



Legislation Text

File #: 140695., **Version:** 3

LAND USE CHANGE - NORTH OF MORNINGSIDE NATURE PARK (B)

Ordinance No. 140695; Petition No. PB-14-162 LUC

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 97.8 acres of property that is generally located north of Morningside Nature Center, as more specifically described in this ordinance, from Alachua County Institutional (INST) to City of Gainesville Conservation (CON); 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, and Florida Department of Education, and (2) adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

Update since first reading: On April 2, 2015, 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, 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 ordinance will amend the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 97.8 acres of property located north of Morningside Nature Center from Alachua County Institutional (INST) to City of Gainesville Conservation (CON). This subject property was acquired by the City in 2013 with the City's Greenspace Acquisition Fund to allow for conservation and passive recreation compatible with the protection of natural resources. The property was subsequently annexed into the City in 2014. The property is undeveloped, wooded, and landlocked, but is accessible from Morningside Nature Center. The property is within the Plan East Gainesville area and is surrounded by undeveloped and wooded properties to the west, east, and north.

This property, and this land use change ordinance, will contribute to the protection of wildlife and water quality at the City's Morningside Nature Center. There is a potential for trails through dry areas and/or boardwalks over wet areas to provide public access and recreation. The property lies just east of the 40.2-acre property to the west that was acquired in April 2012 as part of the Wild Spaces Public Places land acquisitions. These two properties will expand Morningside Nature Center by a total of 138 acres. Together with the new State Forest lands to the north, the properties may be jointly managed for conservation and appropriate public use. This

land use change ordinance is consistent with the City's Comprehensive Plan.

After public notice was published in the Gainesville Sun on January 6, 2015, the City Plan Board held a public hearing on January 22, 2015, and voted 6-0 to recommend adoption of this ordinance.

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.