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CITY  
-----OF----- INTER-OFFICE COMMUNICATION  
GAINESVILLE

Item No. 4

TO: City Plan Board DATE: December 14, 2006

FROM: Planning Division Staff

SUBJECT: Petition 161ZON-06 PB, City Plan Board. Rezone property from MU-2 (12-30 units/acre mixed-use medium intensity) to BUS (General business district). Located in the 2500 block of North Main Street.

Recommendation

Planning Division staff recommends approval of Petition 161ZON-06 PB.

Explanation

The subject property is an approximately 0.82-acre vacant parcel that is located on the west side of North Main Street on the southwest corner of North Main Street and N.E. 1<sup>st</sup> Boulevard. The property is zoned MU-2 (12-30 units/acre mixed-use medium intensity) with C (Commercial) land use. To the north of the site is Main Street Chevrolet, a new and used car dealership with BA (Automotive-oriented business district) zoning and Commercial land use. To the south and west of the property is a community shopping center with MU-2 zoning and MUM (Mixed-Use Medium Intensity, 12-30 units per acre) land use. East of the property across North Main Street is Bush Gator Transmission and a currently vacant eating place that was the home of the Florida Buffet, also with MU-2 zoning and MUM land use.

The request of this petition is to change the zoning from MU-2 to BUS. This change is requested in order to bring the zoning into compliance with the existing land use. The land use was changed in 2003 from MUM to C, in anticipation of the subject property being rezoned to BA. The land use was approved but the zoning request failed at the second reading of the ordinance and a subsequent rehearing. The BUS district is another of the implementing zoning districts of the Commercial land use category.

### **Potential Impact on Adopted LOS standards**

In reviewing this petition, the potential impact of the proposed zoning change on adopted level of service standards must be evaluated. The property is located within Zone A of the Gainesville Transportation Concurrency Exception Area (TCEA) and is excepted from transportation concurrency for roadway level of service standards. However, any use proposed for the area would have to meet policy requirements to address transportation needs. The number of new average daily trips that will be generated by any use that may be proposed for the site has yet to be determined. This site is within the Gainesville Regional Transit System main bus service area, and is served by the demand-responsive service administered by MV Transportation. Water and sanitary sewer service are also available at the site.

The property is located in an area identified as a special environmental concern area because of its proximity to a superfund site. Any development on the site will have to be approved by the United States Environmental Protection Agency, the Florida Department of Environmental Protection and any agency having regulatory authority over the site. All issues related to contamination, Wellfield protection and health and safety are addressed at the development review stage.

Stormwater management will be addressed at the time of development plan approval if necessary. 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.

### **Character of the District and Suitability**

The uses on the adjacent properties are compatible with the subject property. The property to the north is a new and used car dealership. To the east are an automotive repair facility and a restaurant. West of the property is the Winn-Dixie grocery store and to the south is parking spaces for the shopping center and landscaped area. This proposed zoning change would provide the opportunity for the development of services related to and compatible with adjacent commercial land uses. The BUS district allows for compatible commercial, office and service developments as well as community level services and retail uses.

### **Conservation of the Value of Buildings and Encouraging Appropriate Uses**

The subject property is vacant. The proposed zoning change would allow for compatible commercial, office and service developments in a location that is appropriate and lies near other commercial activities. The BUS zoning category is consistent with and will implement the existing C land use category.

The Wellfield District maps indicate that the subject property falls within the Tertiary Zone. 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 property is not within the 100-year floodplain but is located within the special environmental concern area.

### **Applicable Portions of Current City Plans**

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

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

The purpose of the rezoning is to bring the zoning into compliance with the existing land use. The BUS zoning district is one of the implementing zones for the C land use. The proposed BUS zoning is compatible with the surrounding land uses.

