



Legislation Details (With Text)

File #: 990709 **Version:** 2 **Name:** Petition 148ZON-99PB, Eng, Denman & Associates, Inc. (B)
Type: Ordinance **Status:** Passed
File created: 4/24/2000 **In control:** City Attorney
On agenda: **Final action:** 5/8/2000
Title: REZONING - HARTMAN (B)

Ordinance No. 0-00-47, Petition No. 148ZON-00PB

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from the zoning category of "Planned Development District" to the following zoning categories: 1) "BUS: General business district" on Parcel 1; 2) RMF-6: 8-15 units/acre multiple-family residential district" on Parcel 2; 3) RSF-1: 3.5 units/acre single-family residential district" on Parcel 3A; 4) "RMF-6: 8-15 units/acre multiple-family residential district" on Parcel 4; 5) "RMF-5: 12 units/acre single-family/multiple-family residential district" on Parcel 5; and 6) "CON: Conservation district" on Parcel 3B; consisting of approximately 98.46 acres; and located in the vicinity between Northwest 45th and 53rd Avenues and between Northwest 13th and 19th Streets; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 990709_148ZON-99PB_20000101, 2. 990709_a Land Sketch_20000101, 3. 990709_a Second Reading Ordinance No. 0-00-47, Petition No. 148ZON-00PB_20000101, 4. 990709_Authority Booklet_20000101, 5. 990709_b Land Sketch_20000101, 6. 990709_b Second Reading Ordinance No. 0-00-47, Petition No. 148ZON-00PB_20000101, 7. 990709_Engineer Resumes_20000101, 8. 990709_Exhbit P-1_20000101, 9. 990709_Exhbit P-2_20000101, 10. 990709_Exhbit S-1_20000101, 11. 990709_Exhbit S-3_20000101, 12. 990709_Exhbit S-4_20000101, 13. 990709_Exhbit S-5_20000101, 14. 990709_Exhbit S-6_20000101, 15. 990709_Exhbit S-7_20000101, 16. 990709_Exhbit S-8_20000101, 17. 990709_Exhbit S-10_20000101, 18. 990709_Exhbit S-11_20000101, 19. 990709_Exhibt P-7_20000101, 20. 990709_First Reading Ordinance No. 0-00-47, Petition No. 148ZON-00PB_20000101, 21. 990709_Hartman Properties-Petition 148ZON-99 PB_20000101, 22. 990709_Hartman_20000101, 23. 990709_Notice of Change of Zoning_20000101, 24. 990709_Ordinance No. 0-00-47, Petition No. 148ZON-00PB_20000101, 25. 990709_Petition 148ZON-99-PM_20000101, 26. 990709_Petition 148ZON-99-PM Quasi Judicial Registration Forms_20000101, 27. 990709_Petitioner Exhibits_20000101, 28. 990709_Quasi Judicial Registration Forms_20000101, 29. 990709_Verbatim Motion_20000101

Date	Ver.	Action By	Action	Result
5/8/2000	4	City Commission	Adopted on Final Reading (Ordinance)	Pass
4/24/2000	4	City Commission	Adopted on First Reading, as amended (Ordinance)	Pass
4/10/2000	3	City Commission	Striken From the Agenda (Ordinance)	
3/6/2000	2	City Commission	Approved, as shown above (First Motion)	Pass
2/28/2000	1	City Commission	Continued (Petition)	Pass
1/10/2000	1	City Commission	Continued	Pass

Legislative Matter No. 990709. (Quasi-Judicial) Petition 148ZON-99 PB. Eng, Denman & Associates, Inc., agent for Mike S. Hartman, family representative. (FORMAL QUASI-JUDICIAL HEARING) (B)

The 98.46-acre subject property is generally bounded by Northwest 13th Street (US 441) on the east, Northwest 53rd Avenue on the north, Northwest 19th Street (platted, not constructed) on the west, and Northwest 45th Avenue on the south. The northeast quadrant of the property has frontage along Northwest 13th Street; the southeast quadrant does not. An abandoned golf driving range and a mobile home sales center occupy a portion of the property, fronting Northwest 13th Street. Other than most of the Northwest 13th Street frontage, the majority of the subject property is undeveloped, with the exception of several single-family homes. The property is mostly forested, but includes three large cleared areas.

The Hartman property was annexed by the City in September 1992. The preexisting Alachua County PUD (Planned Unit Development) zoning was mirrored in the PD (Planned Development) zoning subsequently designated by the City and in effect until its expiration in January 1995. The land use categories (Commercial, Residential Medium and Residential Low Density, and Single Family) adopted by the City for the subject property remain in effect. The applicant is now proposing zoning categories other than PD for the Hartman property. The applicant has stated in the application that these "zonings will provide for [the] ability to create additional single-family, multi-family and commercial use on US 441." The proposed zoning is for BUS (general business district), RMF-7 (8-21 units/acre multiple-family residential district), RMF-5 (12 units/acre residential low-density district), and RSF-4 (8 units/acre single-family residential district).

The November 24, 1999 report by the Alachua County Environmental Protection Department describes the subject property as having considerable components of wetlands, uplands, special flood hazard areas (areas inundated by 100-year flooding per the Federal Emergency Management Agency's Flood Insurance Rate Maps), surface water areas, and two archaeological sites. The depicted flood hazard areas generally correspond to the main channel of Hogtown Creek, which is subject to the Creek Setback Ordinance (Sec. 30-302) and additional stormwater management standards. Due to the preponderance of poorly drained and somewhat poorly drained soils on the property, particular attention will have to be paid to stormwater management. Staff recommends that a master stormwater management plan be prepared and approved by the City's Public Works Department for the entire property prior to the issuance of any final development orders.

The County report describes and depicts substantial areas of potential regulatory wetlands at several locations on the property. Of these locations, the wetlands in the southwest corner of the property and their associated uplands make the southwestern portion of the property "by far the most ecologically intact, sensitive, and valuable area to be found on the entire tract." The report continues by stating that "the City (should) make a concerted effort to preserve this area in its entirety, perhaps by "conservation" zoning district."

The southwestern portion of the property also contains two documented prehistoric sites, 8AL3426 and 8AL3427. The County report states that there is a moderate to high potential for as "yet undocumented, potentially significant resources located in unsurveyed portions of the tract, particularly on the southern 30 percent." It is recommended that any future development of the southern 30 percent of the subject property be preceded by a thorough, professional subsurface survey.

After hearing from staff, the petitioner and from various neighbors, and considering all pertinent factors required by Sec. 30-347.3 for rezoning, the Plan Board recommended that the property be zoned Conservation, Planned Development, and Commercial. The Board's recommendation was preceded by considerable discussion of environmental characteristics (including drainage), neighborhood concerns, and the potential for PD zoning to result in a well-conceived mixed-use development that is sensitive to its unique site and surrounding neighborhoods.

Public notice was published in the Gainesville Sun on November 30, 1999. Letters were mailed to surrounding

property owners on December 1, 1999. The Plan Board held a public hearing on December 16, 1999.

None

City Plan Board to City Commission - The City Commission approve Petition 148ZON-99 PB with Plan Board recommendation that: 1) the commercial portion of the property be straight zoning, 2) Block 29 of the site be zoned Conservation; and 3) the remainder of the site be zoned Planned Development. Plan Board vote 5-1

Staff to Plan Board - That the subject property be developed under the Planned Development (PD) zoning designation. Alternatively, staff recommends approval of Petition 148ZON-99 PB, with the exception that Block 29 be rezoned to Conservation rather than to RSF-4.