

TO: City Plan Board

Item Number: 4

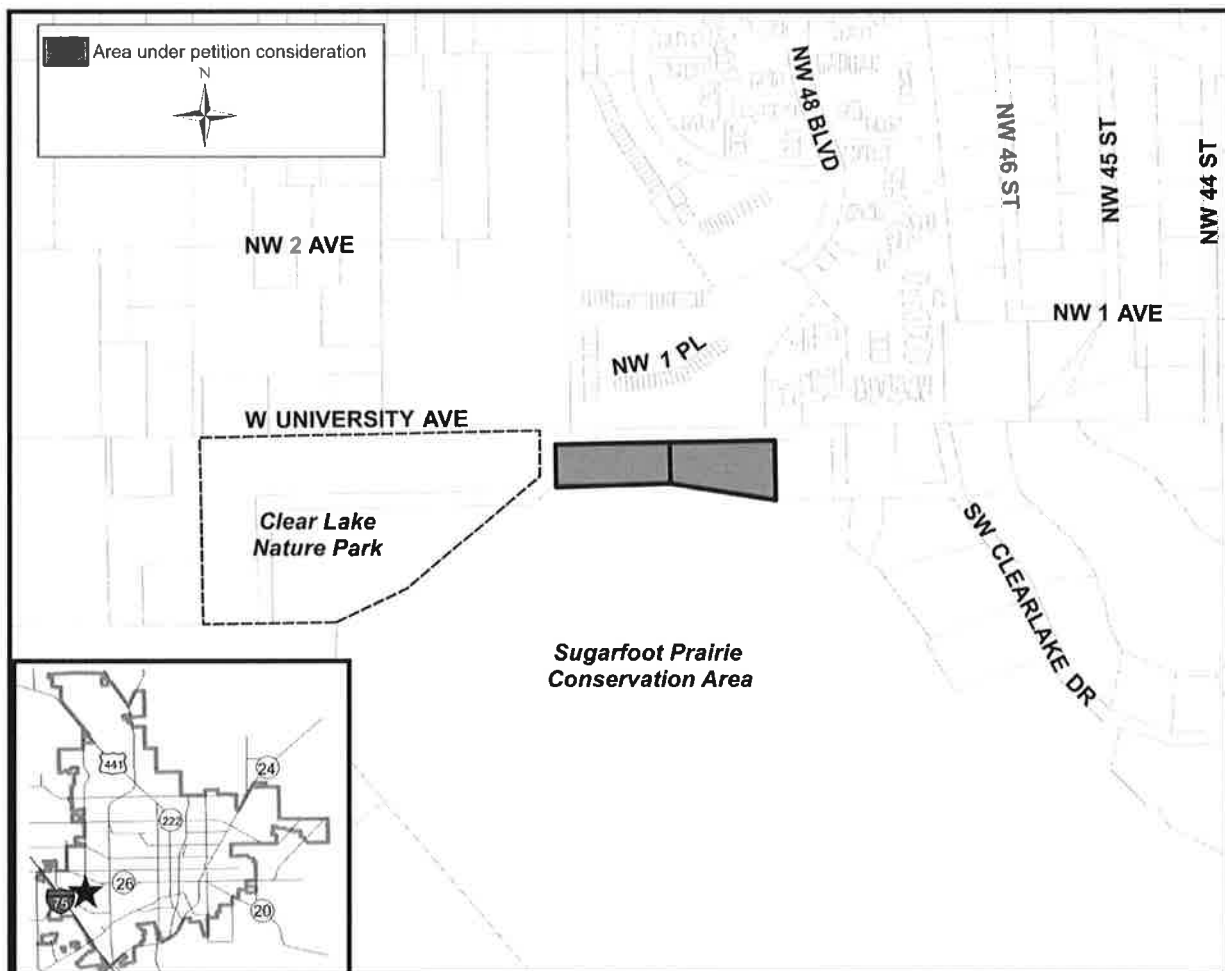
FROM: Planning & Development Services Department
 Staff

DATE: August 27, 2015

SUBJECT: Petition PB-15-74 ZON. City Plan Board. Rezone property from
 Conservation to RSF-1: 3.5 units/acre single-family residential district.
 Located at 5021 & 4911 W. University Avenue. Related to PB-15-73 LUC.

Recommendation

Staff recommends approval of Petition PB-15-74 ZON.



