

**TO: City Plan Board**

**Item Number: 3**

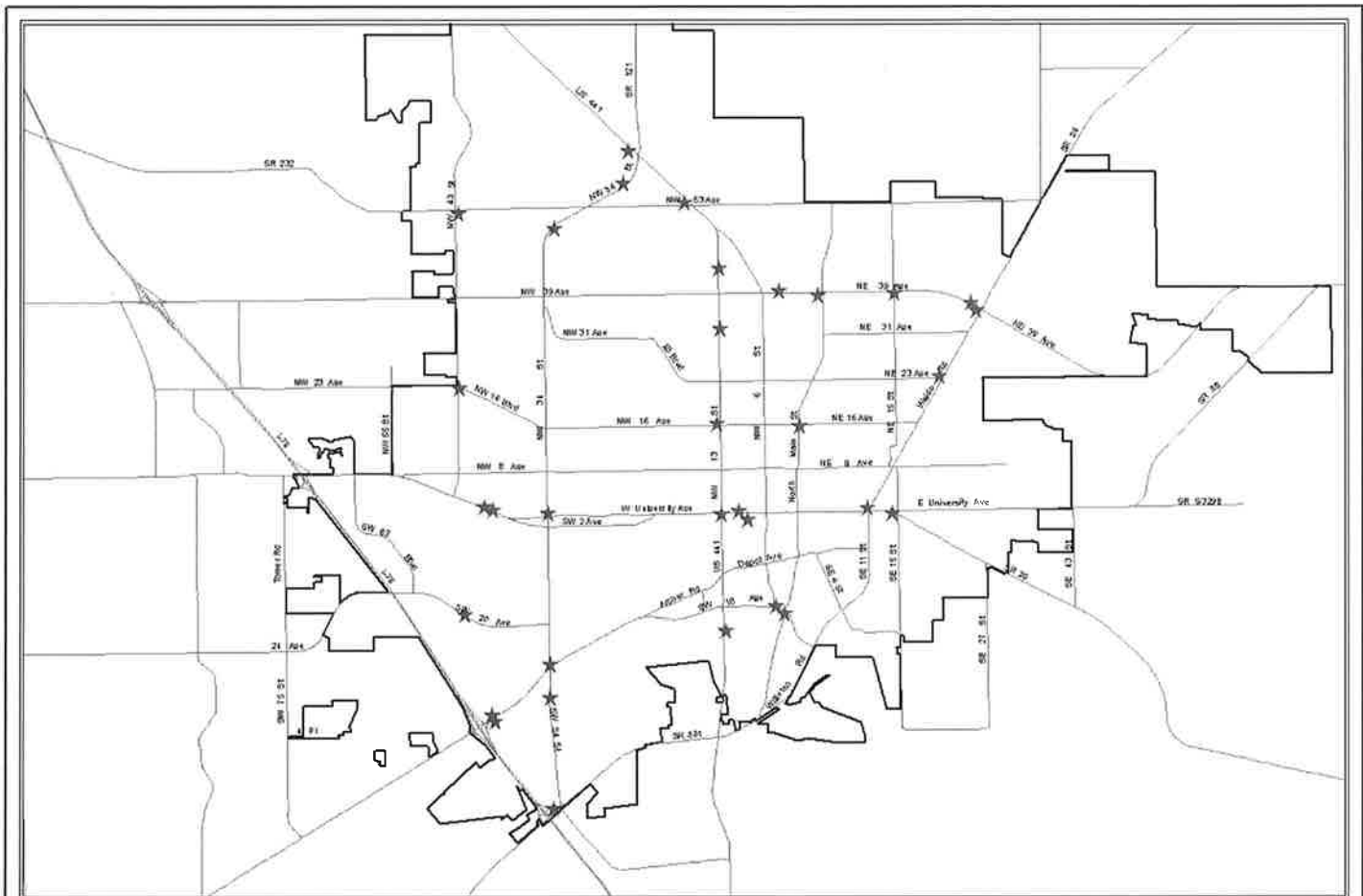
**FROM: Planning & Development Services Department**

**DATE: October 27, 2016**

**SUBJECT: Petition PB-16-143 CPA. City Plan Board. Amend the City of Gainesville Comprehensive Plan policies related to the location of gasoline service stations and placement of fueling pumps.**

**Recommendation**

Staff recommends approval of Petition PB-16-143 CPA.



**Gasoline Service Stations and Convenience Stores with Fueling Pumps**

City of Gainesville  
 Planning and Development Services  
 October 2016

## **Description**

This petition is proposing to amend Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element of the Comprehensive Plan to provide greater flexibility for the placement of fueling pumps and associated canopies within proximity to residential zoning districts and PD zoned properties limited to residential uses.

