



**City of Gainesville  
Department of Sustainable Development  
Planning Division**

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**CITY PLAN BOARD STAFF REPORT**

**PUBLIC HEARING DATE:** June 25, 2020

**ITEM NO:** 5

**PROJECT NAME AND NUMBER:** PB-20-29 SUP to allow the storage of hazardous materials in the Tertiary Zone of the Wellfield Protection District.

**APPLICATION TYPE:** Mr. Curtis Davis, Agent for Live Oak Shoppers Group, LLC. Request for a Wellfield Protection Special Use Permit to allow storage and vending of Sodium hypochlorite, considered a hazardous material, within the Tertiary Zone of the Wellfield Protection District. Zoned, MU-2, located at 6250 NW 23<sup>rd</sup> Street.

**RECOMMENDATION:** Staff recommends approval of Petition PB-20-29 SUP, subject to the conditions and comments in the staff report and the recommendations from the Technical Review Committee.

**CITY PROJECT CONTACT:** Lawrence Calderon, Planner III

**APPLICATION INFORMATION:**

**Agent/Applicant:** Mr. Curtis Davis, Agent for Live Oak Shoppers Group, LLC.

**Property Owner(s):** Live Oak Shoppers Group, LLC.

**Related Petition(s):** None.

**Legislative History:** None.

**Neighborhood Workshop:** A Neighborhood Workshop was not required.

**SITE INFORMATION:**

**Address:** 6250 NW 23<sup>rd</sup> Street.

**Parcel Number(s):** 06014-030-000

**Acreage:** 558,811 sq. ft. (12.828 acres)

**Existing Use(s):** Retail

**Land Use Designation(s):** MUM: Mixed-Use Medium

**Zoning Designation(s):** MU-2

**Transportation Mobility Program Area (TMPA): Area “A”**

**ADJACENT PROPERTY CHARACTERISTICS:**

	<b>EXISTING USE(S)</b>	<b>LAND USE DESIGNATION(S)</b>	<b>ZONING DESIGNATION(S)</b>
<b>North</b>	Carpet Retail.	PUD	PD
<b>South</b>	Large Scale Retail	Mixed Use Medium (MUM)	MU-2
<b>East</b>	Office, Industrial & Right-of-way.	Industrial and Conversation	MU-2 and PS
<b>West</b>	Retail and Multi-family Residential	Residential Medium	PD and RMF-7

