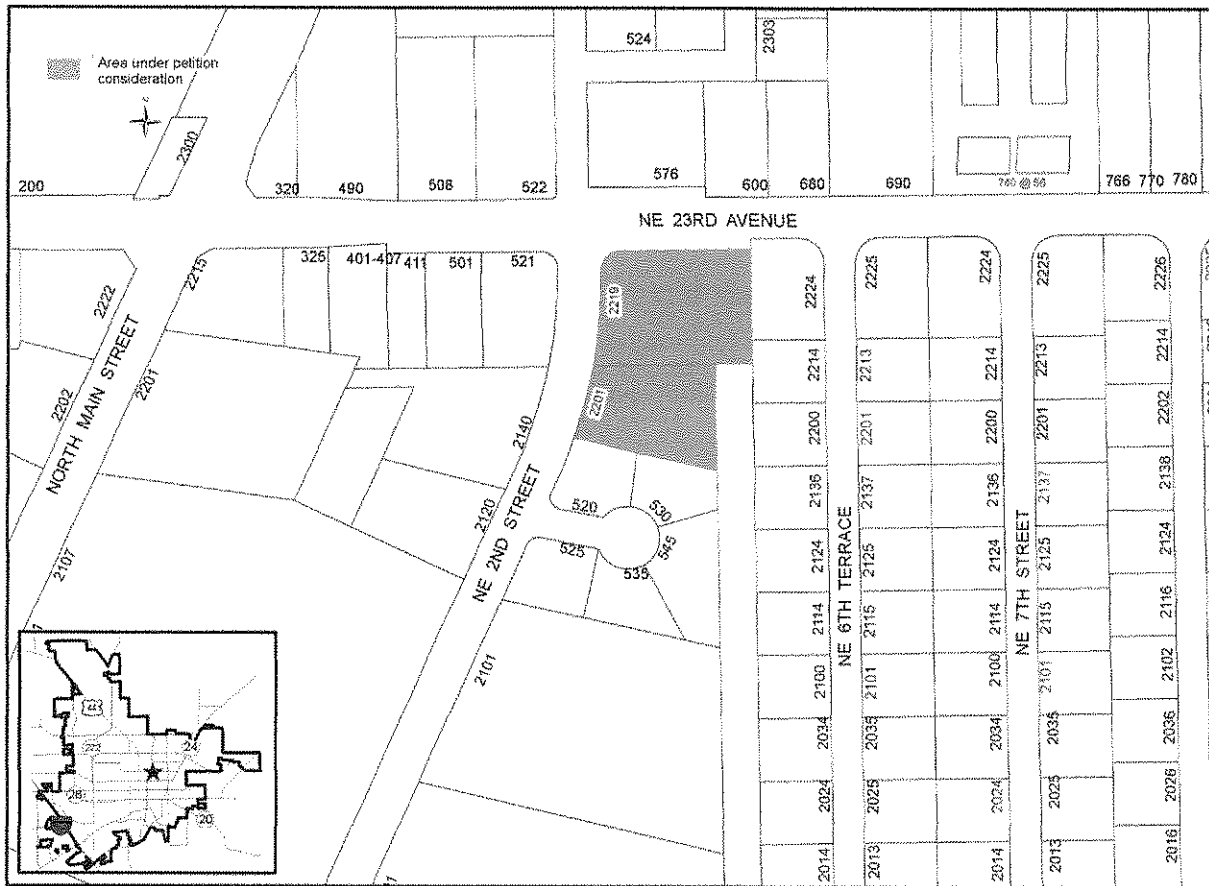


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TO: City Plan Board **Item Number: 5**
FROM: Planning & Development Services Department Staff **DATE:** August 22, 2013
SUBJECT: Petition PB-13-75 LUC. City Plan Board. Amend the City of Gainesville Future Land Use Map from Planned Use District (PUD) to Office (O). Located at 2201 and 2219 NE 2nd Street. Related to PB-13-76 ZON.

Recommendation

Staff recommends approval of Petition PB-13-75 LUC.



