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*City of
Gainesville*

Inter-Office Communication
Planning and Development Services
Phone 334-5022, FAX 334-2648, Station 11

Item No. 3

Date: October 23, 2008

TO: City Plan Board
FROM: Planning Division Staff
SUBJECT: Petition 119ZON-08PB. Eng, Denman & Associates, agent for Southeast Car Agency, Inc. Rezone property from BUS (General business district) to BA (Automotive-oriented business district). Located at 310 Northeast 39th Avenue.

Recommendation

Staff recommends approval of Petition 119ZON-08PB.

Explanation

This petition requests a change in zoning from BUS (General business district) to BA (Automotive-oriented business district) for one parcel owned by Southeast Car Agency Inc. The parcel is located adjacent to the three parcels that comprise the existing dealership at 310 NE 39th Avenue. The total area for the parcel is 0.53 acre. Please see attached maps for location information.

If approved, the requested zoning will allow redevelopment of the site and expansion of the business.

Character of the District and Suitability

Both the General business (BUS) and Automotive-oriented business (BA) zoning districts implement the Commercial Future Land Use Category. The proposed zoning is compatible with the zoning designations on surrounding properties, including the following:

- BUS (General business) zoning on the commercial property to the east
- BA (Automotive-oriented business) zoning on the remainder of the Southeast Car Agency property, west of the subject parcel
- PD (Planned development) zoning to the north, the future site of Auto Town Center
- BUS and BA zoning to the south

Conservation of the Value of Buildings and Encouraging Appropriate Land Use

One vacant commercial building is located on the property, formerly occupied by Keller Carpet.

Applicable Portions of Current City Plans

Transportation. This property is located within Zone B of the Gainesville Transportation Concurrency Exception Area (TCEA) and is excepted from transportation concurrency for roadway level of service standards. Any use proposed for the area would have to meet Concurrency Management Element Policy 1.1.6 standards to address transportation needs; the proposed rezoning from BUS to BA is not anticipated to have an impact on the roadway level of service. If the property is redeveloped, a traffic impact analysis will be conducted as part of the development plan review stage to assess any net impact to the local road network.

Water and Wastewater. The existing on-site development is currently served by centralized water and sewer systems. Adequate capacity currently exists to serve these properties. Any proposed future site redevelopment shall utilize these same facilities.

Solid Waste. Commercial solid waste facilities currently serve the subject property.

Transit. Transit service is available along NE 39th Avenue (RTS Route 15). No changes in this existing service are proposed.

Special Area Plans. The subject property does not fall into any special area plans.

Needs of the City for Land Areas for Specific Purposes to Serve Populations or Economic Activities

The proposed zoning is consistent with the underlying Commercial land use and will further the implementation of Policy 4.2.5 of the Future Land Use Element (see Applicable Goals, Objectives and Policies of the Comprehensive Plan).

Whether there have been Substantial Changes in the Character or Development of Areas In or Near Area Under Consideration

There have been no recent substantial changes in the character of this area. However, the property immediately to the north has been approved as a Planned Development known as Auto Town Center. It will be developed as a Mercedes dealership.

Applicable Goals, Objectives and Policies of the Comprehensive Plan

Future Land Use Element

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 4.2.5

The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16th Avenue.

Petition Information

Applicant	Eng. Denman and Associates, agent for Southeast Car Agency, Inc.
Request	Rezone the subject property from General business (BUS) to Automotive-oriented business (BA) zoning district
Existing Land Use	Commercial
Existing Zoning	General business (BUS)
Purpose of Request	To provide additional space for business expansion
Location	326 NE 39 th Avenue
Existing Use	Vacant commercial building (formerly Keller Carpet)
Surrounding Uses	North: Currently undeveloped, to be redeveloped as Auto Town Center South: 39 th Avenue, day care center, used car dealership West: Southeast Car Agency East: Vacant commercial

Surrounding Controls

	<u>Future Land Use</u>	<u>Zoning</u>
North:	Commercial	Planned development (PD)
East:	Commercial	General business (BUS)
South:	Commercial	General business (BUS)
West:	Commercial	Automotive-oriented business (BA)

080544

Summary

This petition requests a rezone from General business (BUS) zoning to Automotive-oriented business (BA). The proposed rezoning is consistent with zoning designations on the adjacent properties.

