



Legislation Details (With Text)

File #: 090741. **Version:** 2 **Name:** LAND USE CHANGE - 4700 BLOCK OF ARCHER ROAD (B)
Type: Ordinance **Status:** Adoption Reading
File created: 10/21/2010 **In control:** City Attorney
On agenda: **Final action:** 10/21/2010
Title: LAND USE CHANGE – 4700 BLOCK OF ARCHER ROAD (B)

Ordinance No. 0-10-07, Petition PB-09-143LUC
 An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Plan and Map; changing the land use categories of certain property from the Alachua County land use category of “Low Density Residential (1-4 DU/acre)” to the City of Gainesville land use categories of “Conservation”, and “Residential Low-Density (up to 12 units per acre)” and by overlaying the “Planned Use District” category over certain portions of the property, as more specifically described and shown in this ordinance, consisting of approximately 28.98 acres located in the vicinity of the 4700 block of Archer Road, north side; providing for conditions; 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. 090741_cpb recommended conditions modified_20100218.pdf, 2. 090741A_staff report_20100218.pdf, 3. 090741B_map#1_land use_20100218.pdf, 4. 090741C_g'ville council on aging cpa report_20100218.pdf, 5. 090741D_legal description_petitioner application_20100218.pdf, 6. 090741E_map_proposed villiages of kanapha cpa rezoning_20100218.pdf, 7. 090741F_neighborhood wkshop info_20100218.pdf, 8. 090741G_neighborhood meeting minutes_20100218.pdf, 9. 090741H_cpb minutes_20100218.pdf, 10. 090741J_petitioner ppt_20100218.pdf, 11. 090741I_staff ppt_20100218.PDF, 12. 090741_MOD_PPT_20100218.PDF, 13. 090741_draft ordinance_20100617.pdf, 14. 090741_MOD_PPT_20100617.PDF, 15. 090741_MOD_CHW_CC 101021.PDF, 16. 090741_ordinance_20101021.pdf

Date	Ver.	Action By	Action	Result
10/21/2010	2	City Commission	Adopted on Adoption Reading (Ordinance) and Approved the Recommendation	Pass
6/17/2010	1	City Commission	Adopted (Ordinance) on Transmittal Hearing	Pass
2/18/2010	0	City Commission	Approved (Petition) as revised by the City Plan Board, as amended	Pass

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the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: (1) receive the report of the Department of Community Affairs; and (2) adopt the proposed ordinance.

PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The property associated with this petition was presented to the City Commission on June 25, 2009 for a multi-family development at a density of up to 30 units per acre. After reviewing the request, Petition PZ-09-36 ZON, the City Commission determined that the proposal was inconsistent and incompatible with the comprehensive plan and was inclined to deny the petition but instead offered an option for an alternative proposal that would be more compatible with development west of I-75 and consistent with current market demands. The applicant subsequently withdrew the petition.

The applicant resubmitted a large-scale land use amendment to change the Future Land Use category from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Planned Use District and Conservation (CON). The proposal includes five parcels totaling 28.98 acres which were annexed into the city on February 5, 2009. The property is located west of I-75, approximately 2,500 feet west of I-75 on the north side of Archer Road between SW 47th Street and SW 50th Street. Both SW 47th Street and SW 50th Street are private roads currently serving existing developments; SW 47th Street is a 20-30 foot wide private road and SW 50th Street is an unpaved narrow road that accesses the northwestern portion of the site.

The area proposed for Conservation Land use is approximately 5.71 acres lying in the northwestern portion of the site. It abuts the Lake Kanapaha conservation/recreation area to the west, and was included as part of the Alachua County Strategic Ecosystem designation. The remaining 23.27 acres is proposed as a Planned Use District and occupies the eastern and southern portions of the property which abuts SW Archer Road and SW 47th Street. That portion is primarily undeveloped except for a few abandoned single-family dwellings in very dilapidated condition. The property is surrounded by an established Mobile Home development to the north, condominiums to the east and several older, single-family dwellings and vacant lots to the south.

The Plan Board reviewed the applicant PUD land use proposal which included 60,000 square feet of floor area to accommodate an Assisted Living Facility with 300 beds; a 75,000 square foot Skilled Nursing Facility and 15,000 square feet for medical and office uses, which are strictly supportive of the institutional/residential portions of the development. Staff recommended to the Plan Board a maximum of 160,000 square feet of floor area for the Skilled Nursing Facility and Assisted Living Facility with a maximum of 400 beds and 20,000 square feet of Office and Medical uses as support uses for the main institutional residential uses. During the Plan Board hearing the applicant asked for additional square footage for office type uses. The plan board expressed concerns about the difference in the intensity of development presented by staff and the new numbers presented at the meeting. The Plan Board debated the issue and approved staff recommendations. The board asked that the differences in numbers be resolved prior to the City Commission review. The board also asked that the necessary right-of-way requirement for SW 47th Street be resolved prior to City Commission review. The Plan Board reviewed the petition and recommended approval with all staff conditions and a modification of conditions 6 and 9, and added a new Condition 11.

After the Plan Board meeting, the applicant worked with staff to develop the following intensity of development: a Skilled Nursing Facility with a maximum of 180 beds; an Assisted Living Facility with a maximum of 130 beds, and a maximum of 75,000 square feet of floor area for medical and general office uses. Staff recommends approval of this development intensity.

Public notice was published in the Gainesville Sun on November 19, 2009. The Plan Board held a public hearing on December 7, 2009.

CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. This is the second hearing at the adoption stage of the ordinance, and the hearing was advertised at least five days before the adoption hearing.

The proposed amendment to the Comprehensive Plan was transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA must be considered by the Commission at the adoption hearing. The City Commission may adopt the ordinance, adopt the ordinance as amended, or not adopt the ordinance.

The State of Florida Department of Community Affairs issued a letter dated September 13, 2010, stating that the Department raises no objections to the proposed amendment. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

Following second reading, if the ordinance adopted or adopted with amendments, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.