple-family residential district” and “CON: conservation district” ; located in the vicinity of the 400 block of Southeast 25th Street, east of Southeast 24th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the publication of notice of a Public Hearing that certain lands within the City be rezoned from the zoning category of “RSF-1: 3.5 units/acre single-family residential district” to “RMF-6: 10-15 units/acre multiple-family residential district” and “CON: conservation district” as more specifically set forth herein; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on November 18, 1999; and

WHEREAS, the City Commission finds that the rezoning of the property described herein will be consistent with the City of Gainesville 1991-2001 Comprehensive Plan upon the adoption of Ordinance No. 990708, City of Gainesville; and

WHEREAS, at least ten (10) days notice has been given of the public hearings by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Commission

1 meeting room, First Floor, City Hall, in the City of
2 Gainesville; and

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

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

9 **Section 1.** The following described property is rezoned and
10 changed from the zoning category of "RSF-1: 3.5 units/acre
11 single-family residential district" to "RMF-6: 10-15
12 units/acre multiple-family residential district":

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

16
17 **Section 2.** The following described property is rezoned and
18 changed from the zoning category of "RSF-1: 3.5 units/acre
19 single-family residential district" to "CON: conservation
20 district":

21 See legal description attached hereto as
22 Exhibit "B", and made a part hereof as if set
23 forth in full.

24
25 **Section 3.** The City Manager is authorized and directed to
26 make the necessary changes in the Zoning Map Atlas to comply
27 with this ordinance.

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

6 **Section 5.** All ordinances, or parts of ordinances, in
7 conflict herewith are to the extent of such conflict hereby
8 repealed.

9 **Section 6.** This Ordinance shall become effective
10 immediately upon passage; however, the rezoning shall not
11 become effective until the amendment to the City of
12 Gainesville 1991-2001 Comprehensive Plan adopted by
13 Ordinance No. 990708 becomes effective as provided therein.

14 **PASSED AND ADOPTED** this _____ day of
15 _____, 2000.

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PAULA M. DeLANEY, MAYOR

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

KURT LANNON
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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27
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29 This ordinance passed on first reading this _____ day
30 of _____, 2000.

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32 This ordinance passed on second reading this _____ day
33 of _____, 2000.

September 24, 1999

Legal Description (PARCEL "B")
For: Proposed RMF-6 Zoning

A portion of Government Lot 83 in the southeast 1/4 of Section 3,
Township 10 South, Range 20 East, Alachua County, Florida; being more
particularly described as follows:

Commence at the northeast corner of said Section 3, Township 10 South,
Range 20 East, Alachua County, Florida, and run thence South $01^{\circ}00'46''$
East, along the east line of said Section 3, a distance of 1329.66
feet; thence South $89^{\circ}19'02''$ West, a distance of 658.59 feet to the
northeast corner of Government Lot 83 of Section 3; thence continue
South $89^{\circ}19'02''$ West, along the north boundary of said Government lot
40.00 feet, to the POINT OF BEGINNING; thence continue South $89^{\circ}19'02''$
West, along said north boundary 279.30 feet to the northwest corner of
said Government Lot; thence South $00^{\circ}01'42''$ West, 655.96 feet to the
southwest corner of said Government Lot; thence North $89^{\circ}02'02''$ East,
along the south boundary of said Government lot, 210.08 feet; thence
North $06^{\circ}03'17''$ East, 659.42 feet to the POINT OF BEGINNING.

Containing 160,344 Square Feet, (3.68 Ac.) more or less.

September 24, 1999

Legal Description (Parcel "A")
For: Proposed CON Zoning

A portion of Government Lot 83 in the southeast 1/4 of Section 3, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Commence at the northeast corner of said Section 3, Township 10 South, Range 20 East, Alachua County, Florida, and run thence South $01^{\circ}00'46''$ East, along the east line of said Section 3, a distance of 1329.66 feet; thence South $89^{\circ}19'02''$ West, a distance of 658.59 feet to the northeast corner of Government Lot 83 of Section 3, and the POINT OF BEGINNING; thence continue South $89^{\circ}19'02''$ West, along the north boundary of said Government lot 40.00 feet; thence South $06^{\circ}03'17''$ West, 659.42 feet to a point on the south boundary of said Government Lot; thence North $89^{\circ}02'02''$ East, along said south boundary, 120.00 feet to the southeast corner of said Government Lot; thence North $00^{\circ}54'49''$ West, 654.28 feet to the POINT OF BEGINNING.

Containing 52,354 Square Feet, (1.20 Ac.) more or less.