The proposed land use change is consistent with the 2000-2010 Gainesville Comprehensive Plan, and is recommended for approval.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Ralph Hilliard".

Ralph Hilliard
Planning Manager

RH:DM:SBN

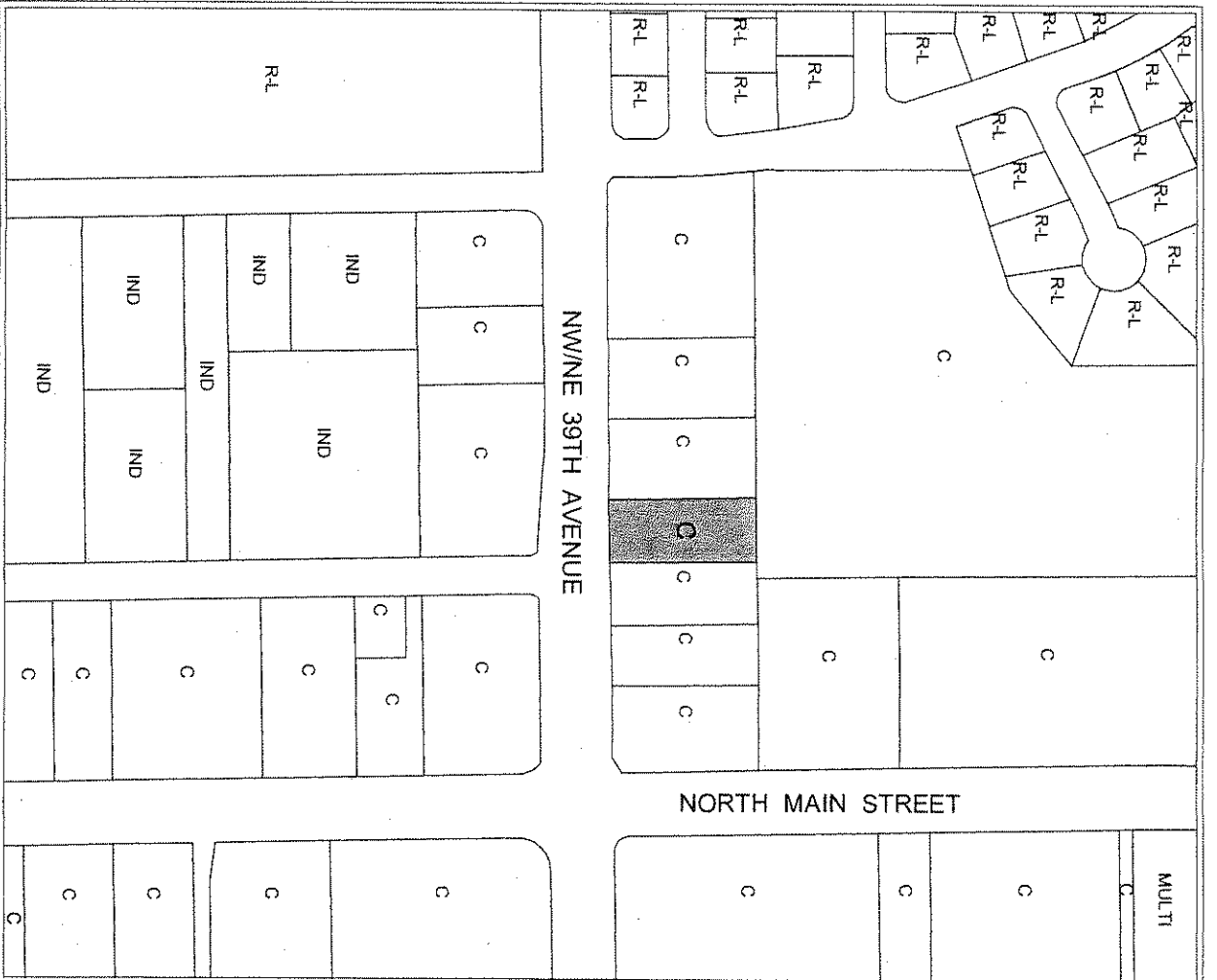
Land Use Designations

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 (8-30 du/acre)
MUM	Mixed Use Medium Intensity (12-30 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

