



## Legislation Details (With Text)

**File #:** 100682. **Version:** 2 **Name:** REZONING - 1308 E. UNIVERSITY AVENUE AND 13 NORTHEAST 13TH STREET (B)  
**Type:** Ordinance **Status:** Adopted  
**File created:** 3/17/2011 **In control:** City Attorney  
**On agenda:** **Final action:** 4/7/2011  
**Title:** REZONING - 1308 E. UNIVERSITY AVENUE AND 13 NORTHEAST 13th STREET (B)

Ordinance No. 100682, Petition No. PB-10-119ZON

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "RMF-7: 8 - 21 units/acre multiple-family residential district" to "MU-1: 8 - 30 units/acre mixed use low intensity"; located in the vicinity of 1308 E. University Avenue and 13 Northeast 13th Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 100682\_draft ordinance\_20110317.pdf, 2. 100682\_staff report\_20110317.pdf, 3. 100682A\_append A\_20110317.pdf, 4. 100682B\_append B\_20110317.pdf, 5. 100682C\_append C\_20110317.pdf, 6. 100682D\_append D\_20110317.pdf, 7. 100682E\_CPB minutes\_20110317.pdf, 8. 100681F\_100682F\_staff ppt\_20110317.pdf, 9. 100682\_ordinance\_20110407.pdf

Date	Ver.	Action By	Action	Result
4/7/2011	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
3/17/2011	1	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)	Pass

### REZONING - 1308 E. UNIVERSITY AVENUE AND 13 NORTHEAST 13th STREET (B)

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The City Commission adopt the proposed ordinance.

### COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This request is to change the zoning from RMF-7 (8-21 units/acre multi-family residential district) to MU-1 (8-30 units/acre mixed use low intensity district) on the subject property, which consists of two parcels. Parcel 11525 is located at 1308 E. University Avenue, is approximately 0.41 acres in size, and has split land use designations of Mixed Use-Low (MUL) and Residential-Medium (RM), and split zoning designations of MU-1 (8-30 units/acre mixed use low intensity district) and RMF-7 (8-21 units/acre multi-family residential district). The parcel is developed with a convenience store, internet café and parking. The building is primarily located on the MU-1 portion of the parcel, but the northern section of the building extends approximately 50 feet into the RMF-7 portion of land, which creates a non-conformity. Several parking spaces are also located on the residential side of this

property. The commercial uses are nonconforming uses in the RM land use/RMF-7 zoning district, but are allowed uses by right in the proposed MUL and MU-1. Parcel 11526 is a vacant property of approximately 0.18 acres, located at 13 N.E. 13th Street, with RM land use and RMF-7 zoning. Although this parcel is vacant, an unpaved secondary access into the developed parcel 11525 does exist. This is not permitted in accordance with section 30-56 (a) of the Land Development Code.

The key issues with this petition include:

- \* The proposed rezoning is consistent with the Comprehensive Plan.
- \* Section 30-67(f) prohibits access for nonresidential use from a street that has RSF-1-4 immediately across such street.
- \* This petition would help to clear up a non-conforming situation. The building on the developed property is partially located on the RMF-7 zoned portion of land, as well as some of the vehicular use area.
- \* The property is in the Five Points and SEGRI redevelopment areas, which promote redevelopment.
- \* Section 30-64(c) (1) indicates that if MU-1 zoning abuts single-family, the density of the residential portion of a mixed-use development is limited to RMF-6 density within 100 feet of the property line.

There is no plan to immediately redevelop the property with the exception of a secondary entrance into parcel 11525 from N.E. 13th Street. The creation of a legal secondary access into the developed parcel will help to improve traffic circulation into and out of the parcel.

Planning Division staff recommended approval of Petition PB-10-119 ZON. The City Plan Board reviewed the petition and recommended approval, Plan Board vote 7-0.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.