



## Legislation Text

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**File #:** 130436., **Version:** 3

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### **LAND USE CHANGE - LARGE SCALE - 4 PARCELS GENERALLY LOCATED EAST OF CONE PARK, SOUTH OF THE 3100 BLOCK OF E UNIVERSITY AVENUE AND WEST OF THE 400 BLOCK OF SE 43RD STREET (B)**

Ordinance No. 130436; Petition No. PB-13-94 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 134 acres of property consisting of 4 parcels generally located east of Cone Park, south of the 3100 block of E University Avenue and west of the 400 block of SE 43rd Street, as more specifically described in this ordinance, from Alachua County Medium Density Residential to City of Gainesville Residential Low-Density; 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, Florida Department of Environmental Protection, Florida Department of State, and Florida Department of Transportation, and (2) adopt the proposed ordinance.

### **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

Update since first hearing: On May 1, 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 State, and Florida Department of Transportation. The nature of the comments received did not necessitate any changes to the ordinance.

This large-scale land use change from Alachua County Medium Density Residential (4-8 du/ac) to City of Gainesville Residential Low-Density (up to 12 units per acre) pertains to an approximately 134-acre property that was voluntarily annexed into the City in 2012. The property is undeveloped, wooded land in east Gainesville and within the Plan East Gainesville area. It is located east of Cone Park and south of the Morningside Nature Center, and consists of four parcels between the 3100 block of E. University Avenue (south side) and the 400 block of SE 43rd Street (west side). The majority of the property contains extensive areas of regulated natural resources.

This petition is related to Petition PB-13-96 ZON, which proposes rezoning from Alachua County Single family, medium density (R-1b) district and Multiple family, medium density (R-2) district to City of Gainesville RMF-5 (12 units/acre single-family/multiple-family residential district).

This large-scale amendment, if approved, will facilitate future residential development of the property. The proposed Residential Low-Density (up to 12 units per acre) (RL) land use provides an increase in maximum

density of up to 12 units per acre over the maximum of 8 units per acre under the existing Alachua County land use category of Medium Density Residential (4-8 du/ac). Both RL land use and the existing County land use allow attached dwelling units. The allowance of attached dwelling units in combination with the relative increase in density by the proposed RL land use provides needed flexibility for future residential development of an undeveloped property with extensive areas of regulated natural resources. Future development of this property will be subject to applicable requirements for avoidance, minimization, buffering, mitigation, and conservation area management required by the City's Conservation, Open Space and Groundwater Recharge Element and Land Development Code.

The proposed large-scale amendment to Residential Low-Density (up to 12 units per acre) (RL) is consistent with the City's Comprehensive Plan.

After public notice was published in the Gainesville Sun on October 8, 2013, the City Plan Board held a public hearing on October 24, 2013, 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 not become effective until 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.