Item No. 5

Date: November 18, 1999

To: City Plan Board

From: Planning Division Staff

Subject: Petition 170ZON-99 PB. Eng, Denman & Associates, Inc., agent for Super 50 Theatre Corporation, owner. Rezone property from RSF-1 (3.5 units/acre single-family residential district) to RMF-6 (8-15 units/acre multiple-family residential district) and CON (Conservation district). Located in the 400 block of Southeast 25th Street, east of Southeast 24th Street. Related to Petition 145LUC-99 PB.

Recommendation

Planning Division staff recommends approval of Petition 170ZON-99 PB.

Explanation

The application for a rezoning is for a vacant, 5-acre parcel (this parcel has a western 5 acres that is not part of this petition). The subject parcel is located in the 400-block of Southeast 25th Street, east of Southeast 24th Street. The 5-acre western portion of this parcel carries an MUL (mixed use low) land use and an MU-1 (mixed use low intensity) zoning. The parcel adjacent to the south carries a single family residential land use and an RSF-1 (3.5 units per acre single-family residential district) zoning. The parcel to the north carries a residential single family land use and RSF-4 (8 dwelling units per acre) zoning. The parcel adjacent to the east carries a single family residential land use and an RSF-1 (3.5 dwelling units per acre) zoning. All adjacent parcels are currently undeveloped.

The application would change the zoning of the western portion of the parcel (approximately 4 acres) from single family to multi-family, and, because of floodplain considerations, change the eastern portion of the parcel (approximately 1 acre) from single family to conservation (see attached map).

The parcel is affected by the floodplain environmental overlay district for that portion proposed as conservation. It is not affected by the Central Corridors district.

Currently, Regional Transit System bus route 7 (and a bus stop for this route) is within one-quarter mile of the parcel. The parcel is served by sidewalks along Hawthorne Road and on SE 24th Street. This arterial contains a "shared street-oriented bicycle route" (a parking lane that is a shared bicycle lane). In addition, on-street bicycle lanes are found on SE 24th Street.

Multi-family residential land use and zoning categories are often placed next to or within activity centers, because higher-density residential development in centers supports transportation choice objectives and the economic health of the center. The subject parcel falls within the Hawthorne Road Activity Center.

Character of the District and Suitability

Multi-family residential land use and zoning categories are often placed next to or within activity centers, because higher-density residential development in centers supports transportation choice objectives and the economic health of the center. The subject parcel falls within the Hawthorne Road Activity Center.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The subject parcel is vacant, and is adjacent to vacant single family zoning and land use to the east and south, a 150-foot GRU power line to the north, and vacant mixed use zoning and land use to the west. A multi-family zoning and land use would be compatible with such uses. In addition, multi-family is highly appropriate within an activity center.

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 City needs more residential development in East Gainesville to support economic, transportation and social objectives.

Substantial Changes in the Past in the Area

The City has recently constructed SE 24th Street to the west. A new Food Lion supermarket has been constructed on the west side of SE 24th Street to the west. A new county health facility has just been approved within a quarter-mile to the northwest.

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 1.1

The City shall protect environmentally sensitive land, conserve natural resources and maintain open spaces identified on Map 2 (Environmentally Significant Lands and Resources) of the Future Land Use Map Series, through the Development Review Process and land acquisition programs.

Policies

1.1.8 The City shall protect floodplain areas through existing Land Development Regulations which:

- a. Prohibit development within the flood channel or floodplain without a city permit;
- b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
- c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;
- d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise potentially harmful material in the flood channel;
- e. Prohibit development within the floodplain which would reduce the capacity of the floodplain;
- f. Prohibit development which would cause or create harmful soil erosion, stagnant water, or irreversible harmful impact on existing flora and fauna;
- g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and parking areas; and
- h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation in addition to those allowed in the flood channel.

1.1.9 The Master Flood Control Maps (1990) prepared by CH2M-Hill and adopted by the City Commission on file in the City's Public Works Department shall be used to designate floodplains and flood channels.

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:

Single Family (up to 8 units per acre)

This land use category shall allow single family detached dwellings at densities up to eight dwelling units per acre. The single family land use classification identifies those areas within the City that due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single family development. Land Development Regulations shall determine the performance measures and gradations of density. Land Development Regulations shall specify criteria for the siting of low intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations in conjunction with single-family dwellings under certain limitations.

Residential Medium Density (10-30 units per acre)

This land use classification shall allow single-family and multi-family development at densities from 10 to 30 dwelling units per acre. The land shown as Residential Medium Density on the land use plan 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 and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Conservation

This category identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single family densities of one unit per five acres. Land Development Regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

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.

Policies

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.

