

LEGISLATIVE #

120210B

TO: City Plan Board

Item Number: OB1

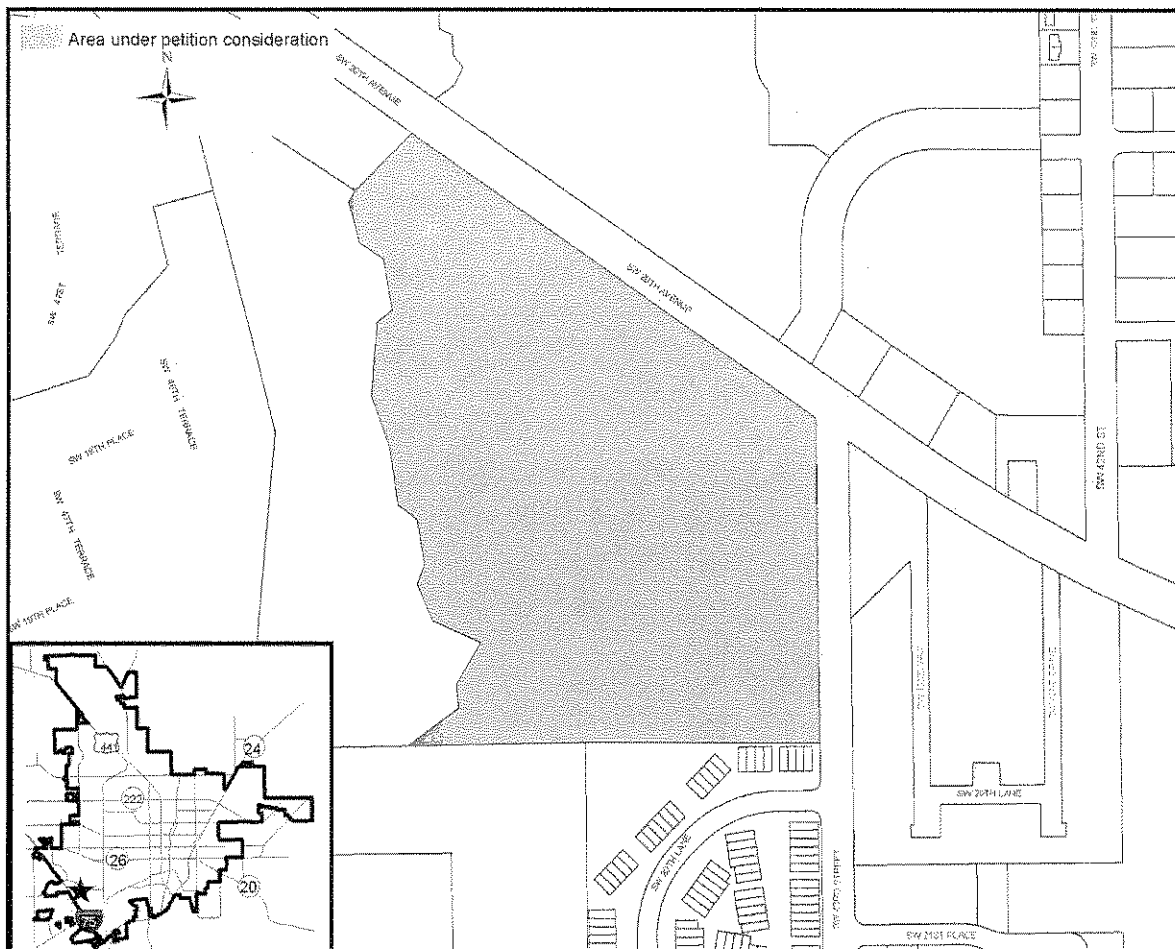
FROM: Planning & Development Services Department
 Staff

DATE: May 24, 2012

SUBJECT: Petition PB-12-38 ZON. City Plan Board. Rezone property from Alachua County Conservation district (C-1) to City of Gainesville Public services and operations district (PS) and Conservation district (CON). Located at 2000 SW 43rd Street.

Recommendation

Staff recommends approval of Petition PB-12-38 ZON and waiving the requirement for a preliminary development plan for all existing uses at the site.



Description

This request is to change the zoning on the property from Alachua County Conservation district (C-1) to City of Gainesville Public services and operations district (PS) and Conservation district (CON). This zoning change is required to apply City of Gainesville zoning designations on property that was annexed into the city in 2009.