**PURPOSE AND DESCRIPTION:**

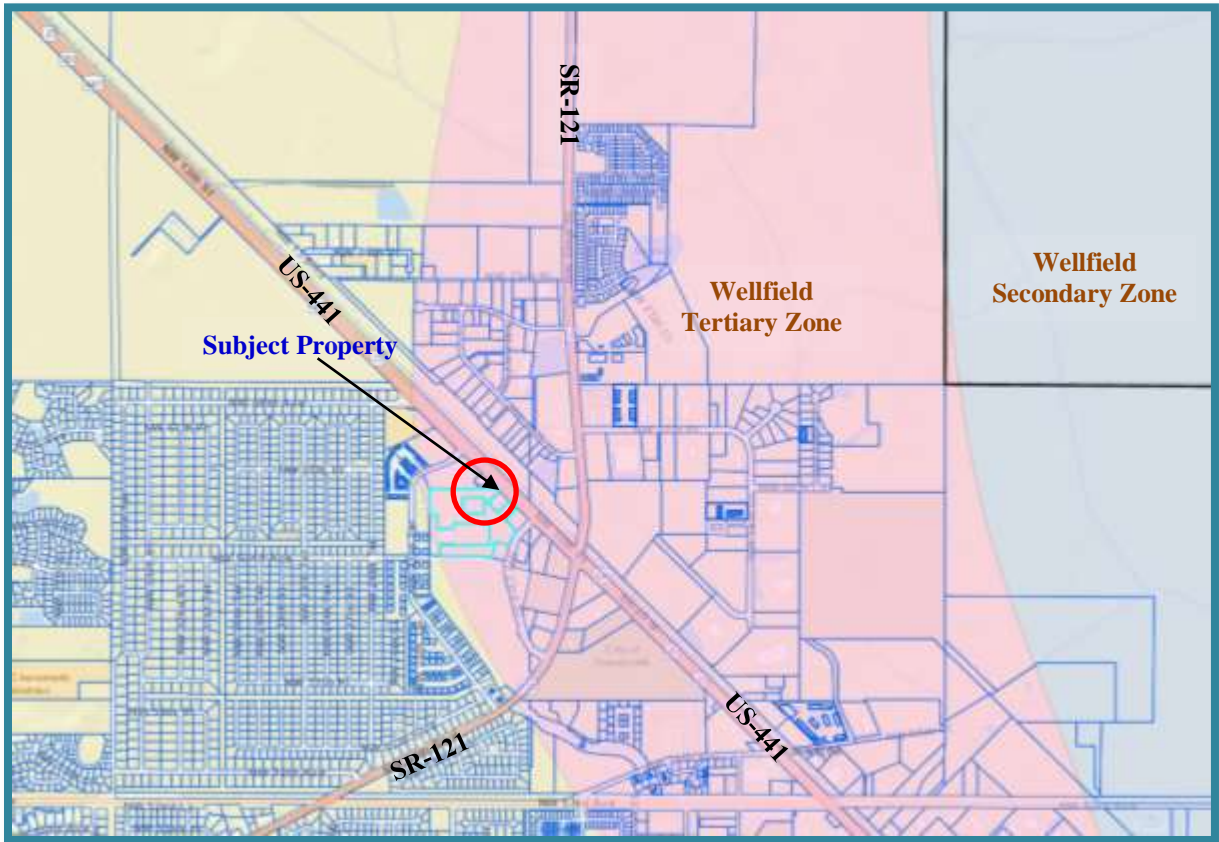
The purpose of this request is to allow a pool and spa retail facility to store and distribute sodium hypochlorite. The facility intends to store sodium hypochlorite in 1,500 to 1550-gallon above-ground tanks. Smaller quantities will be retailed to the general public.

Section 30-3.28 of the Land Development Code requires that all new and existing developments, within the Primary, Secondary or Tertiary Wellfield Protection Zone, obtain a Wellfield Protection Special Use Permit to ensure compliance with the Comprehensive Plan and Alachua County Murphy Wellfield Management Code. The subject property is located in the Tertiary Zone; it stores, uses, and distributes Sodium hypochlorite which is considered a hazardous material. The applicant is therefore requesting a Special Use Permit to allow the storage and distribution of hazardous materials. Map 1. below shows the location of the property relative to the Wellfield Protection Zones.

**Special Features:**

Properties in the Secondary and Tertiary zones with hazardous materials are required to comply with the criteria for a general Special Use Permits as well as a special set of criteria designed to ensure protection of the Murphy Wellfield Zones. This report addresses the subject property in terms of both sets of criteria.

**Map 1. Property Related to Murphy Wellfield Zones**



**STAFF ANALYSIS AND RECOMMENDATION:**

**Special Use Permit Criteria: Sections 30-3.24**

In accordance with Section 30-3.24 of the Land Development Code, "... No Special Use Permit shall be approved by the City Plan Board unless the following findings are made concerning the proposed special use." The code also requires that the burden of proof on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant.

The Land Development Code lists the intent and purpose of Special Use Permits as follows:

*It is the intent of this division to recognize and permit certain **uses and developments that require special review**, and to provide the standards by which the applications for permits for uses and development shall be evaluated. It is further intended that special use permits be required for developments that, because of **their inherent nature, extent, and external effects, require special care** in the control of their location, design, and methods of operation **in order to ensure conformance with the Comprehensive Plan and this chapter**.*

**A. The proposed use or development is consistent with the Comprehensive Plan and the Land Development Code.**

The subject property is zoned MU-2 which is consistent with the land use designation of Mixed Use Medium Intensity. The uses proposed for the property are uses allowed by right and are consistent with the MU-2 zoning district. The proposed use and development is therefore consistent with the intent of the Future Land Use Element of the Comprehensive Plan.

The proposed development embodies several of the goals, policies and objectives of the Comprehensive Plan; it is therefore consistent with the Plan. The applicant states that the proposal introduces a thriving retail facility to an older struggling shopping center and will bring a vital customer base and sales dollars to the area.

