



## Legislation Text

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**File #:** 120933., **Version:** 2

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### **LAND USE CHANGE - SMALL SCALE - APPROXIMATELY 2.8 ACRES OF PROPERTY GENERALLY LOCATED AT 1303 NE 23rd AVENUE FROM RECREATION (REC) TO EDUCATION (E) (B)**

Ordinance No. 120933; Petition No. PB-13-007 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 at 1303 NE 23rd Avenue, as more specifically described in this ordinance, from Recreation (REC) to Education (E); 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-13-007 LUC and (2) adopt the proposed ordinance.

#### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This petition/ordinance is a small-scale land use amendment that changes the future land use category of approximately 2.8 acres of property from Recreation (REC) to Education (E). The subject property is generally located at 1303 NE 23rd Avenue. The site is the former location of the McGurn Family YMCA, and includes a large main building, smaller accessory structures, roofed and fenced basketball courts, a swimming pool, a wading pool and open space. This petition/ordinance is related to Ordinance No. 120934, which changes the zoning on the property from Public services and operations district (PS) to Educational services district (ED).

This petition/ordinance will allow the unoccupied site to be redeveloped into a charter school, because a charter school is not an allowable use within the current land use category or zoning district. All of the property adjacent to the site has Single-Family land use with single-family residential district (RSF-2) zoning. On the east and west side of the property are single-family homes. To the south of the property is vacant undeveloped land. North of the subject property across NE 23rd Avenue is a place of religious assembly and single-family homes. Educational facilities are generally located in or very near to residential areas to serve the public. Therefore, this land use amendment and redevelopment of the site into a charter school is consistent with the Comprehensive Plan, specifically the provisions of the Education land use category. In addition, the McGurn YMCA site acreage was not included in the acreage used to establish Recreation Level of Service (LOS). Therefore, the reduction in Recreation land use acreage as a result of this land use amendment will not have any impact on Recreation LOS.

After public notice was published in the Gainesville Sun on February 12, 2013, the City Plan Board held a public hearing on February 28, 2013, and recommended approval of this petition 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.