



Legislation Details (With Text)

File #: 190533. **Version:** 4 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 10/16/2019 **In control:** City Attorney
On agenda: 8/20/2020 **Final action:**
Title: Land Use Change - 1,778 Acres of Property Known as Plum Creek (B)

Ordinance No. 190533

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1778 acres of property generally located north of U.S. 441 and NW 74th Place, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, from Planned Use District (PUD), Residential Low-Density (RL), Single-Family (SF), and Conservation (CON) to Agriculture (AGR); deleting policy 4.3.4 of the Comprehensive Plan Future Land Use Element pertaining to Plum Creek Development Company; deleting "Plum Creek SR-121 PUD and Underlying Future Land Use" map from the Future Land Use Map Series in the Future Land Use Element; 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. 190533A_draft ordinance_20200402.pdf, 2. 190533B_Staff Report with Appendices_20200402, 3. 190533C_PB-19-128 LUC_StaffPPT_20200820, 4. 190533A_draft ordinance_20200820.pdf, 5. 190533_Letter to Mayor Poe dated 08-20-20_20200820.pdf

Date	Ver.	Action By	Action	Result
8/20/2020	4	City Commission	Adopted on First Reading (Ordinance)	Pass
1/23/2020	3	City Plan Board		
11/21/2019	2	City Commission	Withdrawn	
11/13/2019	1	City Plan Board		
10/24/2019	1	City Plan Board		

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The City Commission adopt the proposed ordinance.

STAFF REPORT

This ordinance amends the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1,778 acres property generally located north of U.S. 441 and NW 74th Place, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, from Planned Use District (PUD), Residential Low-Density (RL), Single-Family (SF), and Conservation (CON) to Agriculture (AGR). This ordinance also deletes Policy 4.3.4 of the Comprehensive Plan's Future Land Use Element relating to the subject property.

The southernmost portion of the property (approximately 460 acres) was annexed in 1992, and the remaining acreage was annexed in 2007. At the time of annexation the property had a future land use designation of Alachua County Rural/Agricultural and a zoning designation of Alachua County Agriculture. In 2009, the City adopted Ordinance No. 070447 and assigned the following four City land use designations with conditions to specified portions of the subject property: 1) Planned Use District (PUD) overlay, with an underlying land use designation of City Agriculture); 2) Single-Family; 3) Residential Low-Density; and 4) Conservation. This 2009 ordinance included a requirement that the subject property's owner timely apply for an obtain City Planned Development (PD) zoning on the PUD portion within 18 months of the effective date of the 2009 ordinance. If the property owner failed to meet that deadline, the 2009 ordinance mandated that the PUD overlay automatically becomes null and void and that portion of the subject property retains solely the underlying land use designation of City Agriculture. Upon four separate requests of the property owner, that 18-month PD zoning deadline was extended by the City Commission four times (Ordinance Nos. 100189 in 2010, 110700 in 2012, 150540 in 2016, and 170996 in 2018).

To date and since the subject property's annexation into the City in 1992 and 2007, City zoning has never been assigned to the subject property and therefore the property's zoning remains Alachua County Agriculture (enforced by the City). In addition, the subject property has never been developed and is currently being used by the property owner for agriculture/silviculture, and has been used for this purpose for the entirety of the time since its annexation into the City.

On July 18, 2019, and after expressing that significant changes have occurred regarding the subject property since the adoption of Ordinance No. 070447 over a decade ago (including amongst other things the adoption of significant revisions to the City's Comprehensive Plan and Land Development Code and environmental regulations, and the significant alterations and inconsistencies with the delineation of wetlands and associated environmental areas on the subject property and its associated maps), the City Commission directed City staff to process and bring back to the City Commission an ordinance changing the subject property's land use designation to Agriculture, with an associated ordinance implementing the subject property's zoning from Alachua County Agriculture to City Agriculture. The City Plan Board held a public hearing on January 23, 2019, and voted to recommend denying this land use change.

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 days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten 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 written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working

days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance 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.