## **Background**

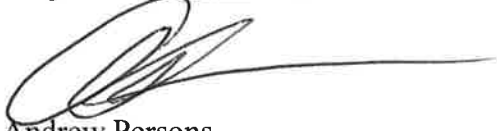
This petition was initiated at the direction of the City Commission at their August 18<sup>th</sup> hearing by a unanimous vote (6-0 Chase absent) (see Exhibit C). The Commission directed Planning staff to amend the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties and to amend the Land Development Code prohibit the placement of gasoline stations when abutting single family neighborhoods (Petition PB-16-144 TCH). The Commission direction to staff was initiated as a result of the discussions related to a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood (Petition PB-16-34 SUP) by Murphy USA, a national gas station and convenience store chain. At the August 18<sup>th</sup> hearing, the Commission heard testimony from adjacent property owners and residents. The citizens present at the meeting expressed concern regarding the proposed gas station and its proximity to the nearby single family residential neighborhood. Concerns raised at the meeting included impacts from lighting, noise, hours of operation, proximity to residences, and environmental considerations.

Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element regulate gasoline stations and the placement of fuel pumps within the City. Currently, Policy 10.3.2 requires that all fuel pumps be located to the rear of buildings. The intent of the policy is to bring service station and associated convenience store buildings closer to the street and public sidewalk in order to provide a consistent street edge, improve pedestrian safety, improve site aesthetics, and comply with City requirements for building placement stipulated in many of the City's Special Area Plans. However, as illustrated with the Murphy USA petition, this requirement can result in fueling pumps and associated canopies, underground gasoline storage tanks, and loading and vehicular use areas being located closer to residential areas under certain circumstances. The proposed comprehensive plan text change proposes to amend this requirement to allow fueling pumps to be located at the side or the front of the building where a gasoline service station is located within 50' (straight line measurement) of a property with a residential zoning district or a PD zoning that is restricted to residential uses. Using the Murphy USA example, this amendment would permit the applicant greater flexibility to locate the canopies and fueling stations further away from the adjacent Greater Duval neighborhood. Planning staff recommends that this amendment apply within a 50' radius in order to account for intervening right-of-way between the gas station and residential neighborhoods as was the case with the Murphy USA example. Typical local street right-of-way widths range within the City between 36'-50' on average.

Planning staff has analyzed the existing operational gasoline service stations within the City limits and have determined that approximately 7 stores are located within a 50' proximity to residential zoning (see Exhibit B). All seven of these stations were built prior to the City implementing regulations within the Transportation Mobility Element requiring gasoline stations

and convenience store facilities with fuel pumps to place fueling stations behind the service station building. As a result, the stations fuel pumps are currently considered legal non-conforming structures but would be rendered conforming with this amendment.

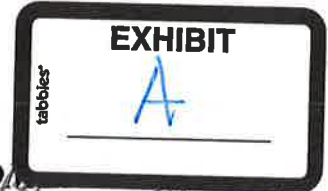
Respectfully submitted,



Andrew Persons  
Interim Principal Planner

**List of Exhibits**

- Exhibit A     Application**
- Exhibit B     List of operational gas stations or convenience stores with fuel pumps**
- Exhibit C     Map: Operational gas stations or convenience stores with fuel pumps**
- Exhibit D     Legislative matter 160134 (City Commission referral)**
- Exhibit E     Relevant Goals, Objectives, and Policies from the Comprehensive Plan**
- Exhibit F     Amended Policies 10.3.2 and 10.4.9**



**APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT**  
**Planning & Development Services**

OFFICE USE ONLY	
Petition No. <u>PB-16-143 CPA</u>	Fee: \$ _____
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-660-6680-3401 [ ]	
Account No. 001-660-6680-1124 (Enterprise Zone) [ ]	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) [ ]	



Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name: <u>City Plan Board</u>	
Applicant/Agent Address: _____	
City: _____	
State: _____	Zip: _____
Applicant/Agent Phone: _____	Applicant/Agent Fax: _____

*Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.*

TEXT AMENDMENT		
Check applicable request below:		
<b>Land Development Code</b> [ ]	<b>Comprehensive Plan Text</b> [X]	<b>Other</b> [ ]
Section/Appendix No.:	Element & Goal, Objective or Policy No.: <u>Trans. Mobility Element</u>	Specify:
	<u>Policy 10.3.2 &amp; 10.4.9</u>	

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):
<u>Amend the City of Gainesville Comprehensive Plan related to the location of gasoline service stations and placement of fueling pumps.</u>

