



Legislation Details (With Text)

File #: 140932 **Version:** 2 **Name:**
Type: Ordinance **Status:** Adopted
File created: 4/29/2015 **In control:** City Attorney
On agenda: 7/2/2015 **Final action:** 7/2/2015
Title: LAND USE CHANGE - 1220 NW 39TH AVENUE (B)

Ordinance No. 140932; Petition No. PB-15-20 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.33 acres of property generally located at 1220 NW 39th Avenue approximately 360 feet east of NW 13th Street, as more specifically described in this ordinance, from Office (O) to Mixed-Use Low-Intensity (MUL); 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. 140932A_draft ordinance_20150702.pdf, 2. 140932B_staff report_20150702.pdf, 3. 140932C_Append A_Comprehensive Plan GOPs_20150702.pdf, 4. 140932D_Append B_Supplemental docs_20150702.pdf, 5. 140932E_Append C_Application_20150702.pdf, 6. 140932F_CPB minutes_20150702 .pdf, 7. 140932G_staff ppt_20150702.pdf, 8. 140932_Ordinance_20150702.pdf

Date	Ver.	Action By	Action	Result
7/2/2015	2	City Commission	Approved (Petition) and Adopted on Final Reading (Ordinance)	Pass

LAND USE CHANGE - 1220 NW 39TH AVENUE (B)

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The City Commission: 1) approve Petition No. PB-15- 20 LUC; and 2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

This ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 0.33 acres of property from Office (O) to Mixed-Use Low-Intensity (MUL). The subject property is currently developed and is generally located at 1220 NW 39th Avenue approximately 360 feet east of NW 13th Street. The property owner has requested the land use change in order to open a retail toy store, which is not allowed under the current land use and zoning.

The current Office land use category allows professional and service uses, medical uses, compound and

residential uses, and appropriate ancillary uses, but it does not allow retail stores. This land use change to MUL will allow a broad range of non-residential and residential uses, including offices and retail scaled to serve the surrounding neighborhood, and it will increase the allowable residential density by 10 units per acre (the Office land use category allows up to 20 units per acre). The proposed land use change is consistent with the City's Comprehensive Plan and will support infill and redevelopment by broadening the range of permitted uses for this property. The allowance of low-intensity non-residential uses will allow for a greater range of redevelopment opportunities for this site that is near the intersection of two, four-lane arterial roadways.

After public notice was published in the Gainesville Sun on April 7, 2015, the City Plan Board held a public hearing on April 23, 2015, and voted 6-0 to recommend approval of this ordinance.

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 enters 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.