



## Legislation Text

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**File #:** 130793., **Version:** 3

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### **LAND USE CHANGE - GENERALLY LOCATED NORTHWEST OF MORNINGSIDE NATURE CENTER IN THE 2800 BLOCK OF NE 11TH PLACE (B)**

Ordinance No. 130793; Petition No. PB-14-13 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 40.2 acres of property generally located northwest of Morningside Nature Center in the 2800 block of NE 11th Place, as more specifically described in this ordinance, from Alachua County Low Density Residential to City of Gainesville Conservation (CON); 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, Florida Department of Transportation, and Florida Department of Education, and (2) adopt the proposed ordinance.

#### **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

Update since first hearing: On August 21, 2014, 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, Florida Department of Transportation, 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 land use change from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Conservation (CON) pertains to approximately 40.2-acres of property that was voluntarily annexed into the City in December 2013. The City acquired this property in April 2012 as part of the Wild Spaces Public Places land acquisitions. The property is undeveloped, within the Plan East Gainesville area, and is located north of the Professional Academies Magnet at Loften W. Travis High School, east of Taccachale, east of the original Cedar Grove single-family neighborhood, and northwest of the City's Morningside Nature Center. Publicly owned, undeveloped and wooded lands are to the east and north of the property. The property is landlocked with the exception of the adjacent cul-de-sac of NE 11th Place at the eastern edge of the Cedar Grove neighborhood.

The City acquired the property for the purposes of conservation and passive recreation compatible with the protection of natural resources. There is a potential for trails through dry areas and/or boardwalks over wet areas to provide public access and recreation. Acquisition of the property contributes to the protection of wildlife and water quality at the City's Morningside Nature Center. The property expands Morningside Nature Center and together with the new State Forest lands just north of Morningside Nature Center, will be jointly

managed for conservation and appropriate public use. This property is therefore functionally connected to Morningside Nature Center and to a network of undeveloped land that extends east to Newnan's Lake and south to Payne's Prairie.

This petition/ordinance is related to Petition PB-14-14 ZON/Ordinance No. 130794, which rezones the property from Alachua County Single Family, Low Density district to City of Gainesville Conservation (CON) district.

After public notice was published in the Gainesville Sun on February 11, 2014, the City Plan Board held a public hearing on February 27, 2014, and recommended approval of this petition by a vote of 4-0.

#### 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.