080544

Division line between two land use districts
City Limits

Area
under petition
consideration



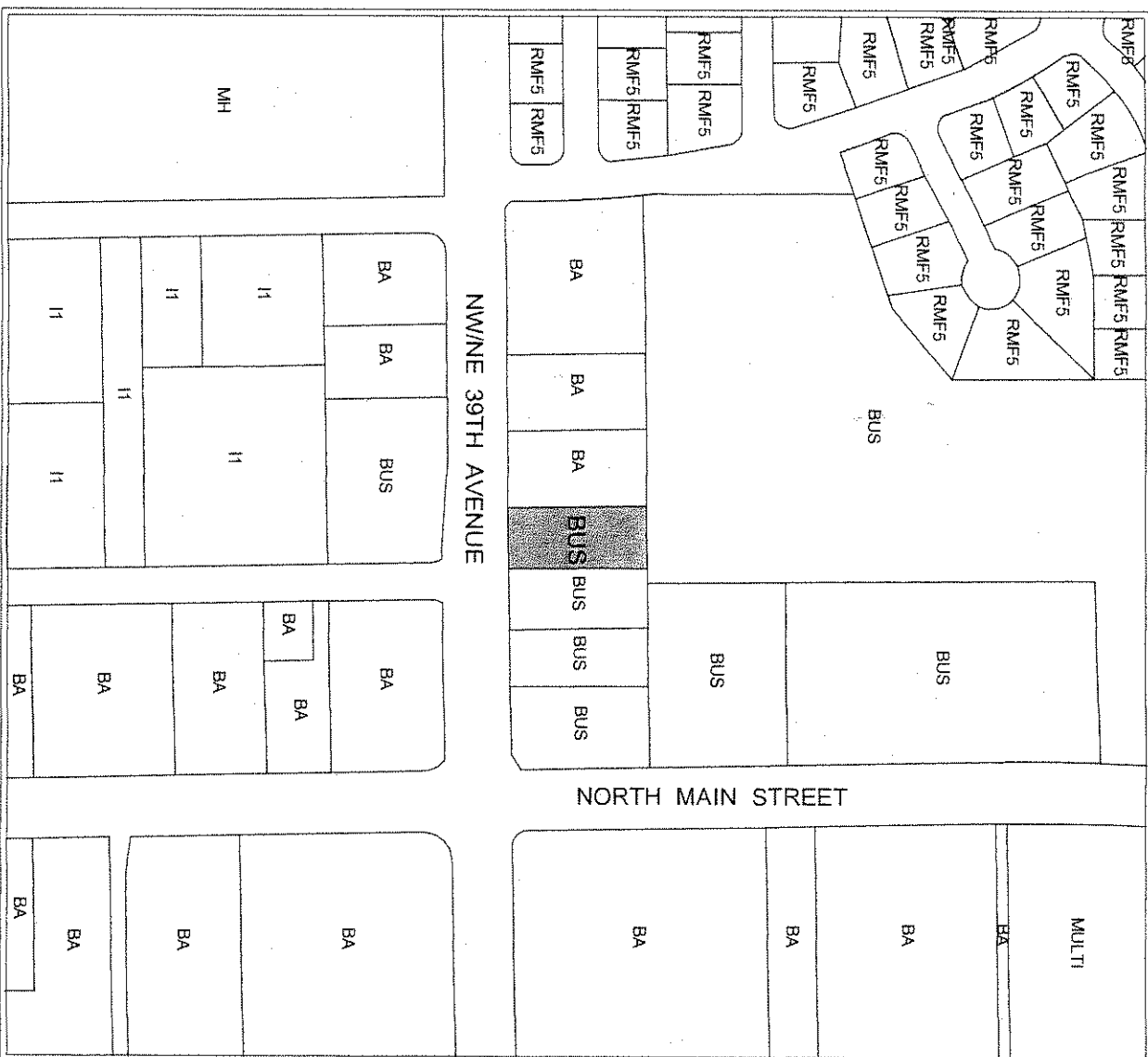
EXISTING LAND USE

Name	Petition Request	Map(s)	Petition Number
Eng, Denman & Associates, Inc agents for Southeast Car Agency, Inc.	Rezone Parcel from BUS (General Business district) to BA (Automotive Oriented Business district)	3452	119ZON-08PB

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 (8-30 du/acre)
