



Legislation Text

File #: 150111., **Version:** 3

LAND USE CHANGE - 2100 NE 39TH AVENUE (B)

Ordinance No. 150111; Petition No. Petition No. PB-15-44 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 498 acres of property that is generally located at 2100 NE 39th Avenue and is bordered on the north by NE 53rd Avenue, on the south by NE 39th Avenue, on the west by NE 15th Street, and Waldo Road approximately 440 feet to the east, as more specifically described in this ordinance, from Planned Use District (PUD) to Residential Low-Density (RL), Residential Medium-Density (RM), Office (O) and Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: (1) receive letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Education, and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Update since first reading: On September 3, 2015, the City Commission approved this ordinance on first reading. City staff then transmitted this ordinance to the state reviewing agencies in accordance with the statutory expedited review process for comprehensive plan amendments. During the 30-day comment period, the City received letters from the Florida Department of Economic Opportunity, North Central Florida Regional Planning Council, St. Johns River Water Management District, Florida Department of Environmental Protection, and Florida Department of Education. The comments received did not identify any adverse impacts to important state resources and facilities within the scope of review of the respective state agencies, and therefore did not necessitate any changes to the ordinance.

This ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 498 acres of undeveloped property in east Gainesville from Planned Use District (PUD) to Residential Low-Density (RL), Residential Medium-Density (RM), Office (O) and Business Industrial (BI). The property surrounds the City Ironwood Golf Course and is traversed by Little Hatchet Creek, and is bordered on the north by NE 53rd Avenue, on the south by NE 39th Avenue, on the west by NE 15th Street, and Waldo Road approximately 440 feet to the east. Surrounding uses include single-family and two-family residential development, GRU's Murphree water treatment plant and wellfield, undeveloped rural/agricultural land, a mobile home park, undeveloped light industrial land, mini-storage, a gas station/convenience store, and the City of Gainesville's tree farm. Gainesville Regional Airport is to the east across Waldo Road.

From the 498 total acres of the subject property, 216 acres (located on most of the southern half of the property) will change to the Business Industrial (BI) land use category. Most of the area proposed for BI is within the DNL 60 Airport Noise Zone, in which residential development is not allowed but many non-residential uses are allowed. Much smaller portions of the BI area are in the more restrictive DNL 65 Noise Zone, the less

restrictive DNL 55 Noise Zone, or are outside of the Airport Noise Zones (along NE 53rd Boulevard).

In addition, from the 498 total acres of the subject property, 19 acres located in the northwestern part of property along NE 53rd Avenue will change to the Office (O) land use category, 203 acres located across much of the northern half of the property plus a small area in the southwestern part of the property will change to the Residential Low-Density (RL) land use category, and 60 acres located primarily in the easternmost part of the property will change to the Residential Medium-Density (RM) land use category.

The property is adjacent to the following land use categories: Public Facilities to the north (across NE 53rd Avenue); Industrial, Light Industrial (Alachua County category), Industrial/Manufacturing (Alachua County category), and Public Facilities land use to the east; Public Facilities, Industrial, Recreation, and Single-Family to the south; and Single-Family, Residential Low-Density, Commercial, and Public Facilities to the west. The property is not within Plan East Gainesville, a non-regulatory plan that has been accepted by both the City and County Commissions, but is adjacent to areas that are part of Plan East Gainesville. As stated in the application documents, "this land use change and rezoning proposal will help realize the vision of the Plan East Gainesville initiative by encouraging the development of a mixed-use employment center near the Gainesville Regional Airport."

The Gainesville Regional Airport Authority on March 15, 2015, voted unanimously to support the proposed land use change to BI, in order to exclude residential uses within the DNL 60 Airport Noise Zone.

The property contains regulated natural resources (strategic ecosystem, a significant natural community, listed species, wetlands and surface waters) that will be subject to the provisions of Division 4. - Regulated Natural and Archaeological Resources and to other applicable regulations of the Land Development Code.

The City Plan Board held a public hearing on June 25, 2015, where it voted 5-0 to recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

City Plan Board to City Commission - Recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

Staff to City Commission - Recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

Staff to City Plan Board - Recommend approval of this amendment to the Future Land Use Map of the Comprehensive Plan.

None.

CITY ATTORNEY MEMORANDUM

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 (7) days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five (5) days prior to the hearing. Within ten (10) 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 comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within

ten (10) working days to the state land planning agency and any party that submitted written comments.

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 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.