



## Legislation Text

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**File #:** 130791., **Version:** 3

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### **LAND USE CHANGE - GENERALLY LOCATED ON THE NORTH SIDE OF THE 2800 BLOCK OF SE HAWTHORNE ROAD (B)**

Ordinance No. 130791; Petition No. PB-14-11 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 31.7 acres of property generally located on the north side of the 2800 block of SE Hawthorne Road, as more specifically described in this ordinance, from Alachua County Commercial (COMM) 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 Commercial to City of Gainesville Conservation pertains to an approximately 31.7-acre property that was voluntarily annexed into the City in December 2013. It is located south of Cone Park and is on the north side of Hawthorne Road (State Road 20) and is to the northeast of the intersection of Hawthorne Road and SE 27th Avenue. The City acquired this property (and other adjacent parcels) in October 2012 as part of the Wild Spaces Public Places land acquisitions. The property is undeveloped, within the Plan East Gainesville area, and contains the convergence of Lake Forest Creek tributaries and degraded but remnant flatwoods and forested wetlands. Benefits of this property include increased green-space and passive recreation on the east side of Gainesville. Maintaining a forested ecosystem in this area sustains improved water quality in Lake Forest Creek (which runs through Fred Cone Park, the subject property, and ultimately to Newnan's Lake) by allowing the natural system to filter upland runoff. The City acquired the property for the purposes of conservation and passive recreation that are compatible with the protection of natural resources.

This petition/ordinance is related to Petition PB-14-12 ZON/Ordinance No. 130792, which rezones the property from Alachua County Retail Sales and Service (BR) district to City of Gainesville Conservation 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.