Description

This requested small-scale land use change from Planned Use District to Office pertains to an approximately 1.7-acre property located at 2201 and 2219 NE 2nd Street (see map on previous page), at the southeast corner of NE 23rd Avenue and NE 2nd Street. The property consists of an undeveloped, approximately 1.0-acre parcel along NE 23rd Avenue, and an adjacent, developed, 0.7-acre parcel along NE 2nd Street that is the site of a catering business. A restaurant under different ownership preceded the catering business. The entire 1.7-acre property was approved in 1997 for Planned Use District (PUD) land use (see Exhibit B-4: Ordinance No. 960934) and Planned development district (PD) zoning (see Exhibit B-5: Ordinance No. 960935) for an eating place (restaurant). Construction of the planned development never commenced, which caused the development approval of this planned development to become null and void, as required by Section 4. (m) of Ordinance No. 960935. The PD zoning was only valid for a period of five years from the date of final adoption (August 25, 1997) of the PD ordinance. Section 4. (m) of that ordinance further requires that the City “initiate an action to rezone the property to an office designation”. The related petition (PB-13-76 ZON) to rezone the property from PD to General office district is in accord with that requirement. Because the PUD land use limits use of the property to an eating place, the land use category must be changed to revert back to the underlying Office land use category (see Section 4 of Ordinance No. 960934).

A letter dated June 14, 2013 (see Exhibit B-6) from Mr. Bruce M. Smith, the attorney representing Ms. Hattie Mae Smith, owner of the undeveloped 1.0-acre parcel that fronts NE 23rd Avenue, requests that the City of Gainesville initiate the rezoning of this parcel. The letter includes a statement of the property owner’s intention to construct an office building on this parcel. Development of an office building will require development plan approval, which is not part of this small-scale land use amendment petition and the related zoning change petition.

This small-scale amendment, if approved, will facilitate future redevelopment of the property by changing the land use from a PUD (with related PD zoning that has expired) that limited the use to an eating place, to Office, which allows for office and residential uses. As stated in Policy 4.1.1 of the Future Land Use Element, “The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses....”

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps of the existing and proposed land use. Exhibit C-1 is the application for this small-scale comprehensive plan amendment.

Key Issues

- The proposed small-scale amendment to Office is consistent with the City’s Comprehensive Plan and supports redevelopment.
- The change back to Office (the underlying land use) is required per Section 4 of the PUD ordinance.

- The proposed Office land use is compatible with the surrounding mixed-use, commercial, public facilities, and residential land use categories.
- The proposed Office land use will have no impact on the existing, legal nonconforming use (catering service) on the property.

Basis for Recommendation

The staff recommendation is based on the factors stated in the Future Land Use Element and on State statute criteria, which are discussed below: Consistency with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Support for urban infill and redevelopment; Impacts on affordable housing; Impacts on the transportation system; An analysis of the availability of facilities and services; and, Need for the additional acreage in the proposed future land use category.

1. Consistency with the Comprehensive Plan

The proposed land use change to Office (see Policy 4.1.1, below) is consistent with Future Land Use Element Goal 2 and Objective 2.1 (City redevelopment policies that include but are not limited to promoting a healthy economy and discouraging urban sprawl). See Exhibit A-1 for these Gainesville Comprehensive Plan policies and for Policy 4.9.2 pertaining to legal nonconforming uses, which is pertinent because the status of the existing, legal nonconforming use (catering service) on the property will not change as a result of this proposed land use change (nor will it change as a result of the related, proposed zoning change).

Future Land Use Element

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Office

The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require 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.

The requested Office land use is wholly consistent with the General office district zoning proposed by related Petition PB-13-76 ZON.

2. Compatibility and Surrounding Land Uses

This petition is limited to changing the land use category of property with Planned Use District land use. The proposed Office land use is compatible with the adjacent properties and surrounding area. The property is adjacent to an apartment complex (Residential Medium Density (8-30 units per acre) land use to the south, an approximately 60-foot-wide utility corridor (Public Facilities land use) and a single-family neighborhood (Single Family land use) to the east, Mixed-Use Medium Intensity (12-30 units per acre) land use (with electrical supply and automotive parts businesses) across NE 23rd Avenue to the north, and Commercial land use (with a restaurant and vacant automotive dealership) to the west across NE 2nd Street. Office serves as a buffer between commercial and residential land uses.

See Table 1 on Page 6 of this document for a tabular summary of adjacent existing uses and adjacent land use and zoning categories. See Exhibit B-1 for the aerial photograph, and Exhibits B-2 and B-3 for maps of the existing and proposed land use for the property and surrounding area.