### **Substantial Changes in Character or Development in the Area**

There has not been a substantial change in the overall character of the area and development of the area in recent years. The subject property is within the commercial corridor located north of the intersection of North Main Street and N.E. 23<sup>rd</sup> Avenue. Prior to the placement of MU-2 zoning on the property in 1992, this property had a City zoning designation of SC (shopping center).

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

**Goal 4:**

The land use element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses neighborhood centers to provide goods and services to city residents; protects neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The land use element shall promote statewide goals for compact development and efficient use of infrastructure.

**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.

**Conclusion**

This petition is consistent with the goals, objectives and policies of the Future Land Use Element. If the proposed BUS zoning is approved, the subject property will provide an appropriate location for commercial, business or office development in the area and will bring the zoning into compliance with the land use. Staff recommends approval of Petition 161ZON-06.

**Applicant Information**

City Plan Board

**Request**

Rezone property from MU-2 to BUS

**Land Use Plan Classification**

Commercial

**Existing Zoning**

MU-2

**Required Proposed Zoning**

BUS

**Purpose of Request**

To rezone property in conjunction with a previous land use change

**Location**

In the 2500 block of North Main Street, west side

**Size**

Approximately 0.82 acres

**Surrounding Land Uses**

North	Commercial
East	Commercial
West	Shopping center
South	Shopping center parking

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	BA	C
East	MU-2	MUM
West	MU-2	MUM
South	MU-2	MUM

**Impact on Affordable Housing**

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

Respectfully submitted,







Ralph Hilliard  
Planning Manager

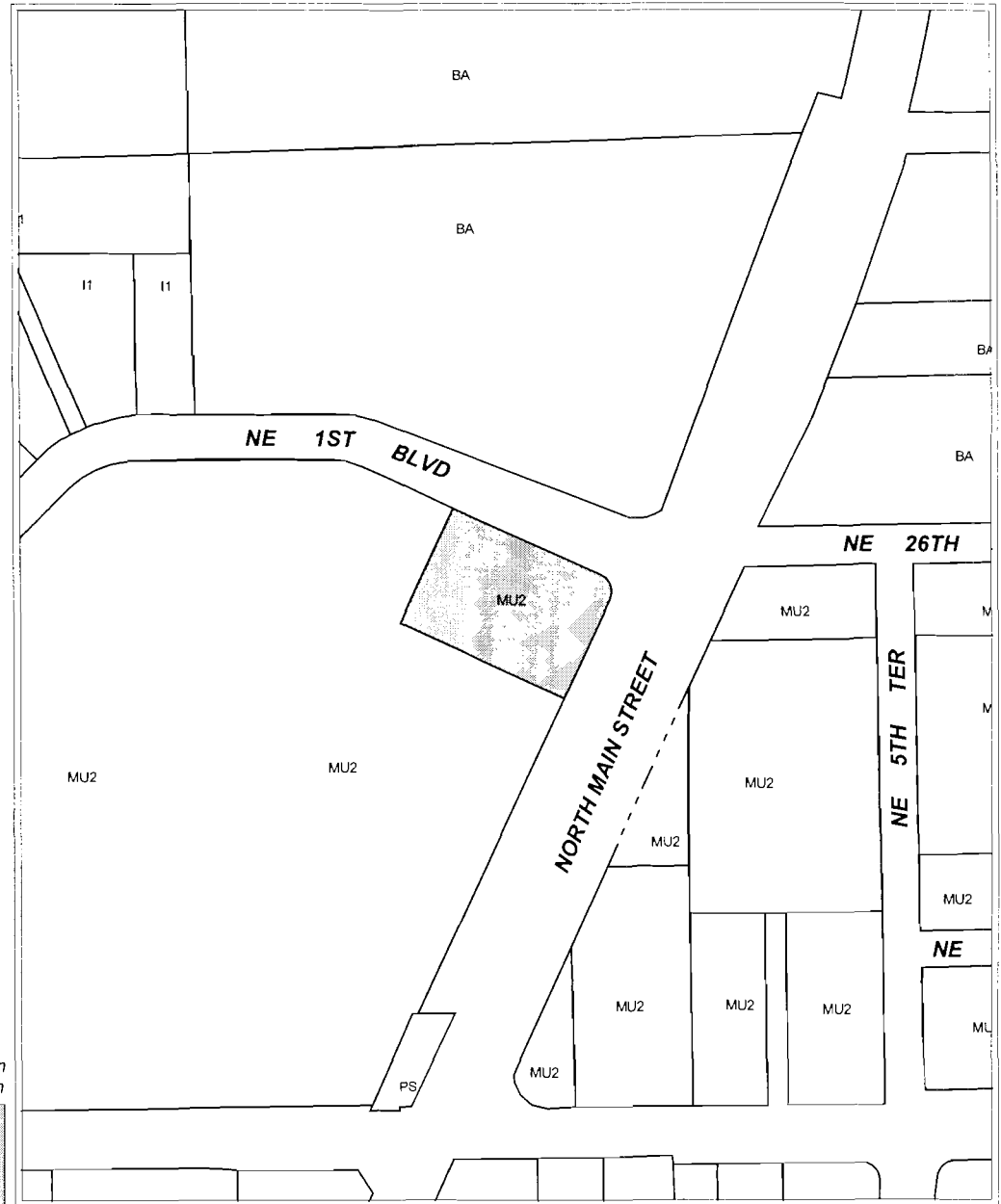
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# Zoning District Categories


- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- UMU1 Urban Mixed Use District 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use District 2 (up to 100 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

-  Historic Preservation/Conservation District
-  Special Area Plan
-  Division line between two zoning districts
-  City Limits

Area  
under petition  
consideration







## EXISTING ZONING

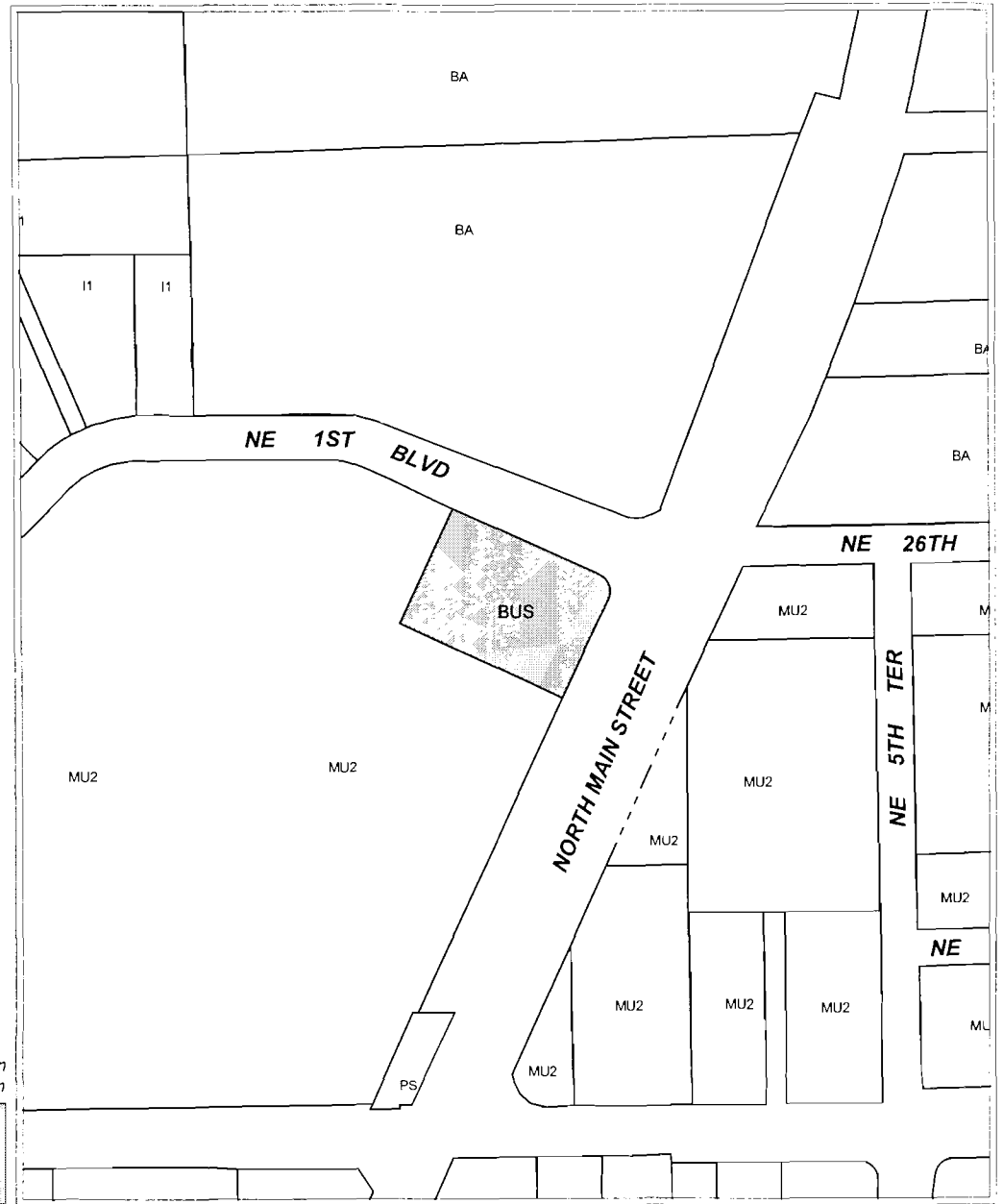
 No Scale	Name	Petition Request	Map(s)	Petition Number
	Gainesville City Plan Board, applicant	Rezone Parcel from MU-2 to BUS	3652	161ZON-06PB

