

MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 041188

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

TO: Mayor and City Commission

DATE: July 11, 2005
CITY ATTORNEY
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-58, Petition No. 50ZON-05PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shopfront/Office/Apartment) for tax parcels 14969-000-000, 14912-000-000, 14978-000-000, 14983-000-000, and 15160-000-000 as shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission: 1) approve Petition No. 50ZON-05 PB, and 2) adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF MEMORANDUM

There are 6 subject properties totaling approximately 4 acres in size. The properties are located on the north side of West University Avenue between NW 13th Street and NW 20th Terrace. All are across the street from the University of Florida campus.

This petition would amend the College Park Special Area Plan Master Plan & Regulating Plan for New Construction. The underlying MU-1 zoning of 5 of the properties will remain in place. The 6th property—the UF Foundation building at 2012 W. University Avenue—will retain its underlying Office zoning.

All but one of the properties is a church or is church-related. The remaining subject property is the University of Florida Foundation building. The character of the nearby properties is largely student residential apartments, fraternities, parking and retail.

The proximity of these properties to the university campus, and their location fronting a major east-west street indicates that they would be more suited to a Type I designation (which allows shopfronts, apartments, offices and mixed-use buildings) than a Type IV designation (which only allows churches, libraries, schools, post offices and the like).

Type I would continue to allow uses such as the UF Foundation, as well as churches and church-related activity.

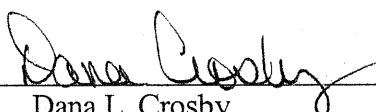
The Plan Board heard the petition and voted to recommend approval.

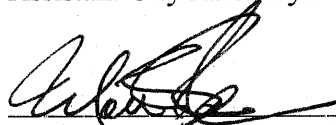
Public notice was published in the Gainesville Sun on May 3, 2005. Letters were mailed to surrounding property owners on May 4, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 50ZON-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. Should the Commission adopt the ordinance on first reading, the second and final reading will be July 11, 2005.

Fiscal Note. None.

Prepared by 
Dana L. Crosby,
Assistant City Attorney II

Approved and
Submitted by: 
Marion J. Radson,
City Attorney

MJR:DLC:sw

ORDINANCE NO. 0-05-58

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An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shopfront/Office/Apartment) for tax parcels 14969-000-000, 14912-000-000, 14978-000-000, 14983-000-000, and 15160-000-000 as shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on May 19, 2005; and

WHEREAS, the City Commission finds that the rezoning of the property described herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan, as applicable; and

WHEREAS, at least ten (10) days notice has been given of the public hearings once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City of Gainesville; and

WHEREAS, notice has also been given by mail to the owners whose property will be regulated by the adoption of this Ordinance, at least thirty days prior to the adoption of this ordinance; and

WHEREAS, the Public Hearing was held pursuant to the published and mailed notice described above at which hearing the parties in interest and all others had an opportunity to be

1 and were, in fact, heard.

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

4 **Section 1.** Appendix A, section 3, of the Land Development Code of the City of
5 Gainesville is amended by rezoning the following described properties from the zoning category
6 of "Type IV (Civic)" to "Type I (Shop Front/Office/Apartment)":

7 Parcel 14969-000-00, located 1604 West University Avenue;

8 Parcel 14912-000-000, located at 1402 West University Avenue;

9 Parcel 14978-000-000, located at 1738 West University Avenue;

10 Parcel 14983-000-000, located at 1826 West University Avenue; and

11 Parcel 15160-000-000, located at 2012 West University.

12 (Legal descriptions for the five above-referenced parcels are at Exhibit "1, attached hereto
13 and made a part hereof as if set forth in full.)

14 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
15 the Zoning Map (found at Exhibit A, College Park Special Area Plan, Master Plan) to comply
16 with this Ordinance.

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

20 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
21 such conflict hereby repealed.

22 **Section 5.** This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this ____ day of July, 2005.

PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this ____ day of June, 2005.

This Ordinance passed on second reading this ____ day of July, 2005.