Description

This petition is a request to change the zoning from Conservation district to RSF-1: 3.5 units/acre single-family residential district for a 2.84-acre property located on the south side of unimproved W. University Avenue and at the western edge of the single-family, Clear Lake neighborhood. The property is adjacent to the City's Clear Lake Nature Park to the west and to the City's Sugarfoot Prairie Conservation Area to the south. To the north across unimproved W. University Avenue are a single-family residence and a townhome development (Mill Pond). A single-family residence is to the east. The southerly one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin, and therefore is substantially constrained with respect to additional development potential. See the location map on Page 1, and see Table 1 on Page 7 for a tabular summary of adjacent existing uses and adjacent zoning and land use categories.

The existing single-family houses (one on each of the two lots) on the approximately 2.84-acre property do not conform to the 1 unit per 5 acre maximum density allowed by the current land use designation of Conservation, but they are legal nonconforming uses that were in place prior to the 1992 annexation into the City of Gainesville. This requested rezoning (and the related land use change) will make the existing single-family residential use conform to its zoning (and land use) designations. This petition is related to Petition PB-15-73 LUC which proposes a small-scale land use change from Conservation district to Single-Family (up to 8 units per acre).

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps that show the existing and proposed zoning districts.

Key Issues

- The proposed rezoning to RSF-1 is consistent with the City's Comprehensive Plan and is supportive of urban infill.
- This proposed zoning change will change a legally nonconforming use into a conforming use.
- The proposed RSF-1 zoning is consistent with the RSF-1 zoning that is adjacent to the east and north, and is compatible with the adjacent Conservation district zoning to the south and west, and the residential PD (Planned development district) zoning to the north.

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 rezoning from Conservation to RSF-1 (Single-family residential, 3.5 units per acre) is consistent with Future Land Use Element (FLUE) Objective 4.1 and Policy 4.1.1, which are included below. This petition is also consistent with FLUE policies (see Exhibit A-1, Comprehensive Plan GOPs) regarding both the discouragement of urban sprawl and densities

that are consistent with policies pertaining to the protection of environmentally sensitive land and resources. The proposed RSF-1 zoning district for this location is also consistent with applicable Transportation Mobility Element policies (see Exhibit A-1). The requested RSF-1 (Single-family residential, 3.5 units per acre) zoning will implement the Single-Family land use category proposed by related Petition PB-15-73 LUC.

Future Land Use Element

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:

Single-Family (up to 8 units per acre)

This land use category shall allow single-family detached dwellings at densities up to 8 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, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations in conjunction with single-family dwellings under certain limitations.

2. Conformance with the Land Development Code

The proposed rezoning to RSF-1 will implement the Single-Family land use category proposed by related Petition PB-14-73 LUC. Should additional residential development ever be proposed, at the development plan stage, the proposed development will be required to meet all Land Development Code requirements. As stated elsewhere in this report, there are major environmental constraints on the property.

3. Changed Conditions

The pending sale of the westernmost of the two lots that comprise the 2.84-acre property has been delayed until such time as residential land use and zoning are in effect because the purchaser's lender requires that the single-family property be a legally conforming use. The property has been legally nonconforming since Conservation land use and zoning were put in place following the 1992 annexation. The proposed Single-Family land use and RSF-1 zoning, if approved, will bring the legal, long-standing residential use of the property into conformance with its land use and zoning designations.

4. Compatibility

The proposed RSF-1 (Single-family residential, 3.5 units per acre) zoning is compatible with the surrounding area and its land uses. It is compatible with the surrounding residential properties: SF (Single-Family, up to 8 units per acre) land use and RSF-1 zoning to the east and north (across unimproved W. University Avenue); RL (Residential Low-Density (up to 12 units per acre)) land use and PD (Planned development district) zoning to the north (across W. University Avenue). It is also compatible with the adjacent City of Gainesville nature park lands (Conservation land use and Conservation district zoning) to the south and west (across unimproved W. University Avenue).

See Table 1 on Page 7 of this document for a tabular summary of adjacent existing uses and adjacent land use categories and zoning districts.

5. Impacts on Affordable Housing

The proposed rezoning from Conservation to RSF-1 will have negligible to no impact on the supply of potential affordable housing in the City due to the environmental constraints of the property. The potential for any additional residential units is extremely low due to the property's severe environmental constraints for development, which include but are not limited to the fact that one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin. Any additional development (additional residential units) of the existing property that consists of two lots (1.35 acres and 1.49 acres respectively) that are currently developed with one single-family house each would require subdivision of the property, compliance with numerous applicable requirements of the Land Development Code, and compliance with all other applicable City of Gainesville regulations.

Transportation

There are no major transportation issues associated with the proposed zoning change for this property that is at the western terminus of unimproved W. University Avenue and at the western edge of the Clear Lake residential neighborhood. The property is located within Zone B of the Gainesville Transportation Mobility Program Area (TMPA), and is accessible by motor vehicle, bicycle and walking. The property is not served by the Gainesville Regional Transit (RTS), the nearest transit service of which is along Newberry Road (State Road 26).