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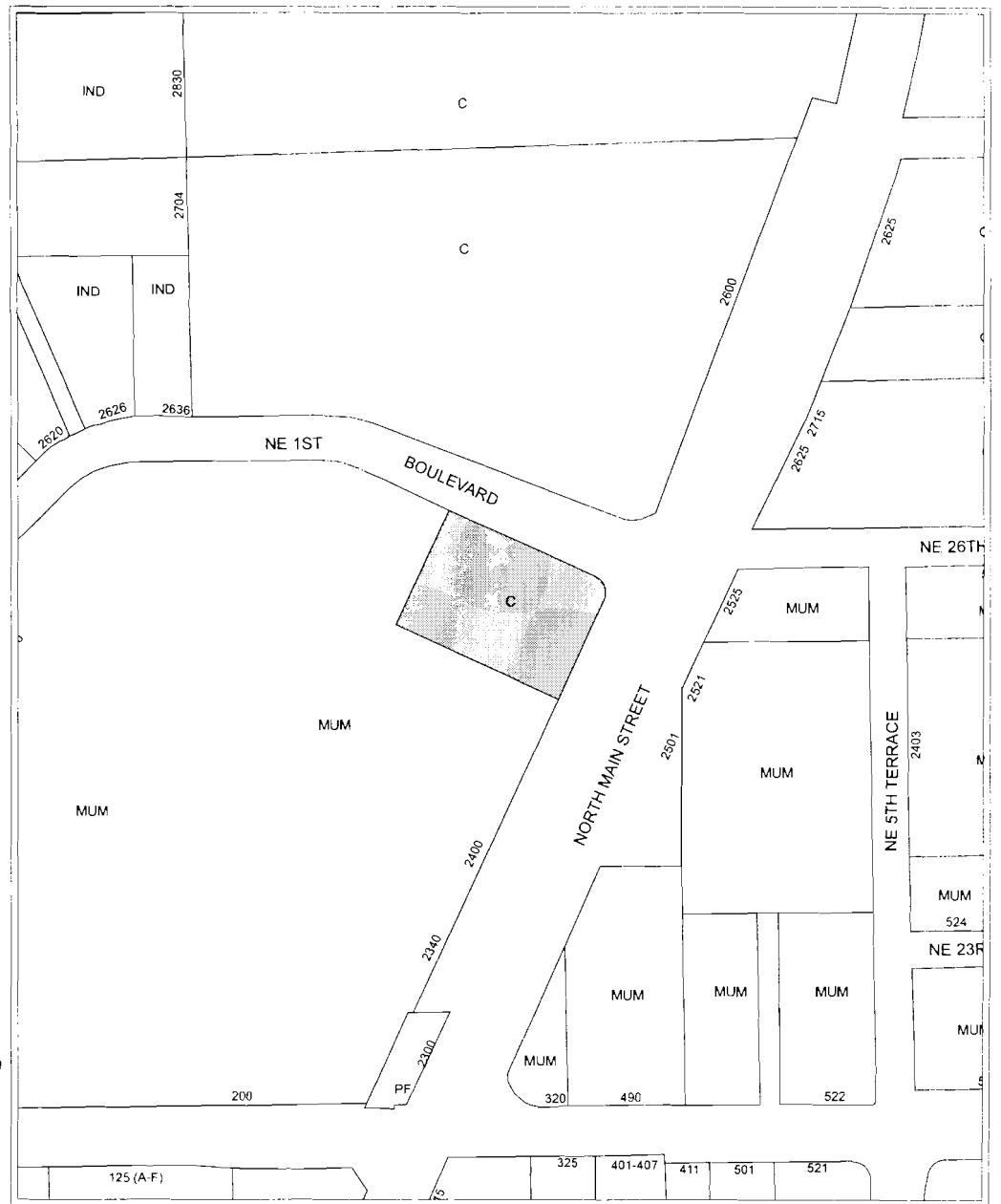
## PROPOSED ZONING