MU2	Mixed Use Medium Intensity (12-30 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

0805 44



EXISTING ZONING

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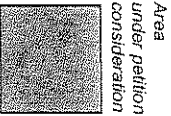


No Scale

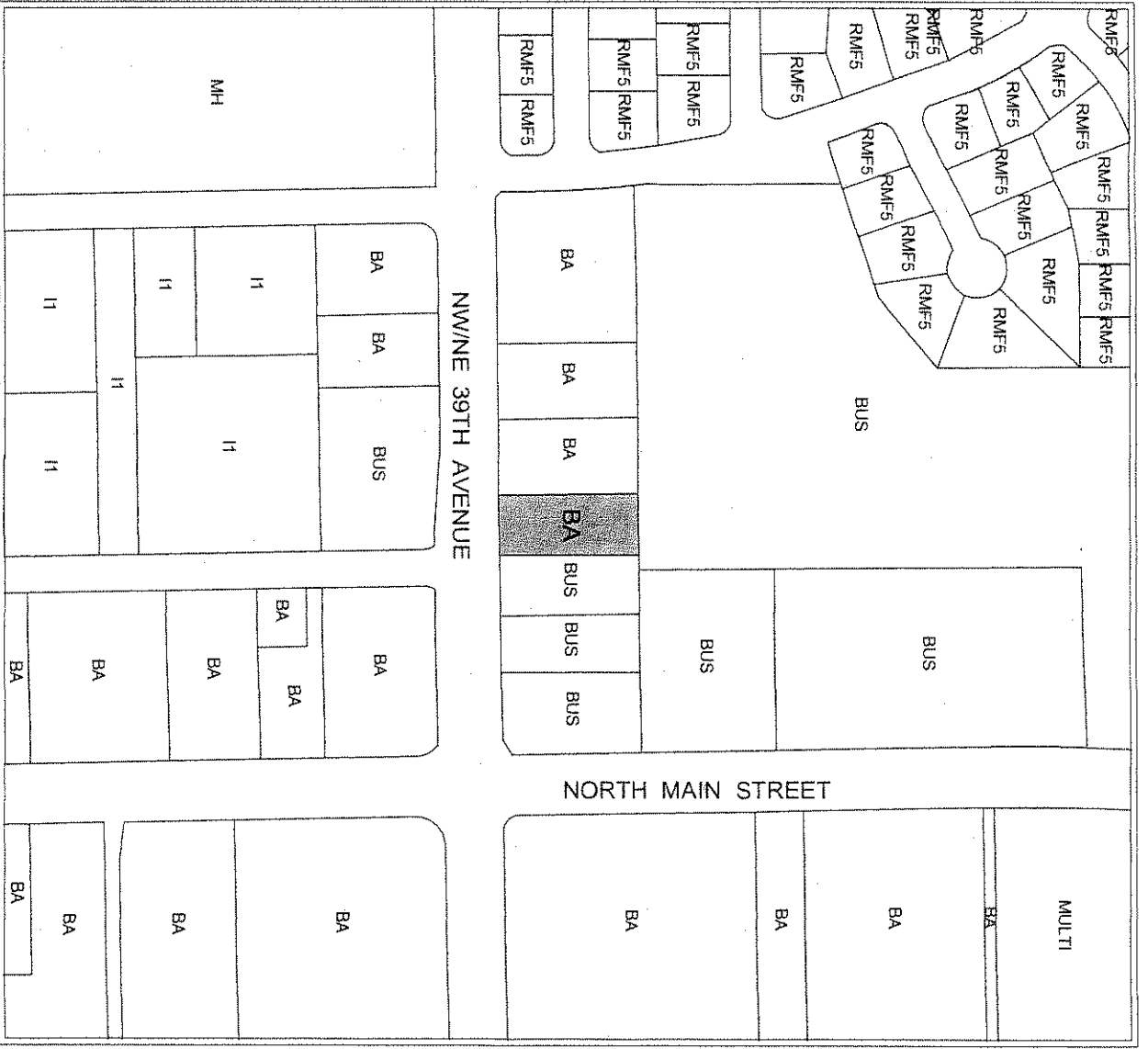
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- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (8-30 du/acre)
- MU2 Mixed Use Medium Intensity (12-30 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