The two existing single-family houses generate 19 average daily trips (ADT) (based on 9.52 ADT per residential unit (source: ITE Trip Generation Manual, 9th Edition). Although it is unlikely (due to the substantial environmental limitations of the property) that additional residential units will be proposed, development will be subject to the Zone B requirements of Policy 10.1.5 and 10.1.6 (See Exhibit A-1) of the Transportation Mobility Element at the time of development plan review.

Environmental Impacts and Constraints

This property is in FEMA Flood Zone AE (Zone AE corresponds to a 1 percent chance every year that flood waters will inundate the area, or 100 percent chance over a 100 year period. Zone

AE floodplains have base flood elevations that are determined by detailed methods.) See Exhibit B-5 (Map: FEMA Special Flood Hazard Area).

The City's Environmental Coordinator provided the following review in a memorandum dated July 30, 2015:

“The subject petitions for a proposed change in land use and zoning for two adjoining parcels have been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code 30-300 *Surface Waters and Wetlands*, 30-307 *Regulated Parks & Conservation Areas*, or 30-310 *Natural and Archaeological Resources*. The petition proposes a land use change from Conservation to Single-Family (up to 8 units per acre), and rezoning from Conservation to RSF-1: 3.5 units/acre single-family residential district. The petitions for the proposed amendments are submitted by the Gainesville City Plan Board.

These two adjacent parcels are located on the south side of West University Avenue at its westernmost terminus in the Clear Lake neighborhood, south of the Mill Pond/Monticello Planned Development. University Avenue in this location is a one-lane unpaved road section which ends at a residence at the 5021 address, the more westerly of the two parcels. A recreational trail entry point to the City's adjacent nature park, the Clear Lake Nature Park, exists off the roadway immediately west of Parcel 6539-9. Nature park lands of Sugarfoot/Hogtown Prairie adjoin the south boundaries of the two subject parcels. One single-family residence is located on the higher elevations of each lot (there is approximately 4 feet of elevational difference from the north to the south side of the parcels). Areas below the approximate 58 foot elevation, consisting of the southerly half to two-thirds of the subject property, fall within regulated wetlands of the Hogtown Creek basin. The uplands of the property are covered by a mature mixed pine/hardwood forest openings of the lawns of the included residence yard areas. The parcels drop quickly to the south, especially off the residence structure fill pads, down into a regularly inundated wetland supporting a very high quality mixed hardwood swamp community. As mentioned above, proposed development activities within the wetland areas and buffers on and immediately adjacent to these parcels would be subject to regulation under City Land Development Code 30-300 *Surface Waters and Wetlands*.

Based on available information, no regulated natural and archaeological resources or resource areas are known to be present on the subject parcels. Listed species may be present, but have not been located through survey or other assessment methods. The parcels nearly abut the regulated Hogtown Prairie - Sugarfoot Strategic Ecosystem unit, which lies just off the south boundary. Continuation of the existing residential use would not be expected to result in any activity which would require compliance with the provisions of Division 4. *Regulated Natural and Archaeological Resources*.

Because the subject properties lie within 400 feet of the boundary of a designated nature park, proposed development activities and expansion or alteration of existing uses must comply with the provisions of Section 30-307 *Regulated Parks & Conservation Areas*. Coordination with the City of Gainesville Nature Parks staff is recommended for guidance with any proposed development activity which may be proposed on the subject parcels.”

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Respectfully submitted,

A handwritten signature in blue ink that reads "Ralph Hilliard". The signature is written in a cursive style with a large initial "R".

Ralph Hilliard
Planning Manager

Prepared by: Dean Mimms, AICP
Lead Planner

Table 1**Adjacent Existing Uses**

North	Single-family residence; Townhomes
South	City of Gainesville nature park
East	Single-family residence
West	City of Gainesville nature park

Adjacent Zoning and Land Use and Zoning

	Land Use Category	Zoning Category
North	SF – Single-Family (up to 8 units per acre); RL - Residential Low-Density (up to 12 units per acre)	RSF-1 (Single-family residential, 3.5 units per acre); PD (Planned development)
South	CON – Conservation	CON – Conservation
East	SF – Single-Family (up to 8 units per acre)	RSF-1 (Single-family residential, 3.5 units per acre)
West	CON – Conservation	CON – Conservation

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List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Zoning

Exhibit B-3 Map: Proposed Zoning

Exhibit B-4 RSF-1 zoning district regulations

Exhibit B-5 Map: FEMA Special Flood Hazard Area

Appendix C Application Package

Exhibit C-1 Rezoning Application