



## Legislation Details (With Text)

**File #:** 160398. **Version:** 3 **Name:**  
**Type:** Ordinance **Status:** Adoption Reading  
**File created:** 9/19/2016 **In control:** City Attorney  
**On agenda:** 3/2/2017 **Final action:** 3/2/2017  
**Title:** LAND USE CHANGE - BETWEEN THE 1300 - 1800 BLOCK OF TOWER ROAD (75TH STREET) AND THE 1800 BLOCK OF SW 20TH AVENUE (B)

Ordinance No. 160398; Petition No. PB-16-107- LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 157 acres of property that is generally located between the 1300-1800 block of Tower Road (75th Street) and the 1800 block of SW 20th Avenue, as more specifically described in this ordinance, from Alachua County Medium High Density Residential (8-14 DU/acre) and Low Density Residential (1-4 DU/acre) to City of Gainesville Mixed-Use Medium Intensity (12-30 units per acre) (MUM), Mixed-Use Low Intensity (8-30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM), Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per acre) (SF); 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. 160398\_Staff report and Appendices A-C\_20160922, 2. 160398\_draft ordinance\_20161215.pdf, 3. 160398B\_Staff report and Appendices A-C\_20161215, 4. 160398C\_CPB minutes\_20161215, 5. 160398D\_Staff ppt\_20161215, 6. 160398E\_Al. Co and Citizens comments\_20161215, 7. 160398\_MOD\_petition form\_20161215.pdf, 8. 160398 & 160399\_MOD\_PPT\_WestPark\_CC\_20161215.pdf, 9. 160398\_draft ordinance\_20170302.pdf, 10. 160398\_Ordinance\_20170316.pdf

Date	Ver.	Action By	Action	Result
3/2/2017	3	City Commission	Adopted on Final Reading (Ordinance) and Approved the Recommendation	Pass
12/15/2016	2	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)	Pass
9/22/2016	1	City Plan Board		

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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, Alachua County Growth Management Department, Florida Department of Transportation, Suwannee River Water Management District, Florida Department of Environmental Protection, St. Johns River Water Management District, and North Central Florida Regional Planning Council; and (2) adopt the proposed ordinance.

## PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

**Update since first reading: On December 15, 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 petition for a large-scale amendment of the Future Land Use Map pertains to an approximately 157-acre, undeveloped property that was voluntarily annexed into the City on June 16, 2016 by Ordinance No. 150912. It is generally surrounded by developed residential areas (single-family, duplexes, and multi-family (including 4-plexes, and it abuts UF's radio tower property to its north. The majority (approximately 134.53 acres) of the property is between SW 75th Street/Tower Road which it fronts on its west side (across from which are single-family neighborhoods and Oak Hall School), and SW 20th Avenue to the southeast. The remainder of the property (approximately 22.2 acres) is on the south side of SW 20th Avenue and east of the Portofino, single-family residential development, west of I-75, and north of the City's Split Rock Conservation Area. This part of the property is both undeveloped and wooded, whereas the larger, northern part of the property is undeveloped but has mostly been logged.

The proposed large-scale amendment is consistent with the City's Comprehensive Plan and supports mixed use development and residential development of a vacant property within an urbanized area. Because this proposed comprehensive plan amendment allows for future development that exceeds the DRI (Development of Regional Impact, Section 390.06, F.S.) threshold for multi-use development, Future Land Use Element Policy 3.4.4 and Policy 10.8.1 of the Transportation Mobility Element (TME) pertain, which require large developments to address their regional impacts.

The City is required to place City land use (and zoning) on annexed property. This petition is related to Petition PB-16-108 ZON, which proposes rezoning from Alachua County Multiple-family, medium-high density district (R-2A), and Single family, low density district (R-1a) to City of Gainesville MU-2: 12-30 units /acre mixed use medium intensity, MU-1: 8-30 units/acre mixed use low intensity, RMF-7: 8-21 units/acre multiple-family residential district, RMF-5: 12 units/acre single-family/multiple-family residential district, and RSF-4: 8 units/acre single-family residential district.

On September 22, 2016, the City Plan Board held a public hearing on the Petition and, by a vote of 4-1, recommended the City Commission approve the Petition.  
None.

## 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 days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten 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 written comments to the City, which the City must then consider during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of the amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance 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.