EXHIBIT 1

May 31, 2005

Legal Description for Parcels Described in Petition # 50ZON-05PB

That area of land located within Section 6, Township 10 South, Range 20 East in Alachua County, Florida; being more particularly described as follows:

Lots 1, 2, 3, 4 and the south 35 feet of Lot 5 of Block 1 of College Court, a subdivision as recorded in Plat Book "A", page 134, of the Public Records of Alachua County, Florida; and as per deed recorded in Official Records Book 1003, page 938, of the Public Records of Alachua County, Florida. Located at 2012 West University Avenue, Gainesville, Florida.

Lots 1, 2, 15 and 16 of Block 1, located at 1604 West University Avenue, Gainesville, Florida; AND: Lots 7, 8, 9, 10 and the West 42 feet of Lots 6 and 11 of Block 2; being located at 1738 West University Avenue, Gainesville, Florida; AND: Lots 5, 6, 7, 8, 9, 10, 11 and 12 of Block 3, being located at 1826 West University Avenue, Gainesville, Florida; ALL lying in the College Park Subdivision, as recorded in Plat Book "A", page 9, of the Public Records of Alachua County, Florida.

Lots 1 and 12 and the east 25 feet of Lots 2 and 11 of Block 1 of the Orr Subdivision, as recorded in Plat Book "A", page 76, of the Public Records of Alachua County, Florida; and as per deed recorded in Official Records Book 2052, page 2228, of the Public Records of Alachua County, Florida; being located at 1402 West University Avenue.

City of Gainesville

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 11

Item No. 4

TO: City Plan Board

DATE: May 19, 2005

FROM: Planning Division Staff

SUBJECT: Petition 50ZON-05 PB, City of Gainesville. Amend the Type IV College Park Special Area Plan designations to Type I on six properties in the College Park Special Area plan along West University Avenue.

Recommendation

Staff recommends approval of Petition 50ZON-05 PB.

Explanation

There are 6 subject properties totaling approximately 4 acres in size. The properties are located on the north side of West University Avenue between NW 13th Street and NW 20th Terrace. All are across the street from the University of Florida campus.

This petition would amend the College Park Special Area Plan Master Plan & Regulating Plan for New Construction. The underlying MU-1 zoning of 5 of the properties will remain in place. The 6th property—the UF Foundation building at 2012 W. University Avenue—will retain its underlying Office zoning.

All but one of the properties is a church or is church-related. The remaining subject property is the University of Florida Foundation building. The character of the nearby properties is largely student residential apartments, fraternities, parking and retail.

The proximity of these properties to the university campus, and their location fronting a major east-west street indicates that they would be more suited to a Type I designation (which allows shopfronts, apartments, offices and mixed-use buildings) than a Type IV designation (which only allows churches, libraries, schools, post offices and the like).

Type I would continue to allow uses such as the UF Foundation, as well as churches and church-related activity.

Character of the District and Suitability

Type I zoning is suitable for nearby property designations and uses.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The uses allowed in Type I would promote conservation of existing buildings and encourage uses appropriate in this location.

Applicable Portions of Current City Plans

The subject properties are located in the College Park/University Heights Community Redevelopment Area.

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

The City finds that it is beneficial to provide additional retail, residential and mixed-use activity neighboring the university.

Whether there have been Substantial Changes in the Character or Development of Areas In or Near Area Under Consideration

Urban infill and redevelopment projects have occurred in this area in recent years, streetscaping along University Avenue FDOT, the City of Gainesville and the University of Florida.

Applicable Policies from the Gainesville Comprehensive Plan:

Future Land Use Element

Objective 4.2

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 4.2.1 The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of 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, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include 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 tree canopy.

Impact on Affordable Housing

This application will have no impact on affordable housing.

