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CITY

 OF
 GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 5

TO: City Plan Board **DATE:** September 24, 2009
FROM: Planning Division Staff
SUBJECT: Petition PB-09-120 ZON, Brown & Cullen Inc, agent for William & Jo Beaty. Rezone property from BUS (General business district) to BA (Automotive-oriented business district). Located at 4306 & 4322 Northwest 13th Street.

Recommendation

Planning Division staff recommends approval of Petition PB-09-120 ZON.

Explanation

The properties that are the subject of this petition lie along the west side of N.W. 13th Street and consist of two tax parcels. Tax parcel 07925-000-000 located at 4306 N.W. 13th Street is currently zoned BUS (General business district) with Commercial land use. North of this property is tax parcel 07910-000-000 located at 4322 N.W. 13th Street, which is zoned BUS and RSF-1 (3.5 units/acre single-family residential district) and has Commercial and Single Family (up to 8 units per acre) land use. The commercial portion of this property extends approximately 400 feet west from N.W. 13th Street before the single-family designated area of the property is reached. The request of this petition is to rezone the properties from BUS to BA (Automotive-oriented business district). The land use would remain Commercial because BA is one of the implementing zoning districts of the Commercial land use.

The subject properties contain several structures that have included a variety of businesses. To the south of the properties is a used car dealer with associated automotive salvage, which has BA zoning with Commercial land use. To the east of the subject properties across N.W. 13th Street is a retail furniture store, with an MU-1 (8-30 units/acre mixed use low intensity) zoning designation and Mixed-Use Low-Intensity (8-30 units per acre) land use. To the north is a retail pool, spa and billiard establishment with BA and OF (General office district) zoning and Commercial and Office land use. West of the subject properties is land

with RSF-1 zoning and Single-Family land use. (This petition for BA zoning will have no impact on the provision of affordable housing).

Potential Impact on Adopted LOS standards

The properties are located within Zone B of the Gainesville Transportation Concurrency Exception Area (TCEA) and are therefore excepted from transportation concurrency for roadway level of service standards. Any use proposed for the area will have to meet policy requirements to address transportation needs. The number of new average daily trips that will be generated by any use that might be proposed for the site has yet to be determined. These properties are within the Gainesville Regional Transit System main bus service area with bus route number 6 running along N.W. 13th Street. The area is also served by the demand-responsive service administered by MV Transportation.

Water and sanitary sewer service are also available in the area to access the properties. Zoning changes are not required to meet concurrency requirements, and do not vest for concurrency, which will be determined at the time of any future development plan approval, including stormwater management.

Character of the District and Suitability

The character of the area in the general vicinity of the subject properties is commercial. On the south side of the subject properties is a used automobile business with an automobile salvage yard. Further south is a former new car dealership that within the past two years has relocated to North Main Street. East of the rezoning site across N.W. 13th Street is a Badcock furniture store, with mobile home sales north of that. South of the furniture store are two single-family homes and a gasoline station/convenience store. To the north of the subject properties is Family Pool, Spa and Billiard with associated storage and an office building to the north of that. West of the site are properties that are low-density single-family residential use, with Single-Family land use and RSF-1 zoning. Properties with BA zoning and Commercial land use lie adjacent to the subject properties on the north and the south. The BA designation on the west side of N.W. 13th Street extends north from the site of the former new car dealership in the 4200 block up to the 4800 block, which is the point where N.W. 6th Street intersects with N.W. 13th Street. The exceptions are the subject properties which are zoned BUS. The proposed automotive-oriented zoning would be compatible with the surrounding land uses. The zoning change to BA will make the subject properties consistent with the zoning for other properties on the west side of N.W. 13th Street in this

090487

corridor. Future uses on the subject properties will likely be more compatible with uses typically found in the BA zoning district. The change is intended to facilitate development of these properties and will promote urban infill.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The subject properties have had a variety of businesses over the years, but now include a scooter store, a vacant hair salon, a vacant restaurant supply company, a vacant house, and warehouse buildings. The proposed zoning change would allow for the addition of some automotive-oriented uses that are more compatible with some of the existing uses in the area. The BA zoning category is consistent with and will implement the existing Commercial land use category.

The Wellfield District maps indicate that the subject property falls within the tertiary zone of the Wellfield District. New development would require a Wellfield Protection Permit or a Wellfield Protection Special Use Permit from the City Commission, unless the proposal is exempt. The subject property is not within the 100-year floodplain, and no wetlands have been identified on the subject portion of these properties.

Applicable Portions of Current City Plans

Currently, there are no city plans in the area applicable to the subject properties.

Needs of the City for Land Areas to Serve Purposes, Populations, and Economic Activities

The purpose of the rezoning is to permit automotive-oriented business uses on the properties. The BA zoning district is intended to identify and delineate those commercial land uses involved in automobile sales, services and related activities as well as other large scale commercial uses with similar locational needs. An additional purpose is to provide suitable locations for activities that are compatible with and mutually supportive of those areas.

Substantial Changes in Character or Development in the Area

The Badcock Furniture store was constructed in 2004. No other significant development activity has occurred in recent years in and around

the subject properties. The properties were rezoned from BA to BUS in 1993.

Applicable Goals, Objectives and Policies of the Comprehensive Plan

The following Comprehensive Plan Goals, Objectives and Policies of the Future Land Use Element are met by this proposal:

Objective 4.1

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policy 4.1.1

Land Use Categories on the Future Land Use Map shall be defined as follows:

Commercial

The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses, and, when designed sensitively, residential uses. Land Development Regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

Policy 4.1.3

The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Overall compatibility of the proposal;
2. Surrounding land uses;
3. Environmental impacts and constraints;
4. Whether the change promotes urban infill; and
5. Whether the best interests, community values, or neighborhood support is achieved.

Conclusion

The proposed BA zoning designation for the subject properties is consistent with the City's comprehensive plan. If the BA zoning is approved, the subject properties will provide an appropriate location for automotive-oriented development in an area already associated with automotive business services. Staff recommends approval of Petition PB-09-120 ZON.

Applicant Information

Brown & Cullen,
agent for William &
Jo Beaty

Request

Rezone the property
from BUS to BA

Land Use Plan Classification

Commercial

Existing Zoning

BUS

Proposed Land Use

Commercial

Proposed Zoning

BA

Purpose of Request

To rezone the
properties so that they
are more compatible
with the adjacent
automotive oriented
zoned properties

Location

4306 & 4322
Northwest 13th Street

Size

Approximately 3
acres

Surrounding Land Uses

North

Miscellaneous
business uses

090487

East	Furniture store
West	Single-family residential
South	Vehicle sales, salvage yard

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	BA	Commercial
East	MU-1	MUL
West	RSF-1	SF
South	BA	Commercial

Impact on Affordable Housing

This petition will have no impact on the provision of affordable housing.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH: JS

Attachments:

- Aerial photograph
- Existing land use map
- Existing zoning map
- Proposed zoning map
- Rezoning Report
- Land Use and Zoning application
- Legal description
- Neighborhood workshop information