**Certified Cashiers Receipt:**



List of Gas Stations or Convenience Stores with Pumps

EXHIBIT

tabbles

B

Business Name	Site Address	Parcel Number	Property Zoning	Adjacent to Single Family	Adjacent Multiple Family	Pump Location
Kangaroo - Mobil	5708 NW 34th Blvd	06014-001-080	MU-2	Yes	No	front
Murphy Express	6323 NW 23rd St	06014-032-002 06014-032-003	MU-2	No	No	
Chevron	5221 NW 43rd St	06070-010-001	MU-1	No	No	
Texaco	4909 NW 34th Blvd	06083-007-000	MU-1	Yes	No	front
Kangaroo - Shell	4221 NW 16th Blvd	06392-002-000	MU-2	No	No	
Chevron	3328 W Newberry Rd	06472-001-000	MU-1	No	No	
Shell	3850 W Newberry Rd	06501-010-000	BA	No	Yes (PD zoning)	front
Marathon	3936 W Newberry Rd	06503-004-000	BA	No	No	
Circle K - Mobil	4234 SW 20th Ave	06745-002-002	UMU-2	No	No	
Shell	3330 SW Archer Rd	06784-003-000	BUS	No	No	
Kangaroo	3901 SW Archer Rd	06801-004-001	BUS	No	No	
Exxon	3960 SW Archer Rd	06810-003-005	PD	No	No	
Circle K	3525 SW 34th St	07240-001-005 07240-001-016	BUS	No	Yes	front
Mobil	3424 SW Williston Rd	07240-017-000	BUS	No	No	
Kangaroo - BP	5310 NW 13th St	07882-012-001	BA	No	No	
Sean Express	220 NW 39th Ave	07998-002-000	BA	No	No	
Sunoco	4207 NW 13th St	08120-000-000	MU-1	Yes	No	front
Citgo	3845 NE 15th St	08197-002-005	MU-1	No	No	
Short Stop	2610 NE 39th Ave	08198-007-001	I1	No	No	
Mobil	3520 NE Waldo Rd	08198-016-002	BUS	No	No	
Circle K	3838 N Main St	08210-001-011	BA	No	No	
Shell	3831 NW 13th St	08270-000-000	MU-1	No	No	
Gate	3001 NW 13th St	08300-001-000	MU-1	No	No	
Marathon	1606 NW 13th St	09012-001-000	MU-1	No	Yes	front
Citgo	809 N Main St	09929-003-000	MU-1	No	No	
Texaco	1600 NE Waldo Rd	10766-009-000	MU-1	No	No	
Chevron	1445 SE Hawthorne Rd	11741-000-000	MU-1	No	No	
Shell	20 NE Waldo Rd	12002-000-000	BUS	No	No	
BP	931 W University Ave	13205-000-000	UMU-2	No	No	
Kangaroo	1255 W University Ave	13231-000-000	UMU-2	No	No	
Chevron	1024 W University Ave	13988-000-000	UMU-2	No	No	
Texaco	2109 SW 13th St	15544-000-000	BT	No	No	
Citgo	1720 S Main St	15699-057-000 15699-057-001	MU-1	No	Yes	front
BP	334 SW 16th Ave	15702-001-005	MU-2	No	No	



# City of Gainesville



200 East University Avenue  
Gainesville, Florida 32601

## Master

**File Number: 160134.**

**File ID:** 160134.

**Type:** Petition

**Status:** Failed

**Version:** 1

**Reference:**

**In Control:** City Manager

**File Created:** 06/15/2016

**File Name:**

**Final Action:** 08/18/2016

**Title:** Special Use Permit Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store (B)

**Petition PB-16-34 SUP.** Greenberg Farrow (John Vecchio, P.E.) agent for Walmart Stores East, owner. A special use permit with an intermediate development plan to allow construction of a gas station with a convenience store. Zoned: MU-2 (12-30 units/acre mixed use medium intensity). Located at 1800 NE 12th Avenue.

