



Legislation Details (With Text)

**File #:** 150305. **Version:** 2 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 9/3/2015 **In control:** City Attorney  
**On agenda:** 11/5/2015 **Final action:** 11/5/2015  
**Title:** LAND USE CHANGE - 5021 AND 4911 W UNIVERSITY AVENUE (B)

Ordinance No. 150305; Petition No. PB-15-73 LUC  
An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.84 acres of property generally located at 5021 and 4911 W University Avenue, as more specifically described in this ordinance, from Conservation (CON) to Single-Family (SF); 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. 150305B\_Staff report\_20151105.pdf, 2. 150305C\_Append A Comp Plan GOPs\_20151105.pdf, 3. 150305D\_Append B Suppl Docs Exh B-1 thru Exh B-4\_20151105.pdf, 4. 150305E\_Append C Application\_20151105.pdf, 5. 150305F\_CPB minutes\_20151105 .pdf, 6. 150305G\_staff ppt\_20151105.pdf, 7. 150305A\_draft ordinance\_20151105.pdf, 8. 150305\_ordinance\_20151105.pdf

Date	Ver.	Action By	Action	Result
11/5/2015	2	City Commission	Approved (Petition) and Adopted on Adoption Reading	

**LAND USE CHANGE - 5021 AND 4911 W UNIVERSITY AVENUE (B)**

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The City Commission: (1) approve Petition No. PB-15-73 LUC; and (2) adopt the proposed ordinance.

**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT**

This ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of the subject property from Conservation (CON) to Single-Family (SF). The subject property is 2.84 acres of property located at 5021 and 4911 W University Avenue, on the south side of unimproved W University Avenue and at the western edge of the Clear Lake single-family neighborhood. It is adjacent to the City's Clear Lake Nature Park to the west and to the City's Sugarfoot Prairie Conservation Area to the south. A single-family residence is located to the east of the subject property, and to the north, across unimproved W University Avenue, is a single-family residence and a townhome development (Mill Pond). The southerly one-half to two-thirds of the property is within regulated wetlands of the Hogtown Creek basin, and

therefore is substantially constrained with respect to additional development potential.

Two single-family houses are located on the subject property, one on each of the two lots that make up the 2.84-acre property. These single-family houses are currently deemed legally nonconforming uses because although they existed prior to the property's annexation into the City in 1992, they do not conform to the maximum density allowed on the current Conservation land use designation (i.e., maximum density of 1 unit per 5 acres). This ordinance (together with the related rezoning ordinance) will make the single-family houses legally conforming uses.

This ordinance is consistent with the City's Comprehensive Plan and supportive of urban infill. The proposed Single-Family land use is consistent with the Single-Family land use to the east and north, and is compatible with the Conservation land use to the south and west, and the Residential Low-Density land use to the north.

At a public hearing on August 27, 2015, the City Plan Board recommended approval to the City Commission 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.