



Legislation Text

File #: 050253, **Version:** 2

LAND USE CHANGE - NW 39TH AVENUE (B)

Ordinance No. 0-06-22, Petition 110LUC-05PB

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by overlaying the “Planned Use District” category over certain property, as more specifically described in this ordinance, with the underlying Alachua County land use category of “COMM, Commercial”; located in the vicinity of 4405 N.W. 39th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

STAFF REPORT

This petition is a request by the property owner to change the Alachua County Commercial Land Use designation for the property to the City of Gainesville Planned Use District designation to allow commercial development. Without the petitioner's request for Planned Use District, staff would have recommended Office land use for the property, based on the surrounding land uses and existing conditions.

The property is an undeveloped 1.26-acre parcel located along the south side of Northwest 39th Avenue, west of Northwest 43rd Street, adjacent to a bank. It is the only undeveloped parcel within the block and is within 200 feet of the intersection of two major roadway corridors, Northwest 39th Avenue and Northwest 43rd Street. The four corners of that intersection are developed as follows:

1. Northwest Corner - Multi-family Residential (Alachua County)
2. Northeast Corner - A low activity family medical emergency center (Office Land Use)
3. Southeast Corner - A financial institution and offices (Office Land Use)
4. Southwest Corner - A financial institution and offices (Office Land Use)

This northwest quadrant of the City has been planned with three mixed-use centers to serve both employment and residential uses: the Millhopper Village/Thornebrook Activity Center, Magnolia Park Mixed-Use Center and the Hunter's Crossing Activity Center. Some limited complementary commercial uses may be appropriate in this area.

The Planned Use District (PUD) category was created to allow the consideration of unique, innovative or narrowly constructed land use proposals that, because of the specificity of land use regulations, can be found to be compatible with the character of the surrounding area. Each PUD overlay land use designation shall address density and intensity, permitted uses, access by car, foot, bicycle, and transit, trip generation and trip capture, environmental features, and when necessary, buffering of adjacent uses.

The City Plan Board heard the petition and recommended that it be approved, based upon the findings of fact of compatibility of the land use and zoning with surrounding uses.

Public notice was published in the Gainesville Sun on November 1, 2005. Letters were mailed to surrounding property owners on November 2, 2005. The Plan Board held a public hearing November 17, 2005.

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.