**\*Estimated presentation time 15 minutes\***

**Notes:** Lawrence Calderon, Lead Planner ext 8680

**Agenda Date:** 08/18/2016

**Sponsors:**

**Enactment Date:**

**Attachments:** 160314\_Staff report and Attachments A-C\_20160623, 160134A\_Staff report and Attachments A-C\_20160818, 160134B\_CPB minutes draft\_20160818, 160134C\_Staff ppt\_20160818, 160134\_QJ Form\_20160818.pdf, 160134\_MOD\_petition form\_20160818.pdf, 160134\_MOD Greater Duval Neighborhood Assoc\_20160818.pdf

**Enactment Number:**

**Contact Name:**

**Hearing Date:**

**Drafter Name:**

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Plan Board	06/23/2016					
1	City Commission	08/18/2016	Denied (Petition)				Pass



**Notes:** *Motion by Commissioner Hayes-Santos, seconded by Commissioner Carter: 1) staff to look into the Comprehensive Plan to allow for a switch of the gas pumps adjacent to a single-family neighborhood to the front; 2) staff look into the Land Development Code to remove gas stations that are adjacent to single-family neighborhoods; and 3) change the notification process to notify residences of address and property owners . Motion passed 6-0. Commissioner Chase absent.*

*Lawrence Calderon and Wayne Gibson made presentations.*

*Telford Cartwright, Edward Earl Young, Juanita Miles-Hamilton, Gilbert Means, Helen Harris, Sheria Fernandez and Pastor Ernestine Butler spoke to the matter.*

Aye: 6 Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 Commissioner Chase

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**Text of Legislative File 160134.**

**Title**

**Special Use Permit Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store (B)**

**Petition PB-16-34 SUP.** Greenberg Farrow (John Vecchio, P.E.) agent for Walmart Stores East, owner. A special use permit with an intermediate development plan to allow construction of a gas station with a convenience store. Zoned: MU-2 (12-30 units/acre mixed use medium intensity). Located at 1800 NE 12th Avenue.

**\*Estimated presentation time 15 minutes\***

**Explanation**

This petition is a request to grant a special use permit at the above referenced site to allow construction of a gasoline station with 12 fueling positions and a retail/convenience store. Per the Comprehensive Plan, Policy 10.4.9 of the Transportation Mobility Element, gasoline service stations with more than six fueling positions must meet a specific set of conditions with final approval by the City Commission. The development must comply with Sections 30-233 of the Land Development Code and the Concurrency Management Element, Policy 10.4.9 of the Comprehensive Plan.

The project site is located at 1800 NE 12th Avenue and includes a portion of tax parcel 10859-010-003 which is currently in the subdivision review process to create a separate lot of approximately 2.188 acres (95,316 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 free-standing building of approximately 1,200 square feet, a gas canopy, twelve fueling positions, an off-street parking area, paved access to the pumps, landscape areas, and a stormwater management system.

The petition was submitted to the City Plan Board for review on May 26, 2016 but was continued after neighbors stated that they did not receive notice of the petition or the neighborhood meeting. Staff reviewed the notice process and determined that proper notice procedures were followed; the item was presented to the City Plan Board for review on June 23rd, 2016. After considering testimony presented by staff, the applicant, neighborhood residents and the general public, the board voted unanimously to approve the development with

the conditions included in the staff report plus two conditions listed below in the City Plan Board recommendation to the City Commission.

In considering the petition, the City Commission is required to review the City Plan Board's recommendation, evidence presented in the public hearing, City staff report, the findings of Sections 30-233, the review standards of Policy 10.4.9 of the Comprehensive Plan and the development plan review process found in Article VII.

Public notices were published in the Gainesville Sun on May 10th and June 7th, 2016. The Plan Board held a public hearing on May 26, 2016 and on June 23, 2016.

**Fiscal Note**

None.

**Recommendation**

**City Plan Board to City Commission-** Approve Petition PB-16-34 SUP with staff conditions, Technical Review Committee (TRC) comments, the associated development plan , and two additional conditions: 1)relocate the underground tanks from the south side to the west side of the development and; 2) add an oil/water separator to the stormwater management system of the site.

**Staff to City Commission** - Approve the City Plan Board's recommendation.

**Staff to City Plan Board** - Approve Petition PB-16-34 SUP with conditions, TRC comments and the associated development plan.

**Exhibit E:**

**Future Land Use Element:**

**Objective 4.2** The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.

**Policy 4.2.1** The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low -intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and tree canopy.

**Policy 5.2.1** The City shall develop land development regulations that control façade articulation, building orientation, building location, automobile-oriented uses such as drive-throughs and gas stations, location and amount of parking, number of stories, outdoor lighting, compatibility with context, and quality of materials for large retail and service establishments in a manner that promotes civic pride, unique identity and land use objectives

**Transportation Mobility Element:**

**Policy 10.3.2** New development of automotive-oriented uses within the TMPA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed with service bays and fueling (gas) pumps located to the rear of buildings. These design standards shall not apply in industrial zoning districts. The number of fueling positions shall be regulated by TMPA policies.

**Policy 10.4.1** The City may establish pedestrian, transit, and bicycle-oriented areas, through a special area plan overlay zone adopted within the Land Development Code, to prohibit or further regulate automobile-oriented developments/uses beyond the standards set by the TMPA.

