



## Legislation Text

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**File #:** 090952., **Version:** 3

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### LAND USE - EAGLESROCK INTERNATIONAL, LLC (B)

Ordinance No. 0-10-12; Petition No. PB-09-177 LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Map; by changing the land use category of certain property located at 4123 Southwest 50th Street and more specifically described in this ordinance from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" and "Conservation"; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission (1) approve Petition PB-09-177 LUC and (2) adopt the proposed ordinance.

### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

The property consists of approximately 2.35 acres and is located approximately three-quarters of a mile west of I-75, and approximately 970 feet (less than one-quarter mile) north of Archer Road. This 2.35-acre property is the southwestern portion of an approximately 31.6-acre property that was annexed into the City in February 2009. The remaining 29.25 acres are being processed under Petition PB-09-143 LUC requesting Planned Use District (for an assisted living facility and related uses) and Conservation land use.

The 2.35-acre property is accessible from Archer Road by SW 50th Street, an unpaved private road. There presently is no access to this property by a public road. The property is vacant, with the exception of an abandoned and dilapidated single-family dwelling.

The most significant environmental features on this property are in its western half with its live oak hammock on the slope and the wetland edge of Lake Kanapaha. Lake Kanapaha is lying almost directly on the Floridan aquifer and it is important to protect the quality of water entering it. Recognizing this, Alachua County placed Lake Kanapaha and the adjacent slope in the Hogtown Prairie Strategic Ecosystem. Planning and environmental staff concluded that the western 1.14 acres of the property is not suitable for future development, and that it should be given the future land use designation of Conservation. Such designation would further the protection of the water quality of Lake Kanapaha and of the Floridan aquifer, further the protection of wetlands on and adjacent to the property, conserve and protect the live oak hammock that covers the slope to the wetland area below, and would facilitate protection of the Special Flood Hazard Area (100-year flood zone) that is in the western third of the property.

This petition and ordinance propose to amend the City of Gainesville 2000-2010 Comprehensive Plan and Future Land Use Map by changing the land use category from the Alachua County land use category of "Low Density Residential (1-4 DU/acre)" to the City of Gainesville land use categories of "Residential Low-Density (up to 12 units per acre)" on the eastern 1.21 acres of the property and "Conservation" on the western 1.14 acres of the property. The proposed land use designations are supported by the applicant, recommended by City Staff and the Plan Board, and are consistent with the City's Comprehensive Plan goals, objectives, and policies.

After public notice in the Gainesville Sun, the Plan Board held a public hearing on February 1, 2010, and by a vote of 4-0, recommended that the City Commission approve the petition.

A related petition (PB-09-178-ZON) and ordinance propose to rezone the property to City of Gainesville "Single-Family residential" (RSF-4) and "Conservation" (CON) zoning districts.

#### CITY ATTORNEY MEMORANDUM

The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The State Land Planning Agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the State Land Planning Agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.