

Item No. 11

Date: November 19, 1998

To: City Plan Board

From: Planning Division Staff

Subject: Petition 211ZON-98 PB. Brown and Cullen, Inc., agent for Collier Venture One, LP. Rezone property from Conservation (CON) to RMF-6 (Multi-Family Residential (10-15 du/acre). Located in the vicinity of the 1200 block of Northwest 21st Avenue. Related to Petition 210LUC-98 PB.

Recommendation

Planning Division staff recommends approval of Petition 211ZON-98 PB.

Explanation

The subject parcel is 0.65 acres in size and is located in the vicinity of the 1200 block of Northwest 21st Avenue. The parcel adjacent to the south carries an RSF-1 zoning (3.5 du/acre single-family residential) zoning. The parcel to the east carries an RMF-6 (10-15 du/acre multi-family residential) zoning. The parcel adjacent to the north carries an OF (general office) zoning. The parcel adjacent to the west carries an MU-1 (10-30 du/acre mixed use low intensity) zoning.

The subject parcel was designated as Conservation zoning to serve as a buffer between the rear parking area of an existing car dealership and future multi-family development to the east. The purpose of this application is to facilitate a unified development with the seven-acre parcel to the east by incorporating the buffer strip as part of the parcel to the east with the same zoning designation. The buffer no longer serves a purpose, since the applicant intends to develop a residential project which incorporates a suitable buffer from the parking area in the development plan.

Should this petition be approved, development of the multi-family project proposed to the east of the subject parcel would be facilitated.

This petition will facilitate the development of multi-family residential units within close proximity of an important activity center, and is within one-quarter mile of a transit stop, both of which are key City objectives.

The parcel is not affected by an environmental overlay district, or by the Central Corridors district.

Currently, two Regional Transit System bus routes serve the subject parcels (Routes 3 and 8). In addition, the parcel is within 300 feet of an arterial 4-lane street (NW 13th Street) with sidewalks. This arterial contains on-street bicycle lanes, but there are no nearby off-street bicycle/pedestrian paths.

Therefore, the residences this petition will facilitate are well-served with transit, bike lanes, and sidewalks.

The nearest activity center is the NW 13th Street Center to the northwest -- approximately 800 feet away (the Gainesville Mall shopping area).

The Future Land Use Element, in Policies 2.2.2, 2.3.2, and Objectives 2.2, 2.3, and 2.4 calls for infill, higher density residential in close proximity to activity centers, compatible adjacent land uses, compact development, and promotion of a variety of housing types.

Site Location in Relation to Adjacent Land Uses

The subject parcel is adjacent to Residential Medium Density land use to the east, Office land use to the north, Mixed Use land use to the west and Single-Family residential to the south. A Residential Medium Density land use would be compatible with such uses.

Impact on Adopted Level of Service Standards

Potable water, wastewater, and solid waste capacity are all available at adopted level of service standards. Stormwater management concurrency is handled at the development review/subdivision stage. Transit service is available (Routes 3 and 8) and adequate, and public sidewalks serve the parcels along NW 13th Street. This segment of NW 13th Street has available road level-of-service. An ample number of daily trips can be added before the road reaches capacity. Therefore, there is adequate capacity on the road to handle the amount of trips generated by residential development of the 0.65-acre parcel.

This application meets the adopted level of service standards for recreation. Nevertheless, this application is not atypical in that there is no public neighborhood park with a service radius that encompasses the subject parcel. Only nearby public schools currently serve the subject parcel, and public schools offer limited public access for recreation.

Applicable Goals, Objectives and Policies

Future Land Use 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.

Policy 2.1.1

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

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.

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.

Policies

- 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 performance measures. Performance measures shall address the buffering of adjacent uses both 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.

2.2.2 The City shall adopt Land Development Regulations that permit a variety of housing types and housing densities throughout the City in order to meet the needs of people with differing incomes and life styles.

2.2.4 Prior to a final development order during the Development Review Process, the intensity of use appropriate to any parcel shall be determined based upon the availability of public services and facilities to meet urban needs; the capacity of such facilities and services to serve the proposed land use without degrading LOS standards (as determined through LOS standards); and the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site.