**Policy 10.4.9** Within the TMPA, retail petroleum sales at service stations and/or car washes, either separately or in combination with the sale of food or eating places, shall be required to obtain a Special Use Permit. In addition to the review criteria in the Land Development Code for Special Use Permits, the following review standards shall apply:

a. Site design shall enhance pedestrian/bicycle access to any retail and/or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.

b. The number and width of driveways shall be minimized.

c. Except where more stringently regulated by a special area plan or overlay district, the maximum number of fueling positions shall be set as follows:

1. No limitation on fueling positions in the Industrial zoning categories;

2. Six fueling positions in the Mixed-Use Low land use category or Mixed-Use 1 zoning district;

3. Until adoption in the Land Development Code of specific architectural and design standards, six fueling positions in all other zoning categories where gasoline service stations (retail petroleum sales) or food stores with accessory gasoline and alternative fuel pumps are allowed. In the interim period before the adoption of architectural and design standards, additional fueling positions, up to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the following conditions:

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;

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;

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

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. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points;

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

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 retail convenience goods sales or restaurant building and development shall meet all of the following requirements:

1. Building(s) shall be placed close to the public sidewalk for a substantial length of the site's linear frontage;

2. A minimum of 30% window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80% transparent;

3. A pedestrian entry is provided from the public sidewalk on the property frontage or near a building corner when the building is on a corner lot;

4. Off-street parking shall be located to the side or rear of the building; and

5. The building height and façade elevation are appropriate for the site and surrounding zoned properties.

4. Until adoption in the Land Development Code of specific architectural and design standards, ten fueling positions within 1/4 mile of an I-75 interchange. In the interim period before the adoption of architectural and design standards, additional fueling positions, to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the conditions shown in 3 a-f above.

## **Exhibit F:**

**Policy 10.3.2** New development of automotive-oriented uses within the TMPA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed with service bays and fueling (gas) pumps located to the rear of buildings, except as provided by Policy 10.4.9. These design standards shall not apply in industrial zoning districts. The number of fueling positions shall be regulated by TMPA policies. Gasoline service stations are prohibited where such a facility would abut property designated for Single-Family or Residential Low land use on the Future Land Use Map.

**Policy 10.4.9** Within the TMPA, retail petroleum sales at service stations and/or car washes, either separately or in combination with the sale of food or eating places, shall be required to obtain a Special Use Permit. In addition to the review criteria in the Land Development Code for Special Use Permits, the following review standards shall apply:

a. Site design shall enhance pedestrian/bicycle access to any retail and/or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.

b. The number and width of driveways shall be minimized.

-c. Retail petroleum sales at service stations and/or car washes, either separately or in combination with the sale of food or eating places, when located within 50' of any residentially zoned property defined in Section 30-41 of the Land Development Code or property zoned Planned Development and solely limited to residential uses shall locate fueling pumps and canopies and other potential noise generating areas away from residential property. These facilities may be placed on the side or front of the building in order to achieve the intent of this provision. For purposes of this requirement, the 50' radius shall be measured from the nearest property line of the service station, car wash, or food or eating place with retail petroleum sales to the nearest property line of the residential property described herein.

ed. Except where more stringently regulated by a special area plan or overlay district, the maximum number of fueling positions shall be set as follows:

1. No limitation on fueling positions in the Industrial zoning categories;
2. Six fueling positions in the Mixed-Use Low land use category or Mixed-Use 1 zoning district;
3. Until adoption in the Land Development Code of specific architectural and design standards, six fueling positions in all other zoning categories

where gasoline service stations (retail petroleum sales) or food stores with accessory gasoline and alternative fuel pumps are allowed. In the interim period before the adoption of architectural and design standards, additional fueling positions, up to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the following conditions:

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;

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;

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

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. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points;

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

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 retail convenience goods sales or restaurant building and development shall meet all of the following requirements:

1. Building(s) shall be placed close to the public sidewalk for a substantial length of the site's linear frontage;

2. A minimum of 30% window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80% transparent;

3. A pedestrian entry is provided from the public sidewalk on the property frontage or near a building corner when the building is on a corner lot;

4. Off-street parking shall be located to the side or rear of the building; and

5. The building height and façade elevation are appropriate for the site and surrounding zoned properties.

4. Until adoption in the Land Development Code of specific architectural and design standards, ten fueling positions within 1/4 mile of an I-75 interchange. In the interim period before the adoption of architectural and design standards, additional fueling positions, to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the conditions shown in 3 a-f above.