



Legislation Details (With Text)

File #: 170483 **Version:** 4 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 10/19/2017 **In control:** City Attorney
On agenda: 6/7/2018 **Final action:** 6/7/2018
Title: Land Use Change - Southwest Corner of SW 52nd Street and SW 20th Avenue (B)

Ordinance No. 170483; Petition PB-17-92 LUC

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 18.5 acres of property generally located at the southwest corner of SW 52nd Street and SW 20th Avenue, as more specifically described in this ordinance, from Planned Use District (PUD) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); 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. 170483_Staff report w Appendices A-C_20171026.pdf, 2. 170483A_draft ordinance_20180315.pdf, 3. 170483B_Staff report w Appendices A-C_20180315.pdf, 4. 170483C_Staff PPT_20180315.pdf, 5. 170483B_State Review Letters_20180607.pdf, 6. 170483_Ordinance_20180607

Date	Ver.	Action By	Action	Result
6/7/2018	4	City Commission	Adopted on Final Reading (Ordinance) and Approved the Recommendation	Pass
3/15/2018	2	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)	Pass
10/26/2017	1	City Plan Board		

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The City Commission: 1) receive letters from the Florida Department of Economic Opportunity, Florida Department of Environmental Protection, North Central Florida Regional Planning Council, St. Johns River Water Management District, and Florida Department of Transportation; and 2) adopt the proposed ordinance.

STAFF REPORT

Update since first reading: On March 15, 2018, 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, Florida Department of Environmental Protection, 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 amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 18.5 acres of undeveloped property in east Gainesville from Planned Use District (PUD) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL). The proposed MUL land use will encourage development of this undeveloped property located in an urbanized area, will allow a mix of residential and non-residential uses, and is compatible with the surrounding area. The northern 4.8 acres (along SW 20th Avenue) of this property received PUD land use in 2010, and Planned Development District (PD) zoning in 2012. The existing PUD/PD allows:

- * Uses consistent with the MUL land use category.
- * MAX of 10 residential units (MAX 2 bedrooms/unit).
- * MAX of 45,000 sq. ft. of non-residential use (20,000 sq. ft. retail/commercial, and 20,000 sq. ft. of office).
- * 5,000 sq. ft. for a stand-alone bank with drive-through lane, and various other requirements.

This property was undeveloped at the time of the PUD/PD approvals and remains so today, despite "diligently pursuing potential tenants for half a decade," as stated in the applicant's report. The proposed land use amendment includes the adjacent 13.7-acre, undeveloped property to the south, which has Residential Medium-Density land use (and RMF-6 zoning). The substantially expanded area in combination with the proposed MUL land use will increase the potential amount of both residential and non-residential use relative to the current PUD and RM land use designations, and will provide additional development flexibility. This land use change is consistent with the Comprehensive Plan and is supportive of the City's objectives of discouraging urban sprawl, encouraging infill development, and promoting transportation choice.

The City Plan Board held a public hearing on October 26, 2017, where it voted to recommend approval of this amendment to the Future Land Use Map of 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 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 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 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 to the Comprehensive Plan, 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.