The project can be considered as a redevelopment of the shopping center which is supported by Goal 2 and Objective 2.1 of the Future Land Use Element of the Comprehensive Plan. The project emphasizes the quality of life criteria of the Comprehensive Plan by pursuing the Wellfield Protection Special Use Permit, and avoiding and protecting environmentally sensitive lands. Through this Wellfield Protection Special Use Permit, the project seeks to establish consistency and compatibility with the Comprehensive Plan by complying with the Potable Water/Wastewater and Solid Waste Elements of the Comprehensive Plan.

The development is specifically consistent with several goals, objectives and policies of the Comprehensive Plan such as Policy 1.2.3, Objectives 1.5, and Policy 2.1 which encourages mixed-use compact development, seeks to reduce blight, discourages urban sprawl and encourages redevelopment.

**B. The proposed use or development is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan. Factors by which compatibility of the proposed use or development shall be reviewed include scale, height, mass and bulk, design, intensity, and character of activity.**

This analysis considers the proposed facility in terms of scale, building height, mass, bulk, design, intensity and character of activities to the surrounding uses. Introduction of the new use represents an improvement and revitalization of an existing shopping center which has lost its primary anchor tenant and experiencing continuous decline. The proposed use will in effect continue the consistency and compatibility of the center with the Comprehensive Plan as established at the time of initial approval. In the most effective way, it represents a step in arresting potential blight of the area. The scale, height, mass, bulk and intensity of the center will not be altered by the introduction of the proposed retail of Sodium hypochlorite.

**C. The proposed use will not adversely affect the health, safety, and welfare of the public.**

The proposed use is a retail establishment and similar to several other uses occupying the shopping center. However, the use of hazardous materials has the potential to impact the health, safety and welfare of the general public. Through the use of the Wellfield Special Use permit criteria, special consideration is given, to the placement, operation and quantity of materials used, to ensure compliance with a unique set of standards.

**D. Ingress and egress to the property, proposed structures, and parking/loading/service areas are provided and allows for safe and convenient automobile, bicycle, and pedestrian mobility at the site and surrounding properties.**

The subject property is equipped with a previously approved set of parking/loading/service areas that allow for a safe and convenient circulation of pedestrians, bicyclist and automobile movements internal and external to the site (See Map 2.).

**Map 2.  
Site Location Map**



**E. Off-street parking, service, and loading areas, where required, will not adversely impact adjacent properties zoned for single-family residential use.**

There are no properties abutting or adjacent to the subject property which are zoned single-family residential. Properties adjacent to and surrounding the subject property are zoned PD, MU-2 and RMF-7 (Multi-family Residential).

**F. Noise, glare, exterior lighting, or odor effects will not negatively impact surrounding properties**

The facility is not expected to generate noise, glare and exterior lighting that would negatively impact surrounding properties. The proposed facility is consistent with the standards of the MU-2 zoning district in which it is located. The proposed use was reviewed by Alachua County Environmental Protection Department with a determination that no significant review is required. The proposed use must follow State and County requirements for the treatment and disposal of chlorinated water as well as the requirements for the storage of any hazardous chemicals on site.

**Condition 1.**

*The development shall comply with State and County requirements for the treatment and disposal of chlorinated water as well as the requirements for the storage of any hazardous chemicals on site. The facility shall register with the Alachua County Environmental Protection Department and to obtain periodic operational and maintenance permits as required by the Hazardous Material Code.*

**G. There is adequate provision for refuse and service/loading areas, and these areas shall be reviewed for access, screening, location on the site, and pedestrian/bicycle mobility and safety. Outdoor storage or display areas, if included, will not adversely impact surrounding properties and shall be reviewed for screening and location on the site.**

Refuse and waste management for the development exists and are off-street and internal to the site. There is adequate provision for refuse and service/loading areas. Outdoor storage or display areas included with the proposal are defined and will be screened from surrounding properties and roadways in accordance with Sec. 30-5.19 and 30-5.40 of the Land Development Code.

**H. Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use or development.**

The Technical Review Committee reviewed the development and determined that the necessary public utilities are available to service the demands of the site. Potable water, sewer and wastewater systems are in place to provide adequate services. GRU has recommended approval and indicates that there is adequate capacity to serve future needs as demand changes.