Applicant Information	City of Gainesville
Request	Amend the College Park Special Area Plan from Type IV to Type I for 6 properties.
Existing Land Use Plan Classification	MU-L (mixed-use low), O (office).
Existing Zoning	Type IV (College Park SAP), MU-1, O.
Purpose of Request	Apply a designation that would encourage more appropriate uses in this location of the city.
Location	1300-blk to 2000-blk of West University Avenue, north side.
Size	3.9 acres.
Existing Use	Churches, church-related, university offices.
Surrounding Land Uses	
North	Parking, student apartments, offices
South	University campus
East	Retail, university offices, fraternity, church offices, vacant
West	Retail, university offices, fraternity, church offices, vacant

Surrounding Controls

Owner	Property Address	Parcel #	Proposed Zoning
University United Methodist Church	1320 West University Avenue Gainesville, FL 32603	14907-000-000	Type I (College Park SAP)

		Existing Zoning	Existing Land Use
East		Type I (College Park SAP) (MU-1)	Mixed-Use Low
South		Education	Education
West		Type IV (College Park SAP)(MU-1)	Mixed-Use Low
North		Type I (College Park SAP)(MU-1)	Mixed-Use Low
Florida Baptist Convention, Inc.	1604 West University Avenue Gainesville, FL 32603	14969-000-000	Type I (College Park SAP)
		Existing Zoning	Existing Land Use
East		Type I (College Park SAP)(MU-1)	Mixed-Use Low
South		Education	Education
West		Type IV (College Park SAP)(MU-1)	Mixed-Use Low
North		Type II (College Park SAP)(RMU)	Mixed-Use Residential
Presbyterian Student Center, Inc.	1402 West University Avenue Gainesville, FL 32603	14912-000-000	Type I (College Park SAP)
		Existing Zoning	Existing Land Use
East		Type IV (College Park SAP)(MU-1)	Mixed-Use Low
South		Education	Education
West		Type I (College Park SAP)(MU-1)	Mixed-Use Low

North		Type I (College Park SAP)(MU-1)	Mixed-Use Low	
Diocese of St. Augustine	11625 Old St Augustine Rd Jacksonville, FL 32258	14978-000-000		Type I (College Park SAP)
		Existing Zoning	Existing Land Use	
East		Type I (College Park SAP)(MU-1)	Mixed-Use Low	
South		Education	Education	
West		Type I (College Park SAP)(MU-1)	Mixed-Use Low	
North		Type I (College Park SAP)(RMU)	Mixed-Use Residential	
University Lutheran Church	1826 West University Ave Gainesville, FL 32603	14983-000-000		Type I (College Park SAP)
		Existing Zoning	Existing Land Use	
East		Type I (College Park SAP)(MU-1)	Mixed-Use Low	
South		Education	Education	
West		Type I (College Park SAP)(MU-1)	Mixed-Use Low	
North		Type II (College Park SAP)(RMU)	Mixed-Use Residential	
State of Florida IIF TIITF Dept of Education	3900 Commonwealth Blvd Tallahassee, FL 32399	15160-000-000		Type I (College Park SAP)

	Existing Zoning	Existing Land Use
East	Type I (College Park SAP)(MU-1)	Mixed-Use Low
South	Education	Education
West	PD, RSF-4	Residential Medium
North	Type III (College Park SAP)(PD)	PUD

Summary

The proposed zoning change is consistent with the 2000-2010 Gainesville Comprehensive Plan, and is recommended for approval.

