



Legislation Details (With Text)

File #: 130690. **Version:** 3 **Name:**
Type: Ordinance **Status:** Adoption Reading
File created: 1/30/2014 **In control:** City Attorney
On agenda: 11/20/2014 **Final action:** 11/20/2014
Title: LAND USE CHANGE - GENERALLY LOCATED ON THE WEST SIDE OF THE 5000 BLOCK OF SW 41ST BOULEVARD (FRED BEAR DRIVE) (B)

Ordinance No. 130690; Petition No. PB-13-124 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 11.42 acres of property generally located on the west side of the 5000 block of SW 41st Boulevard (Fred Bear Drive), as more specifically described in this ordinance, from Alachua County Heavy Industrial to City of Gainesville Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 130690B_Staff report_20140821.pdf, 2. 130690C_Append A_Comprehensive Plan GOPs_20140821.pdf, 3. 130690D_Append B_20140821.pdf, 4. 130690E_Append C_20140821.pdf, 5. 130690F_CPB minutes_20140821.pdf, 6. 130690G_staff ppt_20140821.pdf, 7. 130690A_draft ordinance_20140821.pdf, 8. 130690_Letters from State Reviewing Agencies_20141120.pdf, 9. 130690_ordinance_20141120.pdf, 10. 130690_DEO Letter of Completeness_20141203.pdf

Date	Ver.	Action By	Action	Result
11/20/2014	3	City Commission	Adopted on Adoption Reading (Ordinance) and Approved the Recommendation	Pass
8/21/2014	2	City Commission	Approved (Petition) and Adopted (Ordinance) on Transmittal Hearing	Pass

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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, Florida Department of Environmental Protection, Florida Department of Transportation, and Florida Department of Education, and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Update since first hearing: On August 21, 2014, 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, Florida Department of Environmental Protection, Florida Department of Transportation, and Florida Department of Education. 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 approximately 11.42-acre property was voluntarily annexed into the City on November 4, 2013, by Ordinance No. 130243. The subject property is three parcels situated on the west side of the 5000 block of SW 41st Boulevard. The majority of the site is developed and in service as a waste transfer facility operated by the WCA Waste Corporation. This petition/ordinance will change the property's land use category from Alachua County Heavy Industrial to City of Gainesville Business Industrial (BI) and will allow the continued use of the site as a waste transfer station with the associated parking and fleet vehicle service facilities. This petition/ordinance is related to Petition PB-13-125 ZON/Ordinance No. 130691, which will rezone the property from Alachua County Industrial services and manufacturing (MS) and Planned development (PD) to City of Gainesville Business Industrial (BI).

After public notice was published in the Gainesville Sun on January 7, 2014, the City Plan Board held a public hearing on January 23, 2014, and recommended approval of this petition by a vote of 6-0.

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.