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

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

Objective 2.4

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

Transportation Mobility Element

Policies

1.8.5 Individual projects within the TCMA shall be examined for transportation concurrency compliance as shown below. Concurrency exemptions granted under the conditions listed below shall not relieve development from complying with Policy 1.1.6 of this Element.

- a. Businesses or agencies that can demonstrate, through survey or other acceptable methods, that the clientele served accesses the business or agency by transportation mode other than single occupant vehicle shall be considered to be exempt;
- b. Medium and high density housing units within 1/4 mile of established transit routes shall be exempt;

- c. Businesses within the parking exempt area, and businesses which provide 5 or fewer on-site parking spaces and have no drive-through or motor fuel dispensing facilities in the Downtown/University Sub-area shall be considered to be exempt;
- d. Any reuse, redevelopment or substantial reconstruction of existing structures within the TCMA shall be considered to be exempt;
- e. Any new development or expansion of existing structures on University Avenue between North-South Drive and Sweetwater Branch shall be exempt when the front entrance of the use is located within 15 feet of the public sidewalk, does not include drive-through facilities or motor fuel dispensing facilities, provides no additional parking and when the facade of the business meets the minimum design standards listed in Article IV of the Land Development Code, central city district.

1.8.7 In addition to the level of service requirements in Policy 1.1.1, development projects within one quarter mile of the segment of NW 13th Street between University Avenue and NW 29th Road shall be required to meet the following:

- a. Development projects on this segment must provide mitigation in proportion to the transportation impacts generated by the development in order to meet transportation concurrency compliance and the provisions of Policy 1.1.6. Special traffic studies may be required as a part of the development approval process to determine the proportional traffic impacts, as measured by trip generation, trip distribution, and intersection analysis, from the development. Mitigation shall include items such as, but not limited to: intersection and/or signalization improvements to improve roadway operation and safety; addition of dedicated turn lanes into and out of developments to maintain the level of service and safe operating conditions of the roadway; provision of transit shelters built to City specifications; dedication of right-of-way for the construction of bus turn-out facilities; construction of bus turn-out facilities; bus passes provided to residents or employees of a development; subsidies to the mass transit system which either increase headways or add additional bus service to the segment; a contractual agreement with the City for the provision of mass transit service on the segment; sidewalks and sidewalk connections to the public sidewalk; widening of existing sidewalks; dedication of right-of-way for the addition of bicycle lanes; ride sharing or van pool programs; reduction of curb cuts on existing sites; and/or provision of cross-access agreements or joint driveways.
- b. Development of new drive-through facilities, as defined in Policy 1.4.5, shall only be allowed from within existing or proposed shopping centers such that all access is internal to the shopping center. Each drive-through facility shall only be allowed a single drive-through lane.

- c. Parking in excess of that required by the Land Development Code shall not be allowed.
- d. Development plan design shall maximize the safe and efficient operation of this roadway segment in accordance with generally accepted professional traffic engineering principles and practices.

Applicant Information Brown & Cullen, Inc., agent for Collier Venture One, LP.

Request Amend the Future Land Use Map from CON to RM.

Existing Land Use Plan Classification CON

Existing Zoning Conservation

Location Vicinity of the 1200 block of Northwest 21st Avenue.

Size 0.65 acres

Existing Use Vacant

Surrounding Land Uses

North Office/Residential
South Residential/Vacant
East Residential/Vacant
West Commercial/Car Dealership

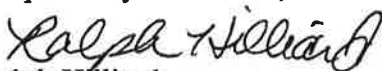
Surrounding Controls	Existing Zoning	Land Use Plan
North	OF	O
South	RSF-1	SF
East	RMF-6	RM
West	MU-1	MUL

Recent Zoning History None.

Affordable Housing

This petition will have no impact on the supply of affordable housing.

