



Legislation Text

File #: 121106., **Version:** 2

LAND USE CHANGE - SMALL SCALE - BUTLER DEVELOPMENT (B)

Ordinance No. 121106; Petition No. PB-12-149 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on six properties totaling approximately 3.2 acres that have underlying land use categories of Commercial (C) and Business Industrial (BI) and that are generally located at 3654, 3730, and 3820 SW Archer Road, and 3310 and 3318 SW 40th Terrace, as more specifically described in this ordinance; assigning subject properties to the Butler Development PUD as regulated by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on six small parcels that total approximately 3.2 acres in size. These properties will be included in the Butler Development PUD that is governed by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan. Two parcels have an underlying Business Industrial (BI) land use category and are located on the north side of SW 33rd Place at the western edge of the existing Butler Development PUD, and are currently developed with one single-family house. The other four properties are outparcels located along Archer Road and have an underlying Commercial (C) land use designation. Three of these outparcels are developed with commercial uses, and one is developed as a surface parking lot.

The PUD land use category is an overlay that may be applied to any specific property in the City. The category was created to allow the consideration of unique, innovative or narrowly construed land use proposals that are specifically found to be compatible with the character of the surrounding land uses but that might otherwise not be allowed in the underlying land use category. Planned Development (PD) zoning is required to implement any development plan under a PUD land use overlay.

The staff recommendation is based on the factors stated in the Future Land Use Element and state criteria: consistency with the Comprehensive Plan; compatibility and surrounding land uses; environmental impacts and constraints; support for urban infill and/or redevelopment; impacts on affordable housing; impacts on the transportation system; availability of facilities and services; and need for the additional acreage of the particular land use category.

After public notice was published in the Gainesville Sun on January 31, 2013, the City Plan Board held a public hearing on February 19, 2013, and recommended approval of the petition by a vote of 6-0. After public notice

was published in the Gainesville Sun on May 13, 2013, the City Commission held a public hearing on May 29, 2013, and approved the petition by a vote of 7-0.

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.

The effective date of this amendment to the City of Gainesville Comprehensive Plan shall be whichever date occurs later as described in the following two scenarios:

1. 31 days after adoption if this amendment is not timely challenged. If timely challenged, the date the state land planning agency or the Administration Commission enters a final order determining this amendment to be in compliance with Chapter 163, Florida Statutes; or
2. The date the amendment to the City of Gainesville Comprehensive Plan in Ordinance No. 121107 becomes effective as provided therein.

No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.