Respectfully submitted,



Ralph Hilliard
Planning Manager

DM:DN

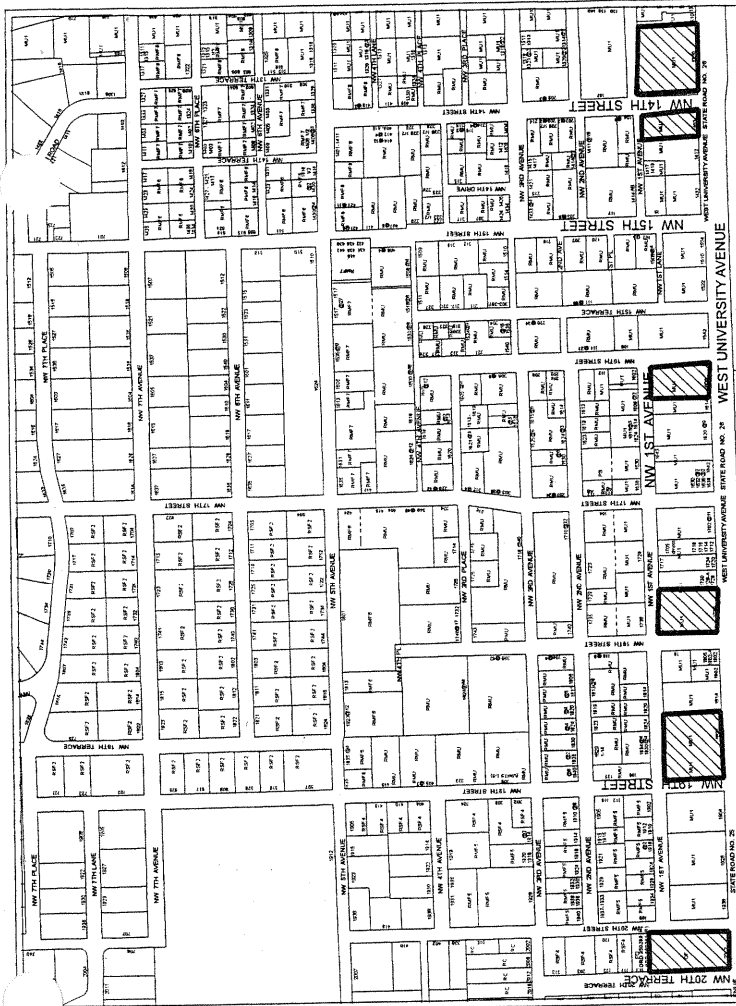
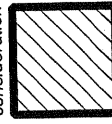
Attachment

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 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Multiple-Family 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 (up to 20 du/acre)
- OF General Office
- PD Planned Development
- 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
- 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

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

Area under petition consideration



Type IV - Civic (civic uses)

Type I - Shopfront/Office/Apartment

EXISTING ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	From Type IV (College Park SAP) to Type I (College Park SAP)	3949	50ZON-05PB

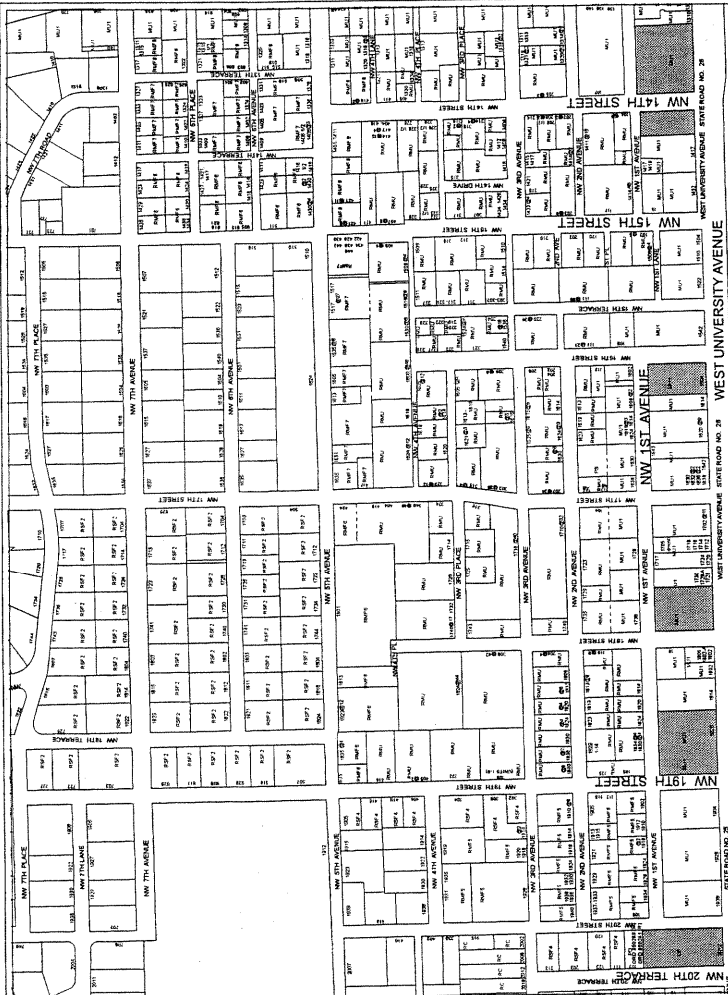


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- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Multiple-Family Medium Density Residential (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
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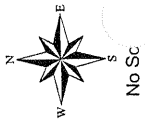


Type IV - Civic (civic uses)

Type I - Shopfront/Office/Apartment

PROPOSED ZONING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville	From Type IV (College Park SAP) to Type I (College Park SAP)	3949	50ZON-05PB



Petition 50ZON-05 PB

City of Gainesville. Amend the Type IV College Park Special Area Plan designation to Type I on six properties in the College Park Special Area plan along West University Avenue.

