



Legislation Text

File #: 150444., **Version:** 4

LAND USE CHANGE - 1600 BLOCK OF SE 8TH AVENUE (B)

Ordinance No. 150444 ; Petition No. PB-15-89 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 15 acres of property that is generally located in the 1600 block of SE 8th Avenue, as more specifically described in this ordinance, from Residential Medium-Density (RM) to Residential Low-Density (RL); 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, and Florida Department of Transportation, and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Update since first reading: On January 7, 2016, 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, and Florida Department of Transportation. 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 ordinance will change the land use category of a 15-acre property from Residential Medium-Density (RM) to Residential Low-Density (RL) to allow a single-family housing development (with attached and detached units) on the site of the former Kennedy Homes apartment complex, which suffered a major fire in the previous decade. The site, which was purchased by the City and cleared in 2007, is located on the south side of SE 8th Avenue, approximately 400 feet to the east of SE 15th Street (near Lincoln Middle School and Williams Elementary School).

The redevelopment plan for this site was developed by the Community Redevelopment Agency (CRA) and was approved in December 2014. The proposed land use change and rezoning are needed because the redevelopment plan for 38 single-family units (attached and detached) on approximately 15 acres is below the 8-unit per acre minimum density requirement of the property's current land use and zoning categories.

Both City staff and the City Plan Board recommend approval of this amendment to the Comprehensive Plan.

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.