 <p>CITY OF <b>GAINESVILLE</b> every path starts with passion FLORIDA</p>	<p>PLANNING &amp; DEVELOPMENT SERVICES DEPARTMENT PO Box 490, STATION 11 GAINESVILLE, FL 32627-0490</p>
	<p>306 N.E. 6<sup>TH</sup> AVENUE P: (352) 334-5022 P: (352) 334-5023 F: (352) 334-2648</p>

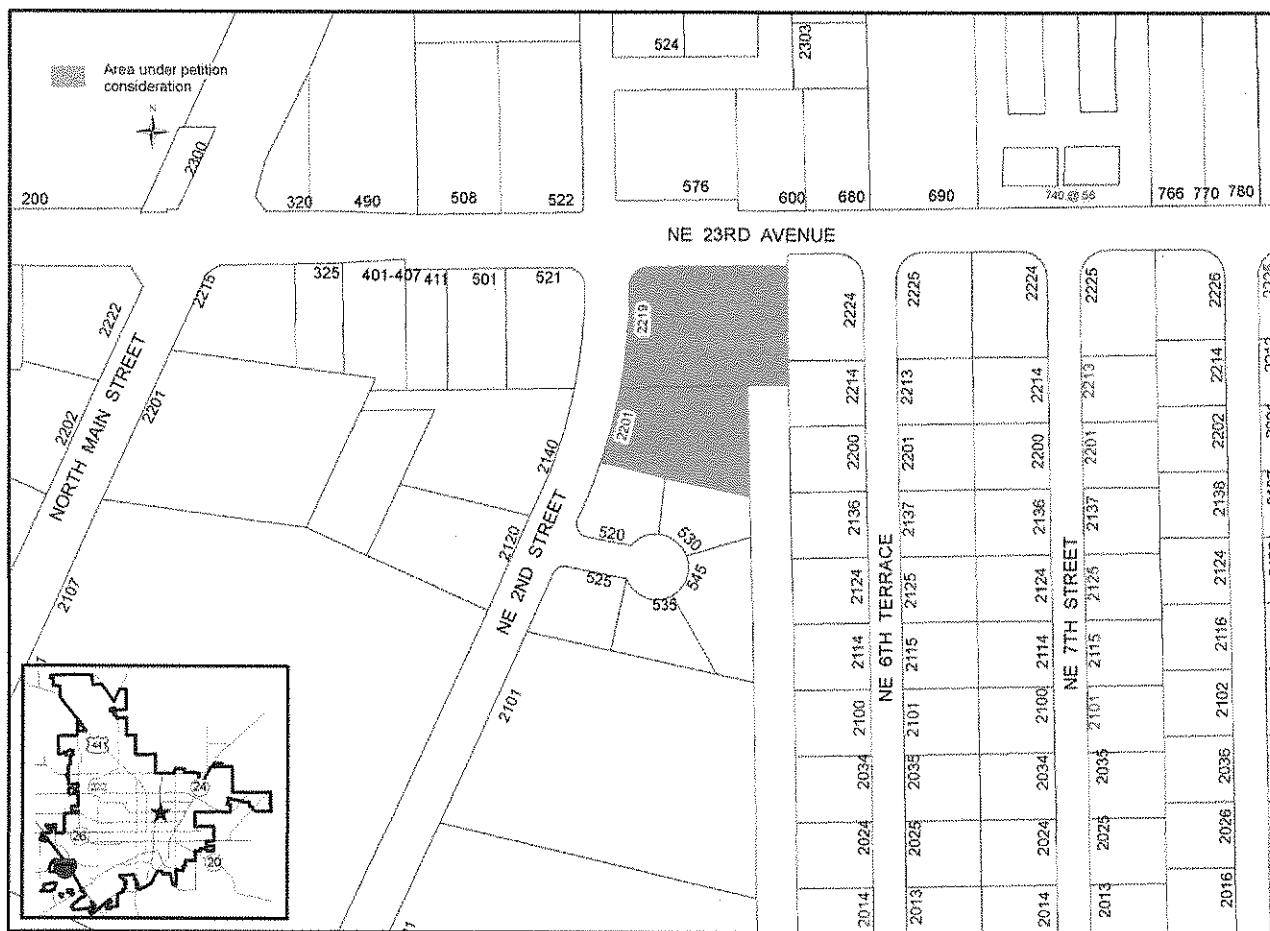
**TO:** City Plan Board **Item Number: 6**

**FROM:** Planning & Development Services Department Staff **DATE: August 2, 2013**

**SUBJECT:** Petition PB-13-76 ZON. City Plan Board. Rezone property from Planned development district (PD) to General office district (OF). Located at 2201 and 2219 NE 2<sup>nd</sup> Street. Related to PB-13-75 LUC.

**Recommendation**

Staff recommends approval of Petition PB-13-76 ZON.