Mr. Dom Nozzi was recognized. Mr. Nozzi explained that the petition proposed to change the College Park Special Area Plan overlay designation for 6 properties along West University Avenue. He noted that the underlying land use and zoning would remain the same. He pointed out the properties on a map and described the surrounding uses. He explained that Type IV in the College Park Special Area Plan was primarily a civic category that allowed such uses as schools and churches, and Type I allowed mixed use, higher density residential, and office. Mr. Nozzi noted that the Type I would also allow the existing uses on the properties to continue. He offered to answer any questions from the board.

Mr. Rwebyogo asked who initiated the proposed change.

Mr. Nozzi indicated that he believed it was the City Commission. He pointed out that the civic category allowed a rather narrow range of uses such as churches and schools and the proposed Type I classification would allow a much broader set of uses including mixed-use, retail and office. He noted that staff believed those uses were more appropriate across from a major university on a major street.

Mr. Reiskind asked if the change would increase property values enough to encourage the departure of student oriented churches next to the campus. He cited a concern about relocation of the student oriented religious uses. He asked if the university had been contacted and responded in any way to the proposal.

Mr. Nozzi indicated that the university had not contacted staff about any such concerns. He explained that staff did not believe there would be a turnover in the immediate future, since the proposed Type I would allow the existing uses like churches to continue.

Mr. Cohen asked why the petition was being brought forward if the religious oriented properties had not requested the change.

Mr. Nozzi indicated that staff was trying to provide, in the longer term, more appropriate designations in the area and give the property owners an expanded range of opportunities.

Mr. Cohen pointed out that the property owners had not requested the change, and the current uses were accessible to the dormitories across the street, and fit in with the neighborhood. He suggested that nothing was to be gained by approving the petition.

Mr. Gold noted that there was already a significant amount of commercial real estate on that section of University Avenue. He suggested that it might be different if the churches themselves were requesting the change.

Mr. Ralph Hilliard, Planning Manager, was recognized. Mr. Hilliard explained that the petition was initiated by the City Commission based upon the Presbyterian Student Center's desire to relocate some of the businesses they own during some of the upcoming construction of University Corners.

Mr. Tecler indicated that he had no opposition to the change. He pointed out that University Avenue had a number of different types of zoning and should be made uniform. He stated that he did not believe the churches would be leaving the area.

Chair Cole opened the floor to public comment.

Mr. Michael Pellett, representing University Corners, was recognized. Mr. Pellett explained that the petition had been initiated based upon a letter to the mayor from the Presbyterian Center. He noted that the Methodist Church was the primary land source for the University Corners development and that property had already been changed to a Type I designation. He discussed the involvement of the churches in the proposed change and noted that it could give them a source of revenue so they could continue to function as churches next to the university.

Mr. Reiskind asked how such a change would provide a source of revenue.

Mr. Pellett explained that there would be certain activities that could be carried on. He noted that the Methodist Church had a day care center and the Presbyterian Center leased to the Apartment Hunters business, which was not allowed under the Type IV category.

Chair Cole closed the floor to public comment.

<u>Motion By:</u> Mr. Tecler	<u>Seconded By:</u> Mr. Gold
<u>Moved to:</u> Approve Petition 50ZON-05 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Tecler, Cole

**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF
ORDINANCE**

**BY CITY COMMISSION,
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below, will be considered for First Reading on the 11th day of July, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 25th day of July, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
ORDINANCE NO. 041188
WORKING NO. 0-05-58**

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop-front/Office/Apartment) for tax parcels 14969-000-000, 14912-000-000, 14978-000-000, 14983-000-000, and 15160-000-000 as shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

July 6, 2005
Publish Date

Clerk of the Commission
27762.7/6/05
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