



Legislation Details (With Text)

**File #:** 130282.      **Version:** 2      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/29/2013      **In control:** City Commission  
**On agenda:** 12/19/2013      **Final action:** 12/19/2013  
**Title:** LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED AT 2201 AND 2219 NE 2ND STREET (B)

Ordinance No. 130282; Petition No. PB-13-75 LUC  
 An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by removing the Planned Use District (PUD) overlay from approximately 1.7 acres of property generally located at 2201 and 2219 NE 2nd Street, as more specifically described in this ordinance; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 130282B\_Staff Report\_12131219.pdf, 2. 130282C\_Appendix A\_Comprehensive Plan GOPs.pdf, 3. 130282D\_Appendix B\_Supplemental Docs\_20131219.pdf, 4. 130282E\_Appendix C\_Application Package\_20131219.pdf, 5. 130282F\_CPB minutes\_20131219.pdf, 6. 130282G\_staff ppt\_20131219.pdf, 7. 130282A\_draft ordinance\_20131219.pdf, 8. 130282\_OrdFinal\_20131219.pdf

Date	Ver.	Action By	Action	Result
12/19/2013	2	City Commission	Approved (Petition) and Adopted on Adoption Reading	Pass

**LAND USE CHANGE - SMALL SCALE - PROPERTY GENERALLY LOCATED AT 2201 AND 2219 NE 2ND STREET (B)**

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The City Commission: (1) approve Petition No. PB-13-75 LUC and (2) adopt the proposed ordinance.

**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT**

This petition/ordinance is a small-scale future land use map amendment that removes the Planned Use District (PUD) overlay from approximately 1.7-acre property located at 2201 and 2219 NE 2nd Street (near the southeast corner of NE 23rd Avenue and NE 2nd Street). The property consists of a 1-acre undeveloped parcel along NE 23rd Avenue and an adjacent 0.7-acre developed parcel along NE 2nd Street that is the site of a catering business. A restaurant under different ownership preceded the catering business.

The entire 1.7-acre property in 1997 received PUD land use (as a land use overlay; the property's underlying

land use remained Office) and Planned Development District (PD) zoning for an eating place by the adoption of Ordinance No. 960934 and Ordinance No. 960935, respectively. Construction of the development never commenced and the PD zoning was valid only for a five-year period from the date of the PD ordinance. As a result and per the PD ordinance, the City is required to initiate an action to rezone the property to an office designation. Because the PUD land use overlay limits use of the property to an eating place, the land use overlay category also must be removed, leaving the property with its existing Office land use category.

An agent (Bruce Smith) for one of the property owners, Hattie Mae Smith, requested that the City of Gainesville initiate the land use change and rezoning of this parcel so that the property owner may construct an office building. This small-scale amendment is consistent with the City's Comprehensive Plan and will facilitate redevelopment of the property to office and residential uses. Office land use is compatible with the surrounding mixed-use, commercial, public facilities, and residential land use categories.

After public notice was published in the Gainesville Sun on August 6, 2013, the City Plan Board held a public hearing on August 22, 2013, and recommended approval of the petition by a vote of 6-0.

#### CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.