3. Environmental Impacts and Constraints

This 1.7-acre property is located in FEMA Flood Zone X (outside of the 100-500 year floodplain). The July 29, 2013 memorandum (Exhibit B-7) from the City's Environmental Coordinator identified no environmental issues pertaining to this property. Alachua County Environmental Protection Department's John Mousa, P.E., PhD, in an e-mail dated July 30, 2013 (Exhibit B-8), stated that his department "has no data to indicate that these properties are contaminated with hazardous chemicals associated with the Cabot Koppers Superfund site. This statement is based on review of available records and not based on any field observations." He further stated that "it is accurate to state that based on limited review by ACEPD, the properties are not on a County, State or Federal list of contaminated sites."

4. Support for Urban Infill and/or Redevelopment

This proposed small-scale land use amendment is consistent with the City's infill and redevelopment goals (See Appendix A, Exhibit A-1, Future Land Use Element Goal 2, Objective 2.1). The proposed change in land use from Planned Use District to the Office land use designation would provide increased redevelopment opportunities by allowing for additional uses.

5. Impacts on Affordable Housing

The proposed Office land use allows for residential use, unlike the existing PUD land use. The proposed land use allows for a maximum of 20 units per acre of residential density. Office land use for this 1.7-acre property, if approved, has the potential for a minimal positive impact on the supply of potential affordable housing in Gainesville.

6. Impacts on the Transportation System

There are no major transportation issues associated with this land use petition. The property is served by existing streets and by RTS Route 15 along NE 2nd Street and along NE 23rd Avenue east of NE 2nd Street. NE 23rd Avenue has an LOS of "C" between NW 13th Street and Waldo Road, and it is located within Zone A of the City's Transportation Concurrency Exception Area (TCEA). At the time of development plan review, this 1.7-acre-property will be subject to the Zone A requirements of Policies 1.1.4 and 1.1.5 of the Concurrency Management Element or to the City's proposed Transportation Mobility Program.

7. Availability of Facilities and Services

This property is served by public utilities. This proposed small-scale land use change from Planned Use District to Office will have no impact on adopted levels of service for potable water and wastewater, solid waste, recreation, or public schools. Stormwater level of service requirements will have to be met when a development plan for the site is submitted.

8. Need for the Additional Acreage in the Proposed Future Land Use Category.

There are approximately 592 acres of land with the Office land use category. Of that total, approximately 510 acres are developed and approximately 82 acres are undeveloped. The proposed small-scale land use amendment from Planned Use District to Office for this partially developed, 1.7-acre property at the southeast corner of NE 23rd Boulevard and NE 2nd Street will encourage infill and redevelopment in this area, and is supportive of the overall redevelopment goals of the Comprehensive Plan.

Respectfully submitted,


Onelia Lazzari, AICP
Principal Planner

Prepared by: 
Dean Mimms, AICP
Lead Planner

Table 1

Adjacent Existing Uses

North	commercial (electrical supply, automotive parts) across NE 23 rd AVE
South	multi-family residential (apartment complex)
East	single-family residential, utility corridor
West	restaurant, vacant automotive dealership across NE 2 nd ST

Adjacent Zoning and Land Use

	Land Use Category	Zoning Category
North	(MUM) Mixed-Use Medium Intensity (12-30 units per acre) across NE 23 rd AVE	MU-2 (12-30 units/acre mixed use medium intensity) across NE 23 rd AVE
South	(RM) Residential Medium-Density (8-30 units per acre)	RMF-6 (8-15 units/acre multiple-family residential district)
East	(SF) Single-Family (up to 8 units per acre), Public Facilities	RSF-1 (3.5 units/acre single-family residential district), PS (Public services and operations district)
West	(C) Commercial across NE 2 nd ST	BUS (General business district), BA (Automotive-oriented business district) across NE 2 nd ST

List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Future Land Use Element

Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Land Use

Exhibit B-3 Map: Proposed Land Use

Exhibit B-4 Ordinance No. 960934

Exhibit B-5 Ordinance No. 960935

Exhibit B-6 Letter from Bruce M. Smith

Exhibit B-7 Memorandum from City of Gainesville Environmental Coordinator

Exhibit B-8 E-mail from Alachua County EPD

Appendix C Application Package

Exhibit C-1 Application