 No Scale	Name	Petition Request	Map(s)	Petition Number
	Gainesville City Plan Board, applicant	Rezone Parcel from MU-2 to BUS	3652	161ZON-06PB

# Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- MUL Mixed Use Low Intensity (10-30 du/acre)
- MUM Mixed Use Medium Intensity (14-30 du/acre)
- MUH Mixed Use High Intensity (up to 150 du/acre)
- UMU1 Urban Mixed Use 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use 2 (up to 100 du/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

- - - - - Division line between two land use districts
- City Limits

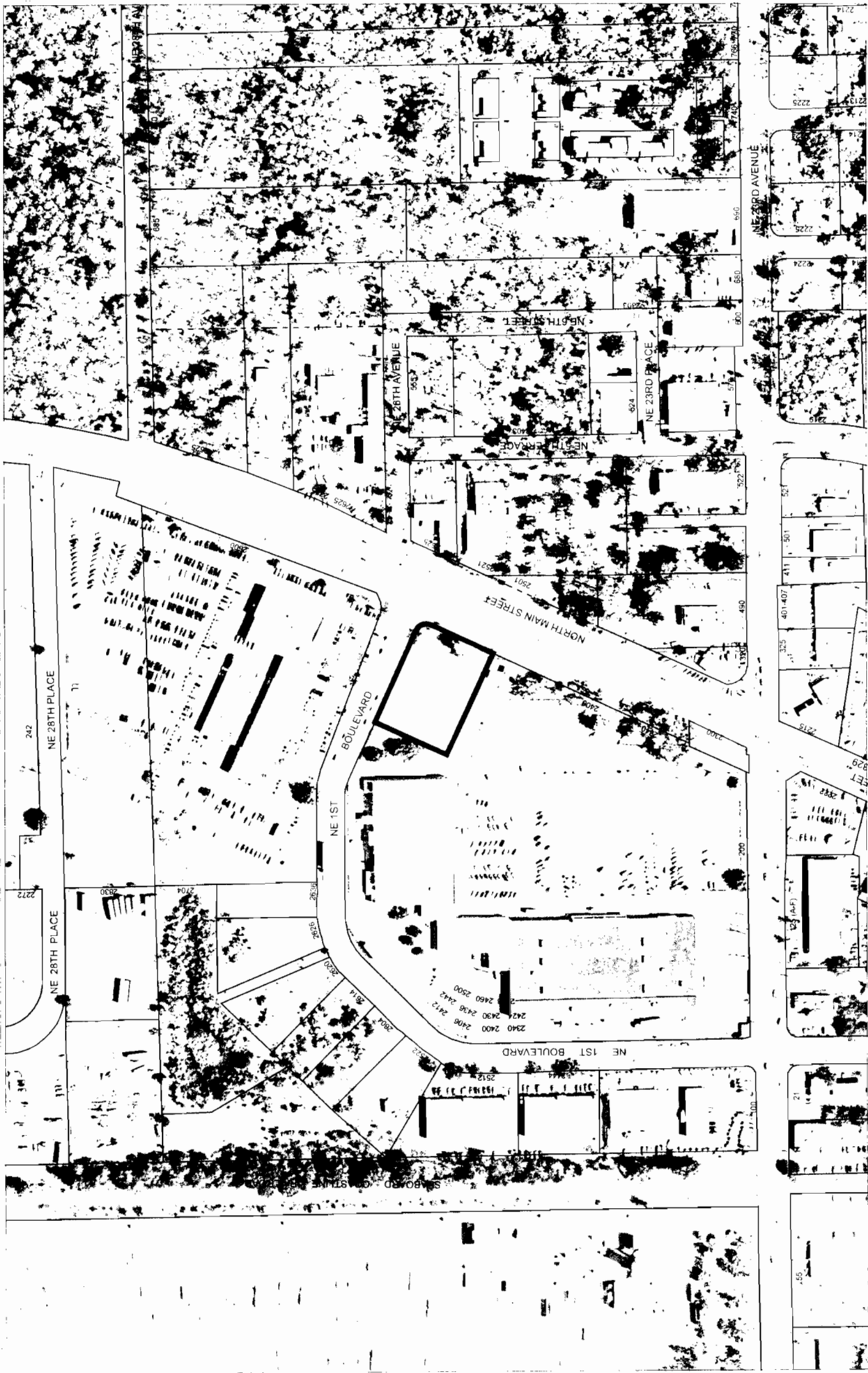


## EXISTING LAND USE



Name	Petition Request	Map(s)	Petition Number
Gainesville City Plan Board, applicant	Rezone Parcel from MU-2 to BUS	3652	161ZON-06PB





**AERIAL PHOTOGRAPH**

Name	Petition Request	Map(s)	Petition Number
Gainesville City Plan Board, applicant	Rezone Parcel from MU-2 to BUS	3652	161ZON-06PB



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**Petition 161ZON-06PB – City Plan Board. Rezone property from MU-2 (12-30 units/acre mixed use medium intensity) to BUS (General Business District). Located in the 2500 block of North Main Street.**

Mr. Simmons gave the Staff presentation and stated Staff is recommending approval to apply a consistent zoning for the Land Use.

Mr. Reiskind inquired why the zoning for the Land Use was not approved by the City Commission. Mr. Simmons stated at the second hearing the owners of the shopping plaza submitted a letter and the City Commission decided to deny the petition.

Mr. Reiskind further inquired why there is a rezoning change from BA to BUS. Mr. Simmons stated this property now has Commercial Land Use. Mr. Hilliard stated the City Commission changed the Commercial Use but not the Mixed Use of which made it non-compatible with the Comprehensive Plan.

<b>Motion By:</b> David Gold	<b>Seconded By:</b> Bob Cohen
<b>Moved To:</b> Approve.	<b>Upon Vote:</b> 6 – 0.

**DRAFT**