

TO: City Plan Board

Item Number: 11

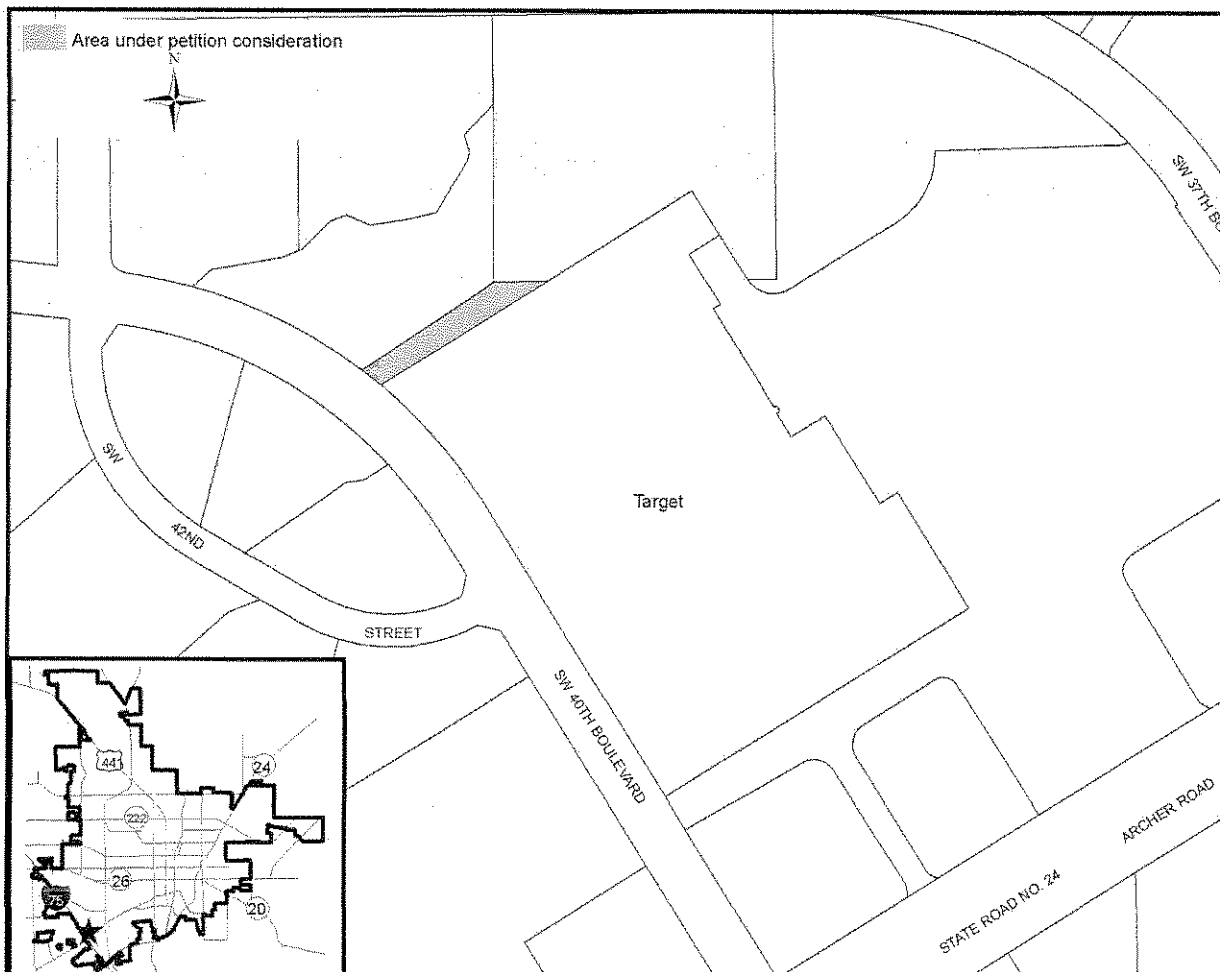
FROM: Planning & Development Services Department Staff

DATE: January 24, 2013

SUBJECT: Petition PB-12-168 ZON. City Plan Board. Rezone property from Alachua County Highway oriented business services district (BH) to Business industrial district (BI). Located in the 3600 block of SW 40th Blvd, east side. Tax parcel No. 06800-008-000. Related to PB-12-167 LUC.

Recommendation

Staff recommends approval of Petition PB-12-168 ZON.



Description

This petition proposes to rezone one parcel (± 0.24 acres) (Tax Parcel No. 06800-008-000) from Alachua County Highway oriented business services district (BH) to Business industrial district (BI). The location of this 0.24-acre parcel is shown on page 1 of this report.