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

Applicant Information	Ralph Eng, agent for Super 50 Theatre Corporation.
Request	Rezone property from RSF-1 (3.5 units/acre single-family residential district) to RMF-6 (8-15 units/acre multiple-family residential district) and CON (Conservation district).
Existing Land Use Plan Classification	SF
Existing Zoning	RSF-1
Location	400-block of Southeast 25 th Street.
Size	5 acres
Existing Use	Vacant
Surrounding Land Uses	
North	Vacant/Residential
South	Vacant/Residential
East	Vacant/Residential
West	Vacant Mixed Use

City Plan Board
Petition 170ZON-99 PB
November 18, 1999

Surrounding Controls	Existing Zoning	Land Use Plan
North	RSF-4	SF
South	RSF-1	SF
East	RSF-1	SF
West	MU-1	MUL

Recent Zoning History

Adjacent western 5 acres, which is part of the parcel but not part of the application, changed from single-family to mixed use in the 1991 Comprehensive Plan update.

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. Additional housing opportunities would be made available by this petition.

Respectfully Submitted,



Ralph Hilliard
Planning Manager

RW:DM:DN

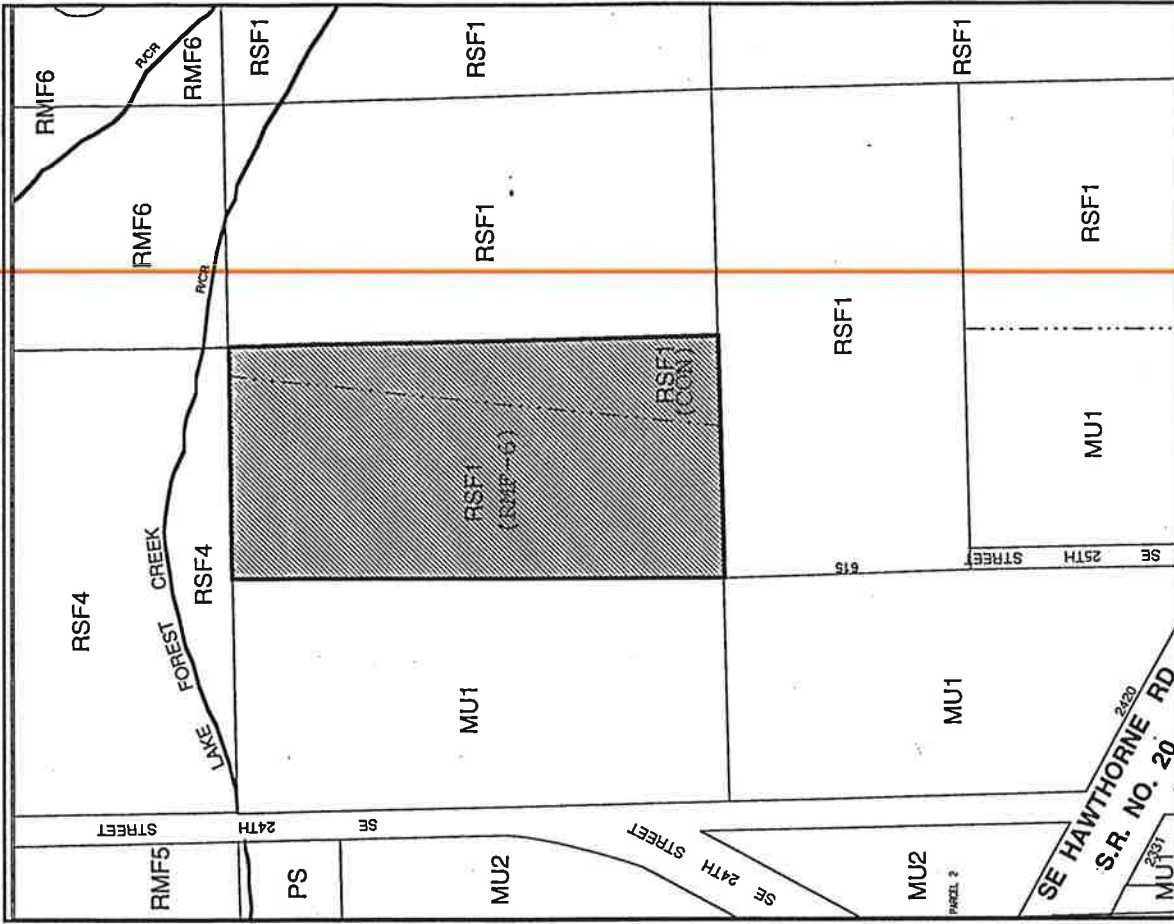
Attachment

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 (10-15 du/acre)
- RMF7 Multiple-family Residential (14-21 du/acre)
- RMF8 Multiple-family Residential (20-30 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 (20-43 du/acre)
- RH2 Residential High Density (43-100 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

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



ZONING

Name	Petition Request	Map(s)	Petition Number
Eng, Denman and Associates, Inc.	From RSF1 to RMF6 & CON	4055	170ZON-99PB



