

TO: City Plan Board

Item Number: 1

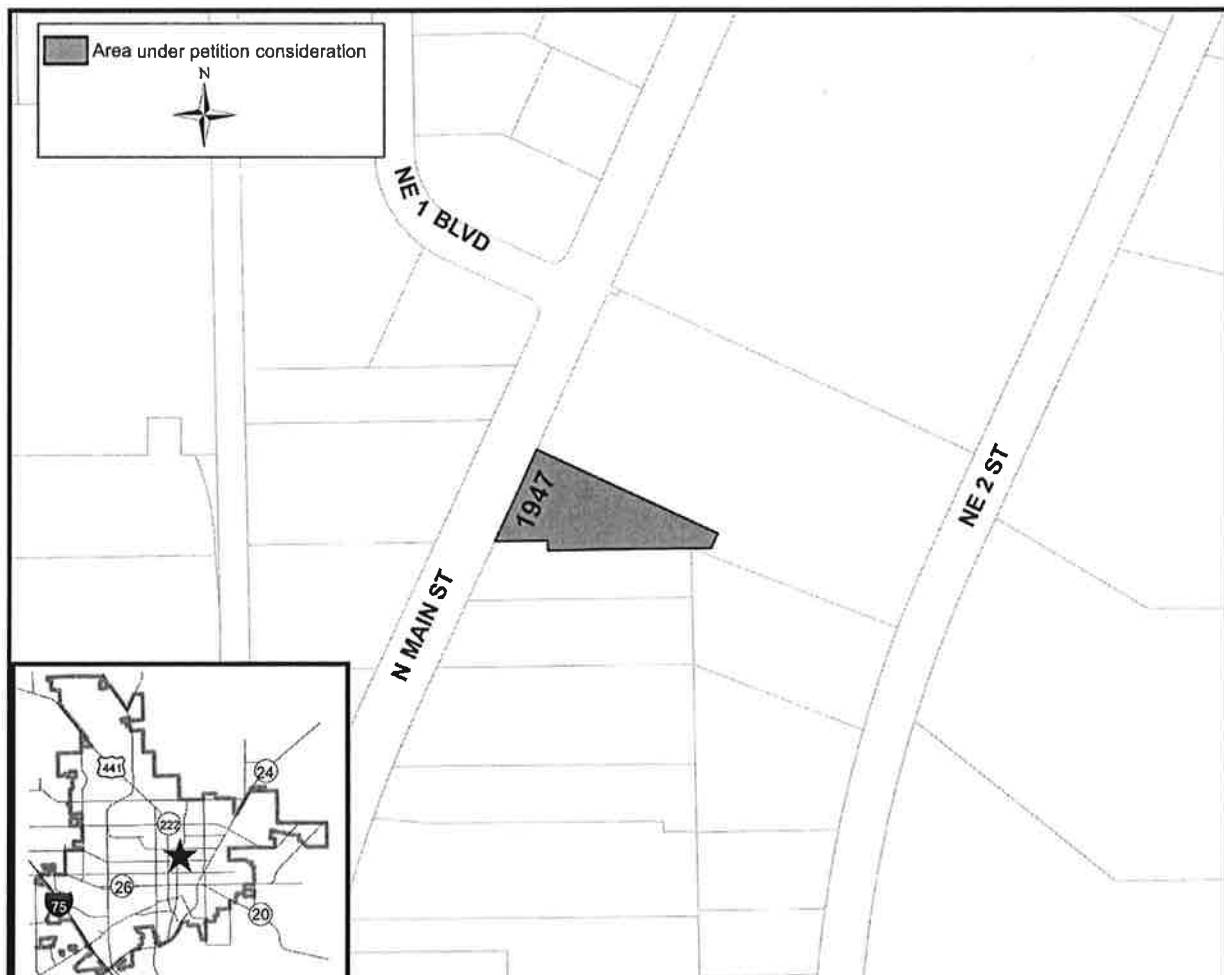
FROM: Planning & Development Services Department  
Staff

DATE: Feb. 25, 2016

SUBJECT: Petition PB-15-155 ZON. Warren Mack, agent for Helika Properties.  
Rezone property from **BUS: General business district** to **BA: Automotive-oriented business district**. Located at 1947 N. Main Street.

### Recommendation

Staff recommends approval of Petition PB-15-155 ZON.



