



## Legislation Text

---

**File #:** 100681., **Version:** 1

---

### LAND USE CHANGE - 1308 E. UNIVERSITY AVENUE AND 13 NORTHEAST 13TH STREET (B)

Ordinance No. 100681, Petition PB-10-118LUC

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the land use category of “Residential Medium-Density (8-30 units per acre)” to “Mixed-Use Low-Intensity (8-30 units per acre)”; located in the vicinity of 1308 E. University Avenue and 13 Northeast 13th Street; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: 1) approve Petition No. PB-10-118LUC; and 2) adopt the proposed ordinance.

### STAFF REPORT

This is a small-scale land use amendment to change the future land use map from Residential-Medium (RM) to Mixed Use-Low (MUL) on the subject property, which consists of two parcels. Parcel 11525 is located at 1308 E. University Avenue, is approximately 0.41 acres in size, and has split land use designations of MUL and RM. The parcel has split zoning designations of MU-1 (8-30 units/acre mixed use low intensity district) and RMF-7 (8-21 units/acre multi-family residential district). The parcel is developed with a convenience store, internet café and parking. The building is primarily located on the MUL portion of the parcel, but the northern section of the building extends approximately 50 feet into the RM portion of land, which creates a non-conformity. Several parking spaces are also located on the residential side of this property. The commercial uses are nonconforming uses in the RM land use category and RMF-7 zoning district, but are allowed uses by right in the proposed MUL and MU-1. Parcel 11526 is a vacant property of approximately 0.18 acres, located at 13 N.E. 13th Street. The parcel has RM land use and RMF-7 zoning. An unpaved secondary access into the developed parcel 11525 does exist, which is not permitted in accordance with section 30-56(a) of the Land Development Code. No residential zoned land except RH -2 shall be used for driveway access into land with nonresidential zoning.

The key issues associated with this petition include:

- \* The proposed land use amendment is consistent with the Comprehensive Plan.
- \* Section 30-67(f) prohibits access for nonresidential use from a street that has RSF-1-4 immediately across such street.
- \* This petition would help to clear up a non-conforming situation. The building on the developed property is partially located on the RMF-7 zoned portion of land, as well as some of the vehicular use area.
- \* The property is in the Five Points and SEGRI redevelopment areas, which promote redevelopment of the Five Points Town Center with high-quality urban design.
- \* Section 30-64(c) (1) indicates that if MU-1 zoning abuts single-family, the density of the residential portion of a mixed-use development is limited to RMF-6 density within 100 feet of the property line.

There is no plan to immediately redevelop the property with the exception of a secondary entrance into parcel 11525 from N.E. 13th Street. The creation of a legal secondary access into the developed parcel will help to improve traffic circulation into and out of the parcel.

Planning Division staff recommended approval of Petition PB-10-118 LUC. The City Plan Board reviewed the petition and recommended approval, Plan Board vote 7-0.

Public notice was published in the Gainesville Sun on January 11, 2011. The Plan Board held a public hearing on January 27, 2011.

#### 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.