Petition 145LUC-99 PB—Legislative Matter No. 990708
and

Petition 170ZON-99 PB—Legislative Matter No. 990713

September 24, 1999

Legal Description (Parcel "A")
For: Proposed CON Zoning

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Township 10 South, Range 20 East, Alachua County, Florida; being more
particularly described as follows:

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Range 20 East, Alachua County, Florida, and run thence South 01°00'46"
East, along the east line of said Section 3, a distance of 1329.66
feet; thence South 89°19'02" West, a distance of 658.59 feet to the
northeast corner of Government Lot 83 of Section 3, and the POINT OF
BEGINNING; thence continue South 89°19'02" West, along the north
boundary of said Government lot 40.00 feet; thence South 06°03'17"
West, 659.42 feet to a point on the south boundary of said Government
Lot; thence North 89°02'02" East, along said south boundary, 120.00
feet to the southeast corner of said Government Lot; thence North
00°54'49" West, 654.28 feet to the POINT OF BEGINNING.

Containing 52,354 Square Feet, (1.20 Ac.) more or less.

Petition 145LUC-99 PB—Legislative Matter No. 990708
and

Petition 170ZON-99 PB—Legislative Matter No. 990713

September 24, 1999

Legal Description (PARCEL "B")
For: Proposed RMF-6 Zoning

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Range 20 East, Alachua County, Florida, and run thence South 01°00'46"
East, along the east line of said Section 3, a distance of 1329.66
feet; thence South 89°19'02" West, a distance of 658.59 feet to the
northeast corner of Government Lot 83 of Section 3; thence continue
South 89°19'02" West, along the north boundary of said Government lot
40.00 feet, to the POINT OF BEGINNING; thence continue South 89°19'02"
West, along said north boundary 279.30 feet to the northwest corner of
said Government Lot; thence South 00°01'42" West, 655.96 feet to the
southwest corner of said Government Lot; thence North 89°02'02" East,
along the south boundary of said Government lot, 210.08 feet; thence
North 06°03'17" East, 659.42 feet to the POINT OF BEGINNING.

Containing 160,344 Square Feet, (3.68 Ac.) more or less.

5. **Petition 170ZON-99 PB** Eng, Denman & Associates, Inc., agent for Super 50 Theatre Corporation, owner. Rezone property from RSF-1 (3.5 units/acre single-family residential district) to RMF-6 (8-15 units/acre multiple-family residential district) and CON (Conservation district). Located in the 400 block of Southeast 25th Street, east of Southeast 24th Street. Related to Petition 145LUC-99 PB.

Petition 170ZON-99 PB was discussed with Petition 145LUC-99 PB.

<u>Motion By:</u> Ms. Dowling	<u>Seconded By:</u> Mr. Carter
<u>Moved to:</u> Approve Petition 170ZON-99 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Guy, Fried, Dowling, Myers, Polshek, McGill, Carter

4. **Petition 145LUC-99 PB** Eng, Denman & Associates, Inc., agent for Super 50 Theatre Corporation, owner. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from SF (single-family, up to 8 units per acre) to RM (Residential Medium Density, 8 -30 units/acre) and CON (Conservation). Located in the 400 block of Southeast 25th Street, east of Southeast 24th Street. Related to Petition 170ZON-99 PB.

Mr. Dom Nozzi was recognized. Mr. Nozzi indicated he would discuss Petitions 145LUC-99 PB and Petition 170ZON-99 PB simultaneously. He presented a map of the site and noted that the entire site was ten acres, but the only section under consideration in the petitions was the five acres to the east. He pointed out a power line easement and an area of the site to be designated conservation. He noted that the proposed conservation area was part of a ten and hundred year flood plain. He pointed out the uses surrounding the site. He presented photos of the site. Mr. Nozzi indicated that staff recommended approval of the petition. He offered to answer any questions from the board.

Dr. Fried asked if the parcel was landlocked.

Mr. Nozzi explained that the site was part of a ten acre parcel.

Mr. Hilliard noted that the two portions of the ten acres were going to be combined for development. He pointed out that there were other parcels in the area that were land locked.

Chair Guy asked if there were any uses other than residential allowed in RMF-6 Zoning.

Mr. Nozzi indicated that places of religious assembly, adult daycare, and assisted living facilities were possibilities.

Mr. Ralph Eng, agent for the petitioner, was recognized. Mr. Eng stated that the property in question was all under single ownership. He discussed the history of the site and the proposals for development. He offered to answer any questions from the board.

There was no comment from the board or the public.

<u>Motion By:</u> Ms. Dowling	<u>Seconded By:</u> Mr. Carter
<u>Moved to:</u> Approve Petition 145LUC-99 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Guy, Fried, Dowling, Myers, Polshek, McGill, Carter