**I. Screening and buffers are proposed of such type, dimension, and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.**

The subject property is part of a larger approved development which is consistent with the screening and buffering standards of the Land Development Code. The proposed use will be located in the north east corner of the site well removed, 100 to 300 feet, from the adjacent right-of-way and adjacent used.

This physical separation creates effective buffering which is complemented by approximately 30 feet of vegetation and a 200-foot wide stormwater basin. Screening and buffering are adequately provided.

**J. The hours of operation will not adversely impact adjacent properties zoned for single-family residential use.**

There are no single-family residential zoning districts adjacent to the proposed development.

**K. Any special requirements set forth in the Land Development Code for the particular use involved are met.**

The proposed development is subject to compliance with the criteria for a Wellfield Protection Special Use Permit as well as a typical special use permit addressed in this report.

**Wellfield Protection Special Use Permit Review Criteria: Sections 30-3.30**

**1. The criteria for Special Use Permits provided in Section 30-3.24**

The special Use Permit criteria of Section 30-3.24 are addressed above.

**2. The proposed use or development will not endanger the city's potable water supply.**

The use of Sodium hypochlorite on the site will include transportation, storage, distribution and transfer of the fluid into smaller on and off-site containers. Off-site transportation shall comply with local, state and regional requirements. Onsite storage shall be confined to the area defined on the site which will accept the fluid from specifically regulated vehicles. This storage equipment is constructed with a double-walled layer creating an external tank with a capacity of 130% that of the internal container. There is also an alert system to monitor leaks of the internal tank as well as the introduction of fluids into the external tank. This mechanism is intended to prevent or minimize the occurrence of spills onto the natural surroundings.

Transfer of the fluid on site is limited the approved area on-site and indoor retail areas of the business. The distribution of Sodium hypochlorite to the general public poses a greater potential for spills into the natural environment either by accident or mishandling.

**Condition 2.**

*The establishment shall employ a safe handling systems to ensure that the retail distribution of Sodium hypochlorite is conducted in a protected and screened area and that the operation and maintenance is designed to prevent leaching into the aquifer. The area designated for placement and storage of Sodium Hypochlorite tank shall be within 30 feet of the retail building, preferably adjacent to the "New Fenced Pool Area".*

**3. The necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. The development must be connected to the potable water and wastewater system.**

All necessary public utilities are available to the site and the development is connected to potable water and wastewater systems.



- 4. There has been proper abandonment, as regulated by the applicable water management district or state agency, of any unused wells or existing septic tanks at the site. An existing septic tank may remain if it is used solely for domestic waste and if it meets all applicable state and local regulations.**

The applicant indicates that there are no unused wells or existing septic tanks on the site. GRU has reviewed the request and recommends approval. During the permitting process a field investigation shall be conducted to determine the status of existence wells or septic tanks.

**Condition 3.**

*All unused wells and/or septic tanks shall be properly abandoned in accordance with the regulations of the applicable water management district, state agency and the City of Gainesville.*

- 5. There is no current or proposed underground storage of petroleum products or hazardous materials at the development site.**

The applicant indicates that there are no current or proposed underground storage of petroleum products on the site. The use of other hazardous materials is currently managed by Alachua County Environmental Protection Department. They have reviewed the request and finds the proposal to be approvable. During development plan review and permitting, unique and specific aspects of the site shall be addressed.

- 6. The applicant is in compliance with the requirements of the Alachua County Hazardous Materials Management Code, and all applicable state and federal regulations.**

The Alachua County Environmental Protection Department has reviewed the request and recommends approval and periodic monitoring.

- 7. The development property addresses environmental features such as wetlands, creeks, lakes, sinkholes, and soils to ensure that hazardous materials will not endanger the potable water supply and the environmental features.**

There are no environmental features on the property.

**DRAFT MOTION FOR CONSIDERATION**

Approve Petition PB-20-29 SUP with the associated development plan including the conditions in the staff report and the conditions from the Technical Review Committee.

**LIST OF ATTACHMENTS:**

- Attachment A**    Application and Supporting Documents
- Attachment B**    Comprehensive Plan and Land Development Code References
- Attachment C**    Technical Review Committee (TRC) Conditions
- Attachment E**    Drawings and Plans