



**MEMORANDUM**  
Office of the City Attorney

LEGISLATIVE ITEM NO. 000154

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

**TO:** Mayor and City Commission

**DATE:** September 11, 2000

**FROM:** City Attorney

CITY ATTORNEY  
ADOPTION READING

**SUBJECT:** Ordinance No. 0-00-91, Petition 106LUC-00PB  
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Conservation" to "Recreation"; located in the vicinity of East University Avenue between the Southeast 2700 Block and 3000 Block; providing a severability clause; providing a repealing clause; and providing an effective date.

---

**Recommendation:** The City Commission: 1) approve Petition 106LUC-00PB; and 2) adopt the proposed ordinance,

STAFF REPORT

This application to change the land use of 5.8 acres from Conservation to Recreation will facilitate expansion of the City of Gainesville's Fred Cone Park. The subject property is adjacent to and east of the park. The park, located off of Southeast 27<sup>th</sup> Street, approximately 300 feet south of East University Avenue, currently has a baseball field, 4 basketball courts, a picnic area, playground, and restroom facilities. The parcels north and west of the subject property carry a Recreation land use and PS zoning. The southern and eastern parcels are outside the city limits and carry a Commercial and Medium Density Residential land use and BR (Retail Sales and Services) and R-2 (Multi-Family) zoning respectively.

The subject 5.8-acre property is part of a 67-acre parcel east of Fred Cone Park. Wetlands and floodplain areas delineated on the eastern portion of the 67-acre parcel dictate the boundaries for expanding the park, thus, they limit the land use change request to the approximate 5.8 acres remaining immediately east of the park. Because of these floodplain and environmental considerations, the majority of the 67 acres would remain as Conservation.

Currently, Regional Transit System bus route 11 is within one-quarter mile of the property. An entrance to Fred Cone Park is available through the Gainesville Housing Authority's residential development (Lake Terrace Apartments) immediately west of the park. An unpaved street (Southeast 27<sup>th</sup> Street) that runs south off of East University Avenue and parallel to Lake Terrace Apartments also provides access to the park. East University Avenue contains a "shared street-oriented bicycle route" (a wide curb lane). Therefore, the proposed development is well served with transit, in-street bike facilities and sidewalks.

The City Plan Board reviewed the petition and recommends approval.

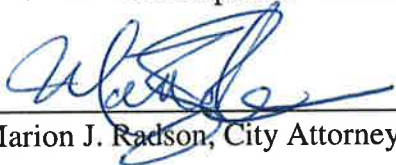
Public notice was published in the Gainesville Sun on July 4, 2000. Letters were mailed to surrounding property owners on July 5, 2000. The Plan Board held a public hearing July 27, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 106LUC-00 PB. Plan Board vote 4-0.

#### CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

Prepared and  
submitted by:

  
\_\_\_\_\_  
Marion J. Radson, City Attorney

MJR/afm

Attachment