



Legislation Text

File #: 030623, **Version:** 1

LAND USE - NORTH MAIN STREET (B)

ORDINANCE NO. 0-04-15, PETITION 157LUC-03PB

AN ORDINANCE AMENDING THE CITY OF GAINESVILLE 2000-2010 COMPREHENSIVE PLAN, FUTURE LAND USE MAP; BY CHANGING THE LAND USE CATEGORY OF CERTAIN PROPERTY FROM "MIXED-USE MEDIUM-INTENSITY (12-30 UNITS PER ACRE)" TO "COMMERCIAL"; LOCATED IN THE VICINITY OF THE 2500 BLOCK OF NORTH MAIN STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City Commission: 1) approve Petition 157LUC-03PB; and 2) adopt the proposed ordinance.

STAFF REPORT

This petition is related to zoning Petition 158ZON-03 PB. The approximately 0.82 acre vacant property is located on the west side of North Main Street on the southwest corner of North Main Street and Northeast 1st Boulevard. The property is zoned MU-2 (12-30 units/acre mixed-use medium intensity) with MUM (Mixed-Use Medium Intensity, 12-30 units per acre) land use. To the north of the site is Main Street Chevrolet, a new and used car dealership with BA (Automotive-oriented business district) zoning and C (Commercial) land use. To the south and west of the property is a community shopping center with MU-2 zoning and MUM land use. East of the property across North Main Street is Bush Gator Transmission and The Florida Buffet, also with MU-2 zoning and MUM land use.

The request of this petition is to change the land use from MUM to C. This change is requested in order to allow for the development of services related to and compatible with adjacent BA zoning uses, on the subject property.

The property is located in an area identified as a Superfund site. Any development on the site will have to be approved by the United States Environmental Protection Agency, the Florida Department of Environmental Protection and any agency having regulatory authority over the site. All issues related to contamination, Wellfield protection and health and safety are addressed at the development review stage.

The subject property is adjacent to a community shopping center and a large automobile dealership. The general character of the properties in the area is commercial, much of which is automotive oriented. There is property with commercial land use to the north and south of the subject property along North Main Street. There are no nearby residential areas or other incompatible land uses adjacent to the property to be impacted by this proposed land use change. None of the adjacent uses will be negatively impacted by this proposal.

The Plan Board voted to recommend approval of this petition. This proposal is consistent with the goals, objectives and policies of the Future Land Use Element as listed in the staff report, and policy 4.2.5, which restricts auto sales and service to North Main Street, north of 16th Avenue.

Public notice was published in the Gainesville Sun on November 4, 2003. Letters were mailed to surrounding property owners on November 5, 2003. The Plan Board held a public hearing November 20, 2003. Planning

Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 157LUC-03. Plan Board vote 5-1.

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.