The subject property was part of the "Southwest Annexation" rezoning action which changed zoning for multiple properties from Alachua County to City of Gainesville zoning districts (Ordinance 100678) on August 4, 2011. The property was originally intended for a Business industrial district zoning and the property was correctly depicted with the BI zoning on the proposed zoning maps which were approved by the Plan Board on January 27, 2011 and by the City Commission at the petition public hearing on March 3, 2011. However, during the preparation of the ordinance for the related large-scale future land use amendment (Ordinance 100679), the proposed future land use map depicting the properties was divided into sub-areas in order to provide better readability. During the preparation of these sub-area maps, the property was inadvertently mistaken for unimproved right-of-way and was not depicted with a future land use category. Consistent with this error, the property did not receive the BI zoning. The proposed zoning map was adopted on August 4, 2011.

Staff is now attempting to proactively correct this error and rezone the property with BI zoning (as was previously intended). Staff has been in contact with the property owner and their agent regarding the proposed City-initiated action. A related small-scale land use amendment from Alachua County Commercial to Business Industrial is proposed that is consistent with the proposed BI zoning (PB-12-167 LUC).

The property is located on the east side of SW 40th Boulevard directly adjacent to the northwestern corner of the Target store. The property is currently vacant and appears to provide access for maintenance of the stormwater facility located directly north and east of the site. An aerial map is provided in Exhibit A-1. Exhibits A-2 and A-3 illustrate the existing and proposed zoning for the property.

The property lies outside of the boundaries of the Butler Plaza Planned Development. The property is located within existing Transportation Concurrency Exception Area (TCEA) Zone M as shown in the Concurrency Management Element of the Comprehensive Plan.

Key Issues

- A 0.24-acre Tax Parcel No. 06800-008-000 was included in the "Southwest Annexation" rezoning but inadvertently did not receive a City zoning district because of a mapping error.
- Rezoning the property from Alachua County Highway oriented business services district (BH) to Business industrial district (BI) is necessary to place a City zoning district on the parcel.

- A related small-scale land use amendment from Alachua County Commercial to Business Industrial (Petition PB-12-167 LUC) is proposed that is consistent with the proposed BI zoning.

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

The proposed BI zoning district is fully consistent with the small-scale future land use map amendment to change the land use designation for the 0.24-acre parcel from Alachua County Commercial to Business Industrial proposed by related Petition PB-12-167 LUC. The rezoning is also consistent with the overall goals, objectives, and policies of the adopted comprehensive plan.

2. Conformance with the Land Development Code

The proposed rezoning to BI will implement the Business Industrial future land use designation proposed by related Petition PB-12-167 LUC.

3. Changed Conditions

The 0.24-acre parcel was annexed into the City in 2009. State law and the City of Gainesville Comprehensive plan require that City zoning be placed on the property. As previously stated, due to a mapping error, the subject property was not zoned BI as originally intended by Ordinance 100678. Staff is attempting to proactively correct this error with this City-initiated rezoning action.

4. Compatibility

As previously stated, the property is currently vacant and appears to provide maintenance access to the adjacent stormwater facility. The site abuts other properties with the BI zoning to the north, west, and east. The Hilton Garden Inn and Homewood Suites hotels are located north of the property and several vacant parcels are located west of the site on the opposite side of SW 40th Boulevard.

5. Impacts on Affordable Housing

The proposed addition of 0.24-acres of BI zoned property will have no impact on affordable housing because residential uses are not allowed within this zoning.

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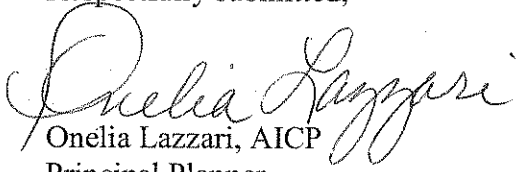
Transportation

The subject property is served by SW 40th Boulevard, a local street. The site is accessed via the service road located at the rear of the Target store. A sidewalk is located along the eastern side of SW 40th Boulevard. The property is located in TCEA Zone M, which is defined in Policies 1.1.5 and 1.1.13 of the Concurrency Management Element.

Environmental Impacts and Constraints

There are no environmental impacts anticipated as a result of the proposed rezoning. The proposed rezoning received an exemption from Land Development Code (LDC) Section 30-300 and 30-310 regarding regulated surface waters and wetlands (LDC Sec. 30-300) and regulated natural and archeological resources (LDC Sec. 30-310). The exemption was approved due to the absence of regulated surface waters or wetlands on or adjacent to the property and it was determined that the proposed rezoning will have a *de minimis* impact on any applicable regulated natural and archeological resources.

Respectfully submitted,


Onelia Lazzari, AICP
Principal Planner

Prepared by:



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Table 1

Adjacent Existing Uses

North	Stormwater management facility
South	Target store
East	Stormwater management facility
West	Vacant land

Adjacent Zoning and Land Use

	Zoning Category	Land Use Category
North	Business industrial district (BI)	Business Industrial
South	General business district (BUS)	Commercial
East	Business industrial district (BI)	Business Industrial
West	Business industrial district (BI)	Business Industrial

Exhibits

- A-1 Aerial Map of the subject property
- A-2 Existing Zoning map
- A-3 Proposed Zoning map

- B-1 Petition application
- B-2 Legal description