



## Legislation Text

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**File #:** 120303, **Version:** 2

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### LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 2.8 ACRES OF TAX PARCEL NO. 06724-000-000 (B)

Ordinance No. 120303; Petition No. PB-12-85 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 2.8 acres of property generally located north of SW 17th Avenue, west of SW 38th Terrace, east of SW 40th Terrace, and south of SW 16th Avenue, as more specifically described in this ordinance, from Conservation (CON) to Urban Mixed-Use 2 (UMU-2); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: (1) approve Petition PB-12-85 LUC and (2) adopt the proposed ordinance.

### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition and ordinance amend the Future Land Use Map of the Comprehensive Plan by changing the land use designation for a portion (2.8 acres) of one parcel (Tax Parcel No. 06724-000-000) from Conservation to Urban Mixed Use-2 (UMU-2). This approximately 2.8 acre portion of the 44-acre parent property is generally located north of SW 17th Avenue; west of SW 38th Terrace; east of SW 40th Terrace; and south of SW 16th Avenue. The property described in this petition was annexed into the City of Gainesville in June 2009.

Based on the environmental features present on the property (Hogtown Creek, 10-year flood channel, and a portion of Strategic Ecosystem), the City of Gainesville Conservation future land use was adopted on the northernmost portion of the property (33.1 acres) and the remaining developable 10.9 acres received the Urban Mixed-Use 2 land use (Ordinance No. 100698) in November 2011. However, staff subsequently discovered that the 10-year flood channel delineation line, used to divide the property between the developable UMU-2 and conservation areas, was not as extensive as previously determined during the land use amendment process in 2011. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), as determined by the Public Works Department, placed the 10-year flood channel line further north, thereby supplementing the property's developable area by an additional 2.8 acres.

As a result, Staff recommended that the City Plan Board remove Tax Parcel No. 06724-000-000 from consideration in Petition PB-12-73 ZON and direct staff to initiate separate petitions to change the land use and zoning on tax parcel 06724-000-000 to reflect the updated flood channel information for the Conservation/UMU-2 split zoning and land use. This small-scale land use amendment will shift the boundary between the UMU-2 and Conservation land use categories further north to reflect the

new flood channel data.

At its meeting on August 16, 2012, the City Commission waived the twelve-month time limit for new land use or zoning petitions for this property (Legistar No. 120219).

After public notice was published in the Gainesville Sun on August 7, 2012, the City Plan Board held a public hearing on August 23, 2012, and by a vote of 6-0, recommended approval of this petition.

#### CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan is treated as a small-scale development amendment. 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.