## Description

This requested zoning change from Planned development district (PD) zoning to General office district (OF) 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 23<sup>rd</sup> Avenue and NE 2<sup>nd</sup> Street. The property consists of an undeveloped, approximately 1.0-acre parcel along NE 23<sup>rd</sup> Avenue, and an adjacent, developed, 0.7-acre parcel along NE 2<sup>nd</sup> 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 development district (PD) zoning (see Exhibit B-4: 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 the PD ordinance further requires that the City “initiate an action to rezone the property to an office designation”. This petition is related to Petition PB-13-75 LUC, which proposes a land use change from Planned Use District (PUD) back to the underlying Office land use category.

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 zoning change petition.

The requested rezoning, if approved, will facilitate future redevelopment of the property by changing the zoning from expired PD zoning, which limited the use to an eating place, to General office district, which allows for office and residential uses. As stated in the Purpose section of Land Development Code Sec. 30-59- Office districts (OR and OF), “The office districts are established for the purpose of encouraging the development of professional offices, low to medium density residential and studio uses at locations where such uses of land would be compatible with surrounding residential uses and be in keeping with the land use policies of the comprehensive plan.”

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 zoning. Exhibit C-1 is the application for this proposed rezoning.

## Key Issues

- The proposed rezoning to General office district (OF) is consistent with the City’s Comprehensive Plan and supports redevelopment.
- Rezoning to an office designation is required by Section 4. (m) of the PD ordinance.
- The proposed OF zoning will provide a buffer between residential and commercial uses and is compatible with the adjacent properties and surrounding area.
- The proposed OF zoning 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 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 rezoning to General office district (OF) is consistent with Future Land Use Element Policy 4.1.1 (Office), and 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 zoning change (nor will it change as a result of the related, proposed land use 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.

**Goal 2** **Redevelop areas within the city, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.**

**Objective 2.1** Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

The requested General office district zoning is wholly consistent with the Office land use category (proposed by Petition PB-13-75 LUC) that it will implement.

## **2. Conformance with the Land Development Code**

This proposed rezoning will implement the related, proposed comprehensive plan amendment from Planned Use District to the Office land use category.

This existing, developed property is served by public utilities. The proposed rezoning 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 redevelopment plan for the site is submitted.

## **3. Changed Conditions**

The changed conditions are the expiration in 2002 of the planned development approved by Ordinance No. 960935 in 1997, and the June 13, 2103 letter from the representative of Ms. Hattie M. Smith (who owns the undeveloped northernmost parcel of the two-parcel property), requesting that the City of Gainesville initiate the rezoning of this parcel.

## **4. Compatibility**

This petition is limited to changing the zoning of property with expired Planned development district (PD) zoning to the General office district (OF).

The property is adjacent to an apartment complex (RMF-6: 8-15 units/acre multiple-family residential zoning district) to the south. To the east is an approximately 60-foot-wide utility corridor (PS: Public services and operations zoning district) and a single-family neighborhood (RSF-1: 3.5 units/acre single-family residential zoning district). MU-2 zoning (12-30 units/acre mixed use medium intensity) is across NE 23<sup>rd</sup> Avenue to the north, and BUS (General business district) and BA (Automotive-oriented business district) zoning is to the west across NE 2<sup>nd</sup> Street.

The proposed OF zoning will provide a buffer between residential and commercial uses and is compatible with the adjacent properties and surrounding area. See Table 1 on Page 6 of this document for a tabular summary of adjacent existing uses and adjacent zoning and land use categories. See Exhibit B-1 for the aerial photograph, and Exhibits B-2 and B-3 for maps of the existing and proposed zoning for the property and surrounding area.

## **5. Impacts on Affordable Housing**

The proposed General office district (OF) zoning use allows for residential use, unlike the Planned development district (PD) zoning which was for an eating place and did not allow residential use. The proposed OF zoning allows for a maximum of 20 units per acre of residential density. If approved, the OF zoning for this 1.7-acre property has the potential for a minimal positive impact on the supply of potential affordable housing in Gainesville.

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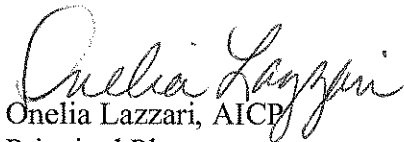
### **Transportation**

There are no major transportation issues associated with this zoning petition. The property is served by existing streets (with sidewalks along NE 23<sup>rd</sup> Avenue, and with sidewalks and bicycle lanes along NE 2<sup>nd</sup> Street), and by RTS Route 15 along NE 2<sup>nd</sup> Street and along NE 23<sup>rd</sup> Avenue east of NE 2<sup>nd</sup> Street. NE 23<sup>rd</sup> Avenue has an LOS of "C" between NW 13<sup>th</sup> 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 Element or to the City's proposed Transportation Mobility Program.

### **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."

Respectfully submitted,



Onelia Lazzari, AICP  
Principal Planner

Prepared by:



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Lead Planner

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**Table 1**

**Adjacent Existing Uses**

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

**Adjacent Zoning and Land Use**

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

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## 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 Zoning

Exhibit B-3 Map: Proposed Zoning

Exhibit B-4 Ordinance No. 960935

Exhibit B-5 General office district (OF)

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 Rezoning Application (City Plan Board)