



Legislation Text

File #: 120221., **Version:** 3

LAND USE CHANGE - 3500-3700 BLOCKS OF SOUTHWEST WILLISTON ROAD (B)

Ordinance No. 120221; Petition No. PB-11-49 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 24 acres of property located in the vicinity of the 3500-3700 blocks of SW Williston Road, as more specifically described in this ordinance, from the Alachua County land use category of Heavy Industrial (INDH) to the City of Gainesville land use category of Office (O); 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 of "no comment" from North Central Florida Regional Planning Council, St. Johns River Water Management District and Florida Department of Environmental Protection; (2) receive "comment" letters from Florida Department of Economic Opportunity and Florida Department of Education; and, (3) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

On November 15, 2012, the City Commission approved this ordinance at first hearing by a vote of 7-0. City staff then transmitted this ordinance to the state reviewing agencies, in accordance with the expedited state review process for comprehensive plan amendments. During the 30-day comment period, the City received 3 letters of "no comment" and 2 "comment" letters from the reviewing agencies. The 2 comment letters received were from the Florida Department of Economic Opportunity and the Florida Department of Education. City staff has considered the comments received and has responded accordingly.

The letter received from the Florida Department of Economic Opportunity advised that the City's Office land use category may not be consistent with the Florida Statutes' requirement for an intensity standard to control development. However, after further communication with City staff, the Florida Department of Economic Opportunity concluded that the provisions currently in place to control development intensity in the City's Office land use category not only meet the requirements of Florida Statutes, but provide greater flexibility than typical intensity controls.

The letter received from the Florida Department of Education recommended that the City conduct a joint analysis with the Alachua County School District of the adequacy of public school capacity to support the proposed land use change. In response, City staff coordinated with the Alachua County School District and both parties agreed that there are no anticipated impacts to public schools resulting from land use changes to non-residential categories. As a result, this ordinance remains the same as when approved on November 15, 2012.

This ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of certain property, as more specifically described in the ordinance, from Alachua County Heavy Industrial (INDH) to City of Gainesville Office (O). The approximately 24 acre property is located in the vicinity of the 3500 - 3700 blocks of SW Williston Road, on the north side of the road, west of SW 41st Blvd.

This ordinance is related to Petition PB-11-50 ZON, which will change the Alachua County zoning on the property to the appropriate City of Gainesville zoning category. The zoning petition and ordinance will be scheduled for petition hearing and first reading when this land use ordinance is heard on second reading. The land use change and related zoning change are needed to apply City land use and zoning designations on property annexed in 2008. The proposed land use category was selected to allow office development and residential use, reflecting existing conditions and compatibility with adjacent land uses. Although the City normally considers the current Alachua County land use designation and proposes a similar City designation, in this case it was determined that an office designation would be more compatible and appropriate for the area due to adjacent land use.

After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.

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. If not timely challenged, the amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If the amendment is challenged, the amendment will become effective on the date the state land planning agency or the Administration Commission (Governor and Cabinet) enters a final order determining this adopted 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.