The approximately 26.4 acre property is located at 2000 SW 43rd Street, on the southwest corner of SW 43rd Street and SW 20th Avenue. The property includes Forest Park, a community park with active recreational facilities including basketball goals, soccer fields, sand volleyball courts, picnic shelters and an off-leash dog area. Also included on the property is Alachua County Fire Rescue Station #19. This petition is related to Petition PB-11-137 LUC, a large-scale land use amendment to change the future land use map from Alachua County Recreation to City of Gainesville Recreation, Public Facilities and Conservation land use.

The proposed PS zoning for the active recreation area of the park was selected to provide a close match to the proposed City Recreation land use category. The PS zoning is appropriate for the fire rescue station that lies on the same tax parcel as the park, and this is consistent with the proposed Public Facilities land use category. It was also determined that the western area of the park adjacent to Hogtown Creek consists of environmentally sensitive lands that are constrained for development. Staff proposes to designate areas of the site impacted by the creek, wetlands, and the flood channel district as Conservation zoning, which is consistent with the proposed Conservation land use category (approximately 8.61 acres).

Please see the map on page 1 for the general location of the subject property, and Appendix C for the full map series.

Key Issues

- City of Gainesville zoning designations must be applied to annexed properties.
- The PS zoning designation was chosen for the active recreation portion of the site because it is compatible with the proposed City of Gainesville Recreation land use, as well as with the active recreation uses on the site.
- The PS zoning designation is compatible with the proposed City of Gainesville Public Facilities land use, and is most appropriate for the fire rescue station portion of the site.
- The Conservation zoning designation is appropriate for portions of the site because of the environmental features present, including Hogtown Creek, the ten-year flood channel, mature hardwood forest, and wetlands.
- Forest Park is a community park that serves, among others, the student population that lives in the residential developments in the surrounding area.
- Staff recommends that the requirement for a preliminary development plan be waived for all of the existing uses at the site because they were existing conditions when the property was annexed in 2009.

Recommended Uses and Conditions

The proposed list of permitted uses by right for the PS portion of this site includes:

- Activity-based public parks and recreation;
- Passive recreation;
- Off-leash dog park;
- Fire station;
- Stormwater retention and treatment;
- Transit stops;
- Utility transmission and distribution lines;
- Police substation;
- Arboreta and botanical gardens;
- Water conservation areas, water reservoirs and control structures;
- Public lands designated for open space or conservation;
- Recreation center (including senior centers);
- Utility buildings or facilities as defined in Section 30-23 of the Land Development Code; and
- Accessory uses customarily and clearly incidental to any permitted principal use.

The following conditions also apply to the use and development of this property:

1. Changes to the site involving expansion of existing uses or new uses shall require development plan approval in accordance with the requirements of the City's Land Development Code and the adopted PS zoning ordinance.
2. The subject property shall be regulated in accordance with the requirements of the City's Land Development Code and all other applicable regulations.

The dimensional requirements are as follows:

Minimum yard setbacks:

- Front: Ten feet;
- Side, street: Ten feet;
- Side, interior: Twenty feet; and
- Rear: Zero feet.

For this site, the front of the property is along SW 43rd Street.

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

The proposed zoning change is consistent with Gainesville's Comprehensive Plan. The City designates annexed land with appropriate zoning categories that are consistent with the surrounding area and the proposed land use categories. The following objectives and policies are the most pertinent to this petition.

Objective 4.1 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 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Recreation

This category identifies appropriate areas for public and private leisure activities. Land development regulations shall address the scale, intensity and buffering of structures and outdoor improvements. This category shall meet the appropriate intensities of use as established by the Recreation Element.

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 1 unit per 5 acres. Land development regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

Public Facilities

This category identifies administrative and operational governmental functions such as government offices, utility facilities and storage facilities. Maximum lot coverage in this district shall not exceed 80 percent.

The list of other applicable comprehensive plan policies is located in Appendix A.

The proposed land use designations for the subject property are Recreation, Conservation and Public Facilities. The proposed PS zoning district is the typical zoning district used to implement the Recreation and Public Facilities land use categories. The proposed CON zoning

district is the typical zoning district used to implement the Conservation land use category. This is discussed further in the related Petition PB-11-137 LUC.

2. Conformance with the Land Development Code

The proposed rezoning is consistent with the Land Development Code. The PS district is established for the purpose of identifying and providing suitable locations for the necessary public and private utility and recreation activities that serve and are used by the public for their own benefit and are necessary to the normal conduct of the community's activities. One of the objectives of the district is to accommodate utilities, recreation and public facilities, at appropriate locations, necessary to serve the public. The Conservation zoning district was established for the purpose of conserving, restoring and protecting environmentally significant lands within the city and for establishing natural buffers between incompatible uses. An objective of the district is to conserve parks, recreational areas, open space, floodplains and unique natural features. Please see the PS and Conservation zoning districts purpose and objectives in Appendix B. Any subsequent development on the property will have to comply with applicable environmental regulations in order to protect sensitive areas and utilize existing public utilities that serve the existing uses.

