



## City of Gainesville Agenda Report

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**File #:** 2022-602

**Agenda Date:** November 17, 2022

**Department:** City Attorney

**Title: Quasi-Judicial – Rezoning Property Located North of U.S. 441 and both East and West of SR 121 2022-602 (B)**

**Description:** Ordinance No. 211460: An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning certain property generally located north of U.S. 441 and both east and west of SR 121, as more specifically described in this ordinance, from Alachua County Agriculture (A) district to City of Gainesville Planned Development District (PD); adopting a PD report with land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Explanation:** This ordinance will rezone approximately 744 acres of property located north of U.S. 441 and both east and west of SR 121 from Alachua County Agriculture (A) district to City of Gainesville Planned Development District (PD).

The southernmost portion (approximately 460 acres) of the property owned by the applicant was annexed in 1992, and the remaining property (approximately 1319 acres) was annexed in 2007. At the time of annexation the property had a future land use designation of Alachua County Rural/Agricultural and a zoning designation of Alachua County Agriculture. In 2009, the City adopted Ordinance No. 070447 and assigned the following four City land use designations with conditions to specified portions of the total property: 1) Planned Use District (PUD) overlay, with an underlying land use designation of City Agriculture); 2) Single-Family; 3) Residential Low-Density; and 4) Conservation. This 2009 ordinance included a requirement that the property that is the subject of this ordinance, which is a portion that makes up approximately 744 acres of the total property, be assigned City Planned Development (PD) zoning.

In 2017, the property owner submitted to the City a rezoning application to rezone the approximately 744-acre subject property in accordance with the City's 2009 land use Ordinance No. 070447. On December 5, 2019, the City Commission held a quasi-judicial hearing and voted to deny the rezoning application ("City Commission Order"). The City Commission Order was based on cited concerns about silvicultural activity near wetlands and an insufficient development density and intensity pattern that encouraged lower

density and spread out development. On June 3, 2021, and as amended on September 1, 2021, the property owner filed in the Eighth Judicial Circuit Court of Alachua County, Florida, a Petition for Writ of Certiorari to appeal the City Commission Order (Case No. 01-2021-AP-0003). On June 4, 2021, and as amended on September 28, 2021, the property owner filed in the Eighth Judicial Circuit Court of Alachua County, Florida, a Complaint for Declaratory Judgment and Injunctive Relief pursuant to Section 163.3215, Florida Statutes, challenging the City Commission Order (Case No. 2021-CA-001533). Throughout the ongoing litigation, which is costly and resource intensive for both parties, the City and the property owner have continued communications seeking a mutually-beneficial solution as it relates to the City's land use and zoning regulation of the subject property. This ordinance, together with the companion land use ordinance, represents the mutually-beneficial solution agreed upon by both parties and will hereby settle and terminate the ongoing litigation in both Case No. 01-2021-AP-0003 and Case No. 2021-CA-001533.

This new proposal is supported by both City staff and the property owner, and remedies the deficiencies identified by the City Commission Order in 2019. Specifically, this proposal promotes denser and clustered development to establish an efficient and non-sprawling land use pattern that protects wetlands and environmentally-sensitive areas. In fact, the current proposal sets-aside from development over 68% of the total 1778-acre property, which in substantial part will be managed through a stringent Conservation Management Plan with applicable areas preserved in Conservation Easements. The development will also require the concurrent development of affordable housing together with market-rate units, the installation of community gardens allocated for each unit, and a low-impact-design (LID) with clustering, maximization of pervious surfaces, narrowed streets, and reuse of stormwater. Because of the significant improvements that have resulted from the detailed collaboration between staff and the property owner, staff recommends approval of this ordinance.

On September 22, 2022, the City Plan Board held a hearing and voted to recommend denial; however, this proposal has since been revised to fully address the concerns raised by the City Plan Board. This ordinance, together with the companion land use ordinance, is consistent with Chapter 163, Florida Statutes, the City of Gainesville Comprehensive Plan, and the City of Gainesville Land Development Code.

**Strategic Connection: N/A**

**Fiscal Note: N/A**

**Recommendation:**

The City Commission adopt the proposed ordinance.