



Legislation Details (With Text)

**File #:** 140029.      **Version:** 5      **Name:**  
**Type:** Ordinance      **Status:** Adoption Reading  
**File created:** 9/30/2014      **In control:** City Attorney  
**On agenda:** 12/18/2014      **Final action:** 12/18/2014  
**Title:** LAND USE CHANGE - GRU POWER DISTRICT (B)

Ordinance No. 140029; Petition Nos. PB-14-55 LUC and PB-14-75 LUC  
 An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 12.22 acres of property known as the "Power District" that is generally located south of SE 4th Avenue, west of SE 7th Street, north of SE 7th Avenue, and east of SE 3rd Street, as more specifically described in this ordinance, from Public and Institutional Facilities (PF) and Mixed-Use High-Intensity (MUH) to Urban Mixed-Use 2 (UMU-2); 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. 140029A\_Staff report\_20140821.pdf, 2. 140029B\_Append A\_Comp Plan GOPs\_Exhibit A1\_20140821.pdf, 3. 140029C\_Append B\_Supplemental Docs\_Exh B1\_B6\_20140821.pdf, 4. 140029D\_Append C\_Application\_Exh C-1\_20140821.pdf, 5. 140029E\_Revised Exhibit C-1\_20140821.pdf, 6. 140029F\_CPB minutes draft\_20140821.pdf, 7. 140029G\_Staff PPT\_20140821.pdf, 8. 140029A\_draft ordinance\_20141016.pdf, 9. 140029B\_Staff report\_20141016.pdf, 10. 140029C\_Append A\_Comp Plan GOPs\_20141016.pdf, 11. 140029D\_Append B\_Supplemental Docs\_20141016.pdf, 12. 140029E\_Application\_Exh C-1\_20141016.pdf, 13. 140029F\_CPB minutes\_20141016.pdf, 14. 140029G\_staff ppt\_20141016.pdf, 15. 140029\_Letters from State Reviewing Agencies\_20141218.pdf, 16. 140029\_MOD Letter from Florida Department of State\_20141218.pdf, 17. 140029\_ordinance\_20141218.pdf, 18. Florida Department of Economic Opportunity 1-5-15.pdf

Date	Ver.	Action By	Action	Result
12/18/2014	5	City Commission	Adopted on Adoption Reading (Ordinance) and Approved the Recommendation	Pass
10/16/2014	4	City Commission	Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing	Pass
8/21/2014	3	City Commission	Approved (Petition)	Pass
8/7/2014	2	City Commission	Continued (Petition)	Pass

**LAND USE CHANGE - GRU POWER DISTRICT (B)**

Ordinance No. 140029; Petition Nos. PB-14-55 LUC and PB-14-75 LUC  
 An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 12.22 acres of property known as the "Power District" that is generally located south of SE 4th Avenue, west of SE 7th Street, north of SE 7th Avenue, and east of SE 3rd Street, as more specifically described in this ordinance, from Public and Institutional Facilities (PF) and Mixed-Use High-Intensity (MUH) to Urban Mixed-Use 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, Florida Department of Transportation, and Florida Department of Education, and (2) adopt the proposed ordinance.

#### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Update since first hearing: On October 16, 2014, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, Florida Department of Transportation, and Florida Department of Education. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance will amend the Future Land Use Map of the City's Comprehensive Plan by changing the land use category of approximately 12.22 acres of property known as the "Power District" from Public and Institutional Facilities (PF) and Mixed-Use High-Intensity (MUH) to Urban Mixed-Use 2 (UMU-2). The subject property is generally located south of SE 4th Avenue, west of SE 7th Street, north of SE 7th Avenue, and east of SE 3rd Street, and includes the site of the Gainesville Regional Utilities (GRU) administration building and fleet management facilities.

PF is the current land use category for most of the subject property (except for a 0.55 acre parcel on SE 4th Avenue, which has a land use category of MUH). PF limits the use of the property to: administrative, operational, and utility governmental functions; private utilities; cemeteries; and public-private partnerships or other legal arrangements where the land title is vested in a government and the use(s) serve a public purpose. The current PF land use category severely limits the redevelopment potential for most of the property. The proposed UMU-2 land use category will allow a mixture of residential, retail, service and office/research uses, which will greatly increase the property's redevelopment potential. Essential components of the UMU-2 land use category are orientation of structures to the street, the multi-modal character of the area, and retail and office uses that must be scaled to fit the character of the area. The UMU-2 land use category limits building height to 6 stories, with up to 8 stories by special use permit. However, the associated zoning ordinance (Ordinance No. 140030) will establish a maximum 6-story height limit, with a maximum 3-story height limit for certain areas adjacent to residential areas. This proposed land use change is consistent with the City's Comprehensive Plan.

This ordinance combines the substance of two petitions: Petition Nos. PB-14-55 LUC and PB-14-75 LUC. After public notice was published in the Gainesville Sun, the City Plan Board held a public hearing on May 22, 2014, for Petition PB-14-55 LUC and voted to recommend approval with the exclusion of the contiguous area south of the McRorie Community Garden to SE 5th Avenue. The City Commission then held a public hearing on August 21, 2014, and approved Petition PB-14-55 LUC, including the contiguous area south of the McRorie Community Garden. The City Plan Board held a public hearing on July 24, 2014, for Petition PB-14-75 LUC and voted to recommend approval.

#### CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first

hearing is the transmittal stage and must be advertised at least seven (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten (10) working days to the state land planning agency and any party that submitted written comments. 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 not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.