This proposed zoning change applies City of Gainesville zoning designations that match the existing uses on the property including PS for the active recreation and the fire rescue station and Conservation for the environmentally sensitive areas. These proposals promote the stable continuation of the existing uses, thus enhancing existing urban infill development in the Urban Village area of the City and protecting sensitive environmental features.

3. Changed Conditions

The changed condition is that the subject property was annexed into the City in 2009, and City zoning must be applied to the property.

4. Compatibility

The subject parcel is located on the southwest corner of SW 43rd Street and SW 20th Avenue. To the south is a condominium development with City of Gainesville Urban Mixed-Use 2 (UMU-2: up to 100 units per acre) land use and Alachua County Multiple family, high density district (R-3) zoning, as well as vacant land with City of Gainesville Conservation and Residential Medium-Density (8-30 units per acre) land use and Conservation and RMF-8 (8-30 units/acre multiple-family residential district) zoning. To the west is City of Gainesville land with Conservation land use and zoning. To the north across SW 20th Avenue is an apartment development with City of Gainesville Mixed-Use Medium Intensity (12-30 units per acre) land use and MU-2 (12-30 units/acre mixed use medium intensity) zoning. Also to the northeast of the fire station is a strip commercial center with UMU-2 land use and Alachua County Retail sales and services (BR) district zoning. East of SW 43rd Street is another apartment development with UMU-2 land use and Alachua County PD (Planned development district) zoning. The proposed PS zoning district was chosen for the active recreation portion of the site because it is compatible with the proposed City of Gainesville Recreation land use category, the existing recreational uses, and the

Petition PB-12-38 ZON
May 24, 2012

surrounding development in the area. The PS zoning is also appropriate for the fire rescue station portion of the site, and the proposed Conservation zoning is appropriate for the environmentally sensitive portion of the site that abuts existing City Conservation designated land to the west of the park.

5. Impacts on affordable housing

This proposed zoning change will have no impact on affordable housing.

Transportation

The proposed PS and Conservation zoning would allow no more trips in general than the existing Alachua County Recreation land use and Conservation zoning because the property is already developed in recreation and fire station uses. The property is located within Zone M of the City's Transportation Concurrency Exception Area (TCEA). Bus Route 20 runs along SW 20th Avenue connecting the University of Florida (UF) with the Oaks Mall. Bus Route 21 runs along SW 20th Avenue to UF, connecting Cabana Beach apartments with the campus. Bus Route 22 runs along SW 43rd Street to SW 24th Avenue and connects this area with UF. Bus Route 62 runs along SW 20th Avenue and also along SW 43rd Street, connecting the Oaks Mall with multiple-family residential development in the area east of SW 34th Street. There is a driveway into the site off of S.W. 20th Avenue. During some soccer matches at the park, drivers pull off of SW 43rd Street and park along the side of the street.

Environmental Impacts and Constraints

Approximately 7.5 acres (28%) of the subject property has been designated as Strategic Ecosystem by Alachua County. These are sensitive environmental areas identified for various environmental features including watershed quality, the presence of endangered species and native plant and animal habitats. They are mapped in a generalized manner until a specific proposal is brought forth requiring an actual determination on the ground for specific boundaries. When the boundaries are set, set-asides for conservation of the environmental features are required. For annexed property, the Strategic Ecosystem designation remains in place until the City adopts a land use designation for the property. Although these areas are not currently regulated by the City, current Petition PB-10-143 TCH is a proposal to amend the Land Development Code to add and update provisions for environmental protection, including adopting regulations for strategic ecosystems that are within City limits as identified by the KBN/Golder 1996 report. This report was adopted by Alachua County and identifies significant natural biological communities, both upland and wetland. Any future development proposal will have to comply both with the provisions of Policy 3.1.1 of the Future Land Use Element, which addresses the protection of environmentally sensitive resources, and with the land development regulations that implement this policy.