0805 44



PROPOSED ZONING

Name	Petition Request	Map(s)	Petition Number
Eng, Denman & Associates, Inc agents for Southeast Car Agency, Inc.	Rezone Parcel from BUS (General Business district) to BA (Automotive Oriented Business district)	3452	119ZON-08PB



No Scale

Sec. 30-62. Automotive-oriented business district (BA).

(a) Purpose. The BA district is established to identify and delineate those commercial land uses involved in automotive 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 uses.

(b) Objectives. The provisions of this district are intended to:

- (1) Encourage automotive-oriented business development to occur along major transportation arteries where sites are adequate for an integrated design of automotive services and where such development could most adequately serve the needs of the community's residents without resorting to excessive quantities of strip development;
- (2) Provide for, and accommodate as efficiently as possible, those commercial land uses commonly associated with automotive business and, therefore, prevent the indiscriminate application of this district along the community's arteries;
- (3) Minimize traffic congestion on public streets;
- (4) Ensure, through development plan approval, that major commercial developments are designed to promote the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;
- (5) Require appropriate buffering or screening around such development, to maintain its compatibility with adjacent and surrounding land uses;
- (6) Discourage, as much as possible, any encroachment by industrial, residential and commercial uses generally understood to be capable of adversely affecting the basic commercial automotive characteristics of the district; and
- (7) Permit outdoor storage and sale of retail goods.

(c) Permitted uses.

TABLE INSET:

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Ice dealers, retail only	

MG-15	Building construction-- General contractors and operative builders	
MG-17	Construction--Special trade contractors	
IN-2261	Finishers of broadwoven fabrics of cotton	
IN-2262	Finishers of broadwoven fabrics of manmade fiber and silk	
MG-27	Printing, publishing and allied industries	
MG-41	Local and suburban transit and interurban highway passenger transportation	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	
GN-501	Motor vehicles and motor vehicle parts and supplies, wholesale	Excluding motor vehicle parts, used (IN-5015)
GN-504	Professional and commercial equipment and supplies, wholesale	
GN-508	Machinery, equipment and supplies, wholesale	Excluding construction and mining (except petroleum) machinery and equipment (IN-5082), industrial machinery and equipment (IN-5084), and transportation equipment and supplies, except motor vehicles (IN-5088)
MG-52	Building materials, hardware, garden supply and mobile home dealers	
MG-54	Food stores	
MG-55	Automotive dealers and gasoline service	Including gasoline service stations in accordance article VI