Respectfully Submitted,


 Ralph Hilliard
 Planning Manager

RW:DM:DN

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

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

Area under petition consideration



ZONING

Name	Petition Request	Map(s)	Petition Number
Brown and Cullen Inc.	From CON to RMF6	3750	211 ZON-98PB



RECEIVED 001

Petition 211ZON-98 PB

November 20, 1998

Page 9 NOV 30 1998

Quasi-Judicial Registration Form

PLANNING DIVISION

Name:(please print) Jacqueline J. Belwood

Address: 1133 NW 22nd Avenue Gainesville Florida 32609

Telephone Number: 513-831-7153

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

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

Jacqueline Belwood 11/29/98

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

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

As an affected person receiving notice of the public hearing on Petition 211ZON-98 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the Second Public Hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, First Floor, 200 East University Avenue, Gainesville, Florida. Mailed forms may be mailed to the following address: Clerk of the Commission, Quasi-Judicial Hearing, Petition 211ZON-98 PB, P.O. Box 490, Station 19, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Registration Form

Name:(please print) Eric + Nancy Garland, Rose Goodbred

Address: 13151 NW 173 Street, Alachua, FL 32615

Telephone Number: (904) 418-2200

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

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

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Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Attn: Dom Nozzi
Fax: 334-2282

306 NE 6th Avenue
Gainesville, Florida 32601

phone: 352/334-5022
fax: 352/334-3259

LEGAL DESCRIPTION

Petition 210LUC-98 PB, Legislative Matter No. 980729
Petition 211ZON-98 PB, Legislative Matter No. 980730

PARCEL NO. 1: THE EAST 30 FEET OF THE WEST 130 FEET OF TAX PARCEL NO. 9970, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL NO. 2: THE NORTH 140 FEET OF THE EAST 50 FEET OF THE WEST 100 FEET OF TAX PARCEL NO. 9970, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

PARCEL NO. C:

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 9 SOUTH, RANGE 20 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 32; THENCE RUN NORTH 00 DEGREES 29 FEET EAST ALONG THE WEST LINE OF SAID SECTION 32, A DISTANCE OF 1990.00 FEET TO ITS INTERSECTION WITH THE PROJECTION OF THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 21ST AVENUE; THENCE RUN SOUTH 89 DEGREES 19 FEET EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE AND PROJECTION THEREOF, 440.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 19 FEET EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 50.00 FEET; THENCE RUN SOUTH 00 DEGREES 29 FEET WEST, 445.00 FEET; THENCE RUN NORTH 89 DEGREES 19 FEET WEST, 50.00 FEET; THENCE RUN NORTH 00 DEGREES 29 FEET EAST, 30.00 FEET; THENCE RUN SOUTH 89 DEGREES 19 FEET EAST, 20.00 FEET; THENCE RUN NORTH 00 DEGREES 29 FEET EAST, 315.00 FEET; THENCE RUN NORTH 89 DEGREES 19 FEET WEST, 20.00 FEET; THENCE RUN NORTH 00 DEGREES 29 FEET EAST, 100.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA AND CONTAINS 0.366 ACRES, MORE-OR-LESS.

CITY PLAN BOARD MEETING MINUTES FOR
PETITION 211ZON-98 PB, LEGISLATIVE MATTER NO. 980730

WILL BE FOUND WITH THE RELATED
LAND USE CHANGE, PETITION 210LUC-98 PB
LEGISLATIVE MATTER NO. 980729

FOR CITY PLAN BOARD MINUTES OF
NOVEMBER 19, 1998
NOVEMBER 30, 1998
APRIL 20, 1989
FEBRUARY 20, 1986

Quasi-Judicial Registration Form

Name:(please print) DYNAMIC GROWTH, INC

Address: P.O. Box 675 CEDAR KEY, FL 32625

Telephone Number: (352) 543-9448

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

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

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

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Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

OFFICE OF THE CLERK OF THE COMMISSION
ALL : 20 06 NOV 98

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, small scale land use changes, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, small scale land use changes (generally less than ten acres), special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filing an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all zoning and small scale land use changes (less than 10 acres and less than 10 dwelling units per acre) the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

980730

Petition 211ZON-98 PB November 20, 1998

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DIVISION

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Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

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