Environmental Coordinator John Hendrix, has visited the subject property and has provided comments related to environmental features:

The west property boundary runs with the meandering centerline of Hogtown Creek. Soccer/football fields, basketball and volleyball courts, a fenced dog park, picnic pavilion, restrooms and parking are present on the higher eastern area of the property. An electric power line utility extends across the southeast corner of the property, and a public fire station facility is located in the northeast corner near the road intersection. The west side of the property, associated with Hogtown Creek and its wetland/floodplain, is heavily forested. A recently constructed stormwater management facility (large swale) borders the property on the north adjacent to SW 20th Avenue.

Throughout the western part of the property, floodplain and wetland areas of Hogtown Creek are present below elevations of approximately +58 feet North American Vertical Datum, 1988 (NAVD), and the associated 10-year flood channel extends up to elevation +59.7 feet NAVD. This forested creek/wetland system supports a high quality mixed hardwood swamp community. The transitional zone between the edge of the hardwood swamp and the open fields of the park supports a band of mature mesic forest dominated by live oak, swamp laurel oak, water oak, sweet gum, red maple, and loblolly pines and serves as an excellent natural buffer for Hogtown Creek and its diverse wetland community. Archaeological resource sites are present adjacent to this parcel, on the north and west, and a small site lies within the parcel in the southeast area in the vicinity of the existing power line. None of these sites have been found to be significant or eligible for listing in the National Register of Historic Places.

As mentioned above, most of the forested western area of the parcel lies within the Hogtown Creek surface water/wetland area, which is regulated pursuant to *LDC 30-301 Regulated surface waters and wetlands*. Any proposed use of this area of the property would require avoidance of the creek/wetland area, and the associated buffer requirement (50-foot buffer) of the code would further restrict potential development uses in this area. In addition, the 10-year flood channel extends across the entire Hogtown Creek wetland and up into the wetland buffer area.

More than half of the forested area on the west side of the property along Hogtown Creek is identified as Strategic Ecosystem in the *Alachua County Ecological Inventory Project (KBN/Golder Associates) 1996* study. The site summary (Hogtown Prairie-Sugarfoot) for this highly ranked natural resource site describes the lower Hogtown Creek floodplain as having “magnificent mature hardwood forests of different kinds...in great condition overall.” In this location, the area of the property within the Strategic Ecosystem falls within the wetlands and floodway of the creek system.

Based on the high quality natural resources found within the forested area on the west side of the subject property, it is recommended that the Conservation land use and zoning categories be placed on this 8.61 acre area of floodway, creek/wetland, Strategic Ecosystem, and associated buffer, as appropriate to limit and prohibit development activities consistent with the comprehensive plan and land development

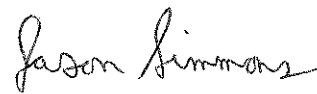
Petition PB-12-38 ZON
May 24, 2012

code. The extent of the recommended Conservation land use and zoning on the property was agreed upon through coordination and onsite conference with representatives of the Alachua County Growth Management, Public Works, and Environmental Protection Departments. The City Environmental Coordinator concurred with the County Environmental Protection Department that the comparable environmental regulations of either the City or the County would require that the high quality natural resource areas and associated buffer be protected from development activity. The extent of these regulated areas for which protection is required is closely approximated by the area encompassed by the proposed Conservation zoning. This zoning district will confer an appropriate priority for preservation of this high quality natural area, while allowing for specified compatible uses such as environmental education and passive recreational uses.

Respectfully submitted,


Onelia Lazzari
Principal Planner

Prepared by:


Jason Simmons
Planner

Petition PB-12-38 ZON
May 24, 2012

Table 1

Adjacent Existing Uses

North	SW 20 th Avenue, multiple-family residential
South	Multiple-family residential, conservation
East	S.W. 43 rd Street, multiple-family residential
West	Conservation land

Adjacent Zoning and Land Use

	Zoning Category	Land Use Category
North	City of Gainesville MU-2	City of Gainesville MU-M
South	Alachua County R-3 and City of Gainesville CON	City of Gainesville UMU-2 and CON
East	Alachua County BR and PD	City of Gainesville UMU-2
West	City of Gainesville CON	City of Gainesville CON

List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Future Land Use Element

Exhibit A-2 Conservation, Open Space & Groundwater Recharge Element

Appendix B Land Development Code

Exhibit B-1 Conservation district purpose, objectives, and permitted uses

Exhibit B-2 Public services and operations district purpose, objectives, and permitted uses

Appendix C Supplemental Documents

Exhibit C-1 Existing Zoning Map

Exhibit C-2 Proposed Zoning Map

Exhibit C-3 Aerial Map

Exhibit C-4 Strategic Ecosystem Map

Appendix D Application

Exhibit D-1 Zoning Application

Exhibit D-2 Sketch and Legal Description