	stations	
MG-57	Home furniture, furnishings, and equipment stores	
IN-5941	Sporting goods stores and bicycle shops	Accessory outdoor display, storage and sales in accordance with section 30-67.
GN-596	Nonstore retailers	
GN-598	Fuel dealers	
IN-5999	Hot tubs, swimming pools, whirlpool baths, retail only	
Div. H	Finance, insurance and real estate	
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
MG-73	Business services	Excluding heavy construction equipment rental and leasing (IN-7353), airplane rental and leasing, oil field equipment rental and leasing and oil well drilling equipment rental and leasing and including disinfecting and pest control services (IN-7342), in accordance with article VI
MG-75	Automotive repair, services and parking	Excluding carwashes (IN-7542)
MG-76	Miscellaneous repair services	
IN-7833	Drive-in motion picture theaters	
MG-79	Amusement and recreation services	Excluding go-cart raceway operations and go-cart rentals
MG-86	Membership organizations	
Places of religious assembly	In accordance with article VI	
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	

(d) Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Minimum yard setbacks:

- a. Angle of light obstruction for all principal and accessory structures: 45 degrees.
 - b. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 25 feet or the distance created by the angle of light obstruction, whichever is greater.
- (2) Accessory structures shall not exceed 25 feet in height.
 - (3) Maximum building height: Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the maximum building height shall be three stories.
- (e) Additional requirements for outdoor uses. Whenever a use in a BA zoning district which includes outdoor storage and display, and/or other activities outside of completely enclosed buildings is adjacent to a residential district or to land which is shown for residential use on the future land use map of the comprehensive plan, such outdoor storage, display and/or activity shall be buffered and screened from all property lines in common with the residential district or land which is shown for residential use on the future land use map of the comprehensive plan as required for outdoor storage in article VI.
- (f) General requirements.
- (1) Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, solid waste, recycling, yard trash containers (except litter containers), and grease containers, that are stored outside of the building, shall be placed at the side or the rear of the building and within ten feet of the building. The container shall be enclosed with an enclosing wall, so that it is not visible from the street or adjacent property (from ground level). The enclosing wall shall be finished and/or painted with the same material as is used on the building. The enclosing wall shall be fitted with an opaque sliding or hinged door and working latch. Loading docks shall be placed at the side or rear of the building, and shall be screened from the street and abutting residential land.
 - (2) Mechanical equipment shall be located so that noise and visual impacts upon abutting residential property are minimized. For purposes of this section, mechanical equipment is defined as a heating, ventilation, or air conditioning unit placed outside of a building.
 - (3) All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-67, pertaining to general provisions for business and mixed-use districts, and article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3946, § 1, 1-24-94; Ord. No. 3963, § 4, 3-14-94; Ord. No. 980273, § 2, 11-9-98; Ord. No. 981306, § 1, 6-28-99; Ord. No. 030752, § 5, 5-10-04; Ord. No. 030917, § 1, 8-9-04; Ord. No. 040662, § 1, 1-14-05; Ord. No. 070619, § 3, 3-24-08)

080544

Petition 119ZON-08 PB Eng, Denman & Associates, agent for Southeast Car Agency, Inc. Rezone property from BUS (General business district) to BA (Automotive-oriented business district). Located at 310 Northeast 39th Avenue.

Susan Bridges Niemann, Senior Planner, gave a presentation and stated that this petition is to rezone one parcel that is under one acre in size with a vacant building on site. The rezoning will allow the expansion of an existing automobile dealership that currently occupies the three adjacent lots. Ms. Niemann further stated that the land use of the area is Commercial, the existing zoning is BUS, the neighboring property is BUS and the request is to change the subject property to BA. Ms. Niemann added that this petition is consistent with the Future Land Use Policy 4.2.5 and staff is recommending approval.

Jon Reiskind stated that there will be one lot left that will have a Business zone and inquired what is there and if they have voiced any concerns about this zoning change. Clay Sweger, agent for the petitioner, stated that the property to the east is a small retail strip center that has a BUS zoning. Mr. Sweger further stated that at the neighborhood meeting there were no neighborhood attendees nor has there been any public inquiry, and does not feel that there will be much of an impact on the surrounding area.

Motion By: Jack Walls	Seconded By: Bob Ackerman
Moved To: Approve.	Upon Vote: 6 – 0.