## **Description**

This petition pertains to a developed, 0.63-acre property located on the east side of North Main Street Avenue in the automotive business corridor north of North 16<sup>th</sup> Avenue. See map on page 1. This corridor is increasingly used for automotive business purposes, as envisioned by the Gainesville Comprehensive Plan. The proposed rezoning from General business district (BUS) to Automotive-oriented business district (BA) will eliminate one of the few properties fronting North Main Street between North 16<sup>th</sup> and NE 23<sup>rd</sup> Avenues that do not have BA zoning. This property contains a single-story, 4,331 square-foot, concrete block building that was built in 1975. It was the site of a retail futon and bedding store until several years ago, and the building is currently vacant.

The applicant has received several inquiries about use of the property for automotive uses that are not allowed by the property's current BUS zoning. Unlike the BUS district, the BA zoning district allows: Automotive dealers (MG 55); the wholesale distribution of Motor vehicles, parts and supplies (IN 501); and Automotive repair, services and parking (MG-75). See Exhibit C-1 – Application. The surrounding properties have BA zoning as does most of the North Main Street corridor between NE 16<sup>th</sup> Avenue and NE 39<sup>th</sup> Avenue.

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps that show the existing and proposed zoning categories.

## **Key Issues**

- The proposed rezoning to BA is consistent with the City's Comprehensive Plan and its policy of continuing to restrict auto sales and relatively intense auto service to North Main Street north of North 16<sup>th</sup> Avenue.
- The proposed BA zoning is consistent with the surrounding BA zoning and with the North Main Street automotive business corridor north of North 16<sup>th</sup> Avenue.

## **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 the Automotive-oriented business district is consistent with Future Land Use Element Policy 4.2.4, below. This petition is also consistent with City infill and redevelopment policies (see Exhibit A-1, Comprehensive Plan GOPs) which include, but are not limited to, promoting a healthy economy and discouraging urban sprawl. The proposed BA zoning for this location is consistent with Transportation Mobility Element Policy 10.2.5, which encourages redevelopment within one-quarter mile (1,320 feet) of designated Transit-Supportive Areas. The subject property of this petition is within 1,300 of the feet of the Winn-Dixie/Big Lots/Greyhound Station area that is proximate to the intersection of North Main Street and North 23<sup>rd</sup> Avenue), which is a designated Transit-Supportive Area (see Exhibit B-4 for map of

Existing Transit Hubs & Transit-Supportive Areas). The proposed rezoning is consistent with the Comprehensive Plan.

### **Future Land Use Element**

**Policy 4.2.4** The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16th Avenue.

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

The proposed rezoning to from BUS (General business district) to BA (Automotive-oriented business district) is a non-residential zoning district that is consistent with the existing Commercial land use category. The purpose of the BA zoning district is 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. See Exhibit B-5 (Sec. 30-62 – Automotive-oriented business district (BA)).

Any proposed development or redevelopment, at the time of development plan review, will be required to meet all applicable Land Development Code requirements.

## **3. Changed Conditions**

The North Main Street corridor north of North 16<sup>th</sup> Avenue has been transitioning from non-automotive to automotive business uses for many years. The commercial building on the property has been vacant for more than two years. The application states that there have been several inquiries about use of the property for automotive-oriented business use. The application further states that in order to be more competitive with nearby properties this rezoning is requested to accommodate the potential for automotive uses.

## **4. Compatibility**

The proposed Automotive-oriented business district (BA) zoning is compatible with all of the surrounding properties, each of which has BA zoning and Commercial land use. See Table 1 on Page 6 of this document for a tabular summary of adjacent existing uses and adjacent land use and zoning categories.

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

The proposed rezoning from one non-residential zoning district to another will have no impact on the supply of potential affordable housing in the City.

### **Transportation**

There are no major transportation issues associated with the proposed rezoning of this developed property from one business zoning district to another. The site is located within Zone A of the Gainesville Transportation Mobility Program Area (TMPA) and is within one-quarter mile of a

transit-supportive area specified by the Transportation Mobility Element. See Policy 10.2.5 in Exhibit A-1 (Comprehensive Plan GOPs), and see Exhibit B-4 for map of Existing Transit Hubs & Transit-Supportive Areas.

At the time of development plan review, this 0.63-acre property will be subject to the Zone A requirements of Policy 10.1.3 and 10.1.4 of the Transportation Mobility Element (see Exhibit A-1). The property is served by North Main Street, which is a 4-lane, County arterial roadway with bike lanes and sidewalks on both sides. This section (between NW 8<sup>th</sup> AVE and North 23<sup>rd</sup> AVE) of North Main Street has an adopted LOS (Level of Service) of E and is operating at an LOS of C.

The site is currently served by RTS Route 27 (Rosa Parks RTS Downtown Station to NE Walmart Supercenter). Weekday service is provided every 60 minutes, and there is no weekend service.

### **Environmental Impacts and Constraints**

The City's Environmental Coordinator in a memorandum dated December 29, 2015 stated that this "petition for a proposed change in zoning for a 0.63-acre parcel (10072-002-002), has been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code 30-300 *Regulated Surface Waters and Wetlands*, or 30-310 *Regulated Natural and Archaeological Resources*. The petition proposes a zoning change from Business (BUS) district to Business Automotive (BA) district. The parcel is located on the east side of North Main Street, on the site of a former retail furniture sales business.

No environmental resources regulated by City code sections referenced above have been identified on or adjacent to the property. The parcel does fall within the tertiary wellfield protection zone of the Murphree Wellfield. As such, redevelopment and use of the site is subject to any applicable provisions of the Murphree Wellfield Protection Code, Chapter 355 Alachua County Code."

This petition is limited to rezoning a developed property in which the western half is located in FEMA Flood Zone X (outside of the 100-500 year floodplain). (See Exhibit B-6 for map showing FEMA flood zones.) Although the eastern half is located in FEMA Flood Zone A (100-year - corresponds to a 1% chance per year that flood waters will inundate the area), a flood study (FEMA Case #07-04-4739A) was done zone in 2007, which showed the 100 year Base Flood Elevation (BFE) to be 183.16 feet, NGVD 1929 datum. (182.3 NAVD 1988. This would effectively put the entire parcel above the BFE. However, the FIRM is legally binding, so any construction in Zone A would have to follow proper permitting for a flood zone (construction of structures above BFE, or 1' above grade). (Source: January 25, 2016 e-mail from Andy Renshaw, flood plain manager in the City's Public Works Department).

Respectfully submitted,



Andrew Persons, AICP  
Interim Principal Planner



Prepared by: Dean Mimms, AICP  
Lead Planner

**Table 1**

**Adjacent Existing Uses**

<b>North</b>	Medical office building
<b>South</b>	Automotive audio and wheels store
<b>East</b>	Wooded, undeveloped portion of property to north
<b>West</b>	Automotive dealership site

**Adjacent Zoning and Land Use and Zoning**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	COM - Commercial	BA (Automotive-oriented business)
<b>South</b>	COM - Commercial	BA (Automotive-oriented business)
<b>East</b>	COM - Commercial	BA (Automotive-oriented business)
<b>West</b>	North Main ST (across from which is COM – Commercial)	North Main ST (Across from which is BA (Automotive-oriented business))

## **List of Appendices**

### **Appendix A Comprehensive Plan GOPs**

Exhibit A-1 Comprehensive Plan GOPs

### **Appendix B Supplemental Documents**

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Zoning

Exhibit B-3 Map: Proposed Zoning

Exhibit B-4 Map: Existing Transit Hubs & Transit-Supportive Areas

Exhibit B-5 Sec. 30-62 – Automotive-oriented business district (BA)

Exhibit B-6 Map: FEMA Special Flood Hazard Area (SFHA) and Contour Data

### **Appendix C Application Package**

Exhibit C-1 Rezoning Application

## **Appendix A Comprehensive Plan GOPs**

### Exhibit A-1 Comprehensive Plan GOPs

#### **Future Land Use Element**

**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.

**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.

#### **Transportation Mobility Element**

**Policy 10.1.3** Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

**Policy 10.1.4** For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

- a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
- b. Cross-access connections/easements or joint driveways, where available and economically feasible;



- c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;
- d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in the Access Management portion of the Land Development Code; and
- e. Safe and convenient on-site pedestrian circulation, such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

**Policy 10.2.5**

In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any redevelopment project or any project that expands or converts a building to a new use. The City shall reduce by 40% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.

**Appendix B Supplemental Documents**



tabbies' EXHIBIT B-1

AERIAL PHOTOGRAPH

 <p>No Scale</p>	<p><b>Name</b></p> <p>Warren Mack, agent for Helika Properties</p>	<p><b>Petition Request