

TO: City Plan Board

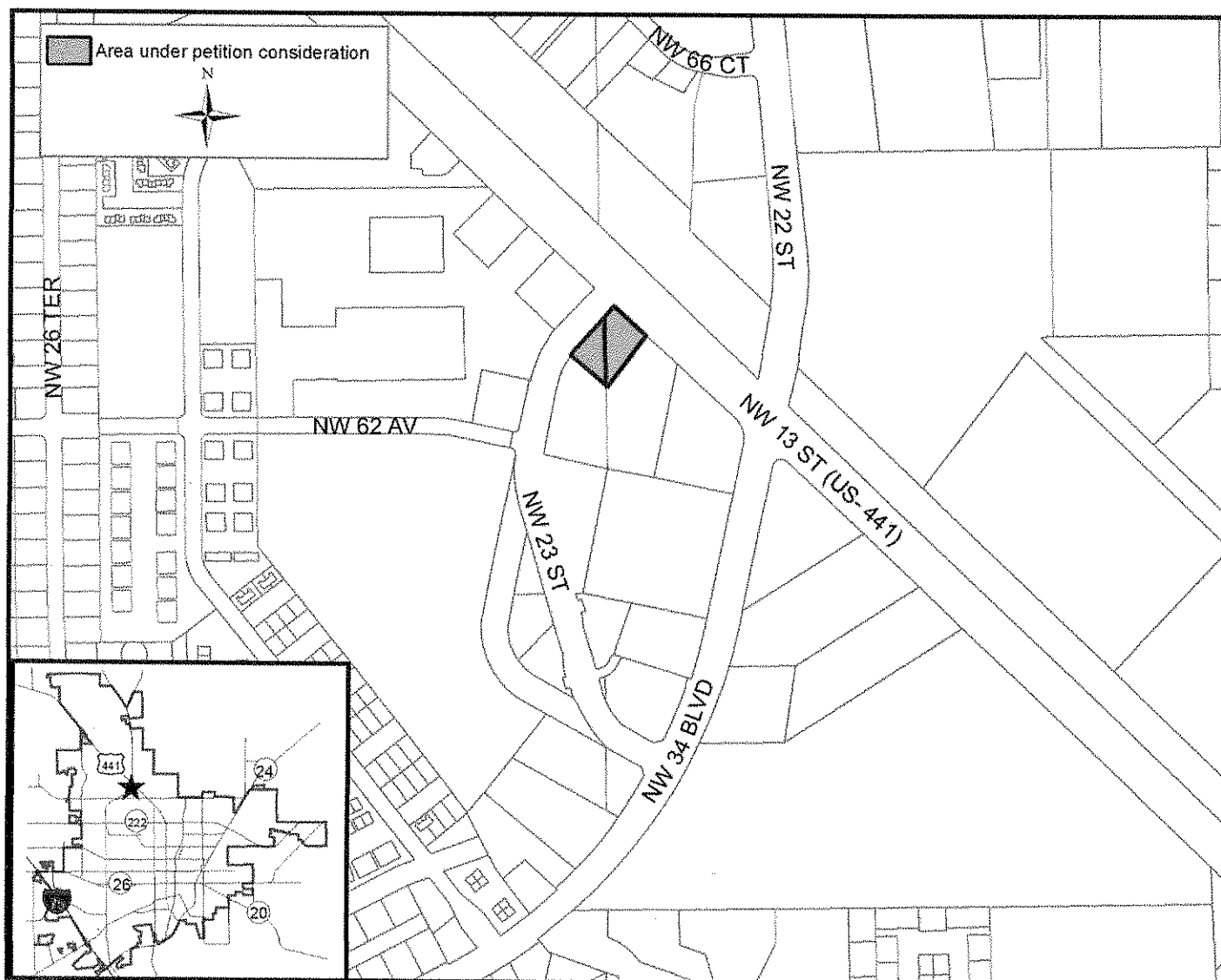
Item Number: 1.

FROM: Planning & Development Services Department

DATE: September 26, 2013

SUBJECT: Petition CC-13-60 WSU. Scott Stannard, agent for Commercial Site Solutions, Inc. Requesting a Wellfield Protection and TCEA Special Use Permit with development plan review to allow construction of a new gas station with underground fuel storage tanks. Zoned: MU-2 (12-30 units/acre mixed use medium intensity district). Located at 6360 NW 13th Street.

Recommendation



Description

This petition addresses a request to grant a Wellfield Special Use Permit at the above referenced site to allow underground storage of hazardous materials, gasoline, in conjunction with a new gasoline station (8 fueling positions) with a retail/convenience store. Per the Comprehensive Plan, Concurrency Management Element, Policy 1.4.9, retail petroleum sales within the TCEA must obtain a Special Use Permit subject to meeting special requirements as listed in Exhibit "E", (Land Development Code and Comprehensive Plan references). Since the facility is located within the Wellfield Protection Zone and gasoline is considered a hazardous material, the Land Development Code requires that approval of such developments must be considered through the Wellfield Special Use permitting process by the City Plan Board and the City Commission.

The project site is located at 6360 NW 13th Street and includes tax parcels 06014-032-002 and 06014-032-003 which consists of approximately 39,640 square feet. The site has a land use designation of Mixed use Medium (MUM) and a zoning of MU-2 (Mixed use medium intensity 12-30 units per acre).

The development proposal includes a site plan showing the layout of the development, a free-standing building of approximately 1,355 square feet, a new gas canopy, eight fueling positions, a small parking area, paved access to the pumps, landscape areas, and a stormwater management system. The project is seeking the Wellfield Special Use Permit and TCEA Special Use Permit with preliminary and final development plan approval.

Key Issues

The issues pertaining to this development and its request for a Wellfield Special Use permit and TCEA Special Use Permit are as follows:

1. Its location within the Tertiary zone of the Wellfield Protection Zone;
2. The use of gasoline which is a hazardous material;
3. The underground storage of hazardous materials;
4. Its location within the TCEA; and
5. The location of the property within the MU-2 Zoning District.

Basis for Recommendation

Staff's recommendation is based on the criteria for issuing a Wellfield Special Use Permit, a Special Use Permit and a TCEA Special Use Permit as stated in the land development code sections 30-203(b) and 30-233 outlined below. The requirements of the Concurrency Management Element, Policy 1.4.9 of the Comprehensive Plan are also considered in the analysis.

Wellfield Special Use Permit

In considering a request for a Wellfield Special Use Permit, the Plan Board must make findings concerning the use proposed to ensure that the design, location, and methods of operation will conform to the listed criteria:

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

The project has been reviewed by Gainesville Regional Utilities and a determination has been made that the gasoline retail facility will not endanger the City's potable water supply.

Petition CC-13-60 WSP
September 26, 2013

- 2. That 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.**

The project has been reviewed by the Technical Review Committee and a determination has been made that the necessary public utilities are available to service the demand of the site. Potable water, sewer and wastewater systems are in place to provide adequate services. Although the demands for the new development may vary, the existing site is currently served by electric, gas, water, and sanitary sewer at a capacity which is adequate to serve the needs of the facility. GRU has recommended approval and indicates that there is adequate capacity to serve future needs as demand changes.

Condition 1.

During final development plan review, the development shall be required to comply with GRU requirements for providing required utility services to the property.

- 3. That the use or development conforms to the city's comprehensive plan.**

The 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 Special Use Permit per the comprehensive Plan 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 applicant has cited goals, policies and objectives of the Comprehensive Plan in support of the proposed use. (Exhibit "A": see Pages 2 and 5 of the Murphy Express Wellfield Protection Special Use Permit Justification Report: Consistency with the City of Gainesville Comprehensive Plan)

The project can be considered as a redevelopment project 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, 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.

- 4. That the proposed use complies with all federal, state and local laws, rules, regulations, and ordinances now and hereafter in force which may be applicable to the use of the site.**

The project has been reviewed by Alachua County Environmental Protection Department and granted preliminary approval with conditions included in the Technical Review Committee comments, Exhibit "C". During final review detailed conditions shall be implemented and the project will be monitored by the local, regional and state agencies for compliance with required standards.

- 5. That there has been proper abandonment, as regulated by the relevant 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.**

Petition CC-13-60 WSP
September 26, 2013

The applicant indicates that there are no unused wells or existing septic tanks on the site. GRU has reviewed the request and recommends approval.

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

The project has been approved by Alachua County Environmental Protection Department and found to be in compliance, at this level of review, with all State and Federal regulations. The project shall be subject to further regulations and shall be monitored periodically for compliance with local, regional and state agencies requirements.

In considering the request for a Wellfield Protection Special Use Permit, the board must also determine whether the development properly 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.

The subject property lies to the northeast of a wetland area but there are no encroachments into the wetland area. All proposed improvements will be outside the wetland limits and outside the required fifty-foot buffers. The project has been reviewed by the City's Environmental Coordinator and has been granted preliminary approval.

Special Use Permit

In accordance with Section 30-203(a), **the development must also satisfy the criteria of a regular Special Use Permit as listed in Section 30-233. The following analysis addresses the criteria for a Special Use Permit.** No special use permit shall be approved by the city plan board unless the following findings are made concerning the proposed special use:

1. That the use or development complies with all required regulations and standards of this chapter and all other applicable regulations.

The proposed development is in conformance with the land use designation of Mixed-Use Medium and the uses are allowed by Special Use Permit and consistent with the MU-2 zoning district. The development has undergone development plan review which ensures compliance with required development standards. The attached comments and conditions of the Technical Review Committee are included to ensure that areas of potential deficiencies are addressed. The project is also subject to the appropriate Federal, State and local agency regulations and has provided documents of approval attesting to their compliance.

2. That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.

The proposed development is in the MU-2 zoning district which is generally characterized as a mixed-use medium intensity district established for the purpose of providing a mix of employment, retail, professional, service and residential uses in medium level activity centers. Its location along US-441 is therefore aptly suited for the nature of the development. The proposed development is intended to provide a service to patrons and other businesses within the area; it dispenses gasoline and retails convenience goods. The site is surrounded by offices and retail to the south, west and north; to the east is a large industrial area which is separated by a

Petition CC-13-60 WSP
September 26, 2013

transportation corridor, US-441, which acts as a buffer from the industrial uses as well as a major access point to the local and regional roadway network system. This feature affords the development the option of obtaining its gasoline supply without going through densely populated residential neighborhoods. It also allows for easy and quick accessed by emergency services in the event of an emergency. The development is generally compatible and in harmony with adjacent and nearby uses.

3. That necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development.

Consistent with Item #2 of the Wellfield Special Use Permit the project has been reviewed by the Technical Review Committee and a determination has been made that the necessary public utilities are available to service the demand of the site and that there is adequate capacity to serve future needs as demand changes.

4. That the use or development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use.

The proposed development is located at the intersection of US-441(NW 13th Street) and NW 23rd Street. Both roadways provide access to nearby local street networks as well as links to surrounding neighborhoods and communities. Both routes have adequate capacity to accommodate traffic associated with the development. The development is located in Zone B of the TCEA and must meet all requirements as stated in the Concurrency Management Element. The development will be required to sign a TCEA Zone B Agreement prior to Final Development Plan approval.

5. That 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 proposed development is surrounded on the north, west and south by uses which are generally compatible and requires no buffering. The development is buffered from the industrial area to the east by the US-441 transportation corridor. The development also complies with all landscaping requirements, meets the build-to line, building orientation and relationship of the façade to the primary street.

6. That the use or development conforms with the general plans of the city as embodied in the city comprehensive plan.

Consistent with Item #3 of the Wellfield Special Use Permit the project has been determined to be in conformance with the general plans of the City as embodied in the City Comprehensive Plan.

7. That the proposed use or development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.

The development shall meet all level of service requirements. Based on the above analysis, staff has determined that the information provided is sufficient to justify compliance with the criteria for issuing the special use permit and the Wellfield Special Use permit at the current level of consideration. The development has been issued a Certificate of Preliminary and Final Concurrency subject to meeting the TCEA requirements.

Petition CC-13-60 WSP
September 26, 2013

Condition 2. The applicant shall be required to comply with all requirements of the Technical Review Committee as included in Exhibit "C".

Condition 3. The layout and design of fueling positions shall ensure that pumps are positioned to serve only two vehicles at a time at each pump station.

Comprehensive Plan, Concurrency Management Element, Policy 1.4.9

Due to the location of the property within the TCEA, petroleum sales with or without sale of convenience goods and/or food are required to demonstrate compliance with Concurrency Management Element Policy 1.4.9 and associated criteria as referenced in Exhibit "E".

The development addresses the requirements for pedestrian/bicycle access and circulation. Sidewalks will be provided along NW 13th Street and NW 23rd Street along with connections to the interior site facilities. No pedestrian crosswalks are shown on the development but a condition is included to address that requirement. The number and width of driveways have been modified to satisfy requirements of the Land Development Code.

Condition 4.

The applicant shall submit a design for a pedestrian crosswalk across NW 23rd Street with a refuge area within the Median of NW 23rd Street. The crosswalk shall be constructed by the developer per the specifications approved by Public Works.

Number of Fueling Positions

The development is located within the MU-2 zoning district and is allowed six fueling positions but is allowed consideration of up to twelve positions through the special use permitting process. The development is proposing eight fueling positions in accordance with the following criteria:

- a. The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;***

The property is approximately 0.9 acres and is designed to safely accommodate required access, turning movements for large suppliers and necessary separation from other facilities on site. The development complies with all landscaping and buffering requirements and all code requirements have been addressed.

- b. Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions;***

Access to the site has been modified to address safety and efficient traffic circulation. Staff has determined that the proposed improvements with eight fueling positions will not compromise the efficiency and safety of adjacent roadways.

- c. Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;***

Due to the design, implementation of additional sidewalks, limited access points and pedestrian crosswalks, the additional fueling positions will not compromise pedestrian/bicycle safety in the area.

d. The architectural and site design are of such high quality that they enhance the site area and promote the City's multi-modal and design goals.

The site design is in compliance with the Land Development Code. The building placement and elevations are consistent with the build-to line and glazing requirements. The building is oriented with its primary entrance facing the more primary street, NW 13th Street and the façade along NW 23rd Street is well landscaped and presents a façade that relates to the secondary street. The architectural design and building materials present an attractive façade along NW 13th Street. The building colors meet the City's Advisory Color Guidelines.

e. Cross-access or joint driveway usage is provided to other adjacent developments.

The development has a common boundary along its south and west sides with adjacent developments. The west boundary is adjacent to a wetland area which does not allow encroachment and therefore is not suitable for cross-access. The south boundary is adjacent to an existing office development but that development is partially surrounded by a water feature which limits cross-access. There is one area along the southwest portion of the development with potential for future connectivity where cross-access can be achieved. Staff is requesting that the development retains the ability for future cross-access when feasible.

Condition 5

The development shall retain the ability to implement cross access with adjacent lots on the west and south when it becomes feasible to do so. The area for future cross access shall be illustrated on the final development plan.

f. Retail convenience goods sales or a restaurant are included in the development and designed such that pedestrian or bicycle use of the site is encouraged:

The development includes a 1,200 square foot retail convenience store which meets the following requirements.

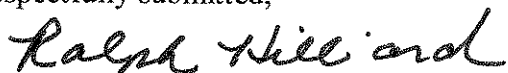
1. The building is within 30 feet of the back of the sidewalk with no intervening driveways.
2. The front building façade along NW 13th Street meets the 30% glazing requirement and the 23rd Street façade complies with the requirements.
3. A pedestrian entry to the building is provided via a sidewalk which runs from the public sidewalk along NW 13th Street.
4. All off-street parking is located to the rear of the building.
5. The building height and elevations are appropriate for the site. The building is a one-story building. The elevations and building materials are attractive and the building colors are neutral and meet the City's Advisory Color Guidelines.

Petition CC-13-60 WSP
September 26, 2013

Summary

The development is in compliance with the development standards of the MU-2 zoning district as well as parking, access, landscaping, buffers and wetland separation. The development must meet State and Regional requirements related to air emissions, surface and groundwater emission, noise, truck traffic, odor and glare. Based on the above analysis, staff has determined that the information provided is sufficient to justify compliance with the criteria for issuing the TCEA Special Use Permit and the Wellfield Special Use permit.

Respectfully submitted,



Ralph Hilliard
Planning Manager

Prepared by:



Lawrence Calderon
Lead Planner

Summary of Special Use Permit Conditions

Condition 1.

During final development plan review, the development shall be required to comply with GRU requirements for providing required utility services to the property.

Condition 2. The applicant shall be required to comply with all requirements of the Technical Review Committee as included in Exhibit "C".

Condition 3. The layout and design of fueling positions shall ensure that pumps are positioned to serve only two vehicles at a time at each pump station.

Condition 4.

The applicant shall submit a design for a pedestrian crosswalk across NW 23rd Street with a refuge area within the Median of NW 23rd Street. The crosswalk shall be constructed per the specifications approved by Public Works.

Condition 5

The development shall retain the ability to implement cross access with adjacent lots on the west and south when it becomes feasible to do so. The area for future cross access shall be illustrated on the final development plan.

List of Exhibits

- Exhibit A: Special Use Permit Justification Report**
- Exhibit B: Development Plans & Maps**
- Exhibit C: Technical Review Committee Comments**
- Exhibit D: Application and Neighborhood Workshop Information**
- Exhibit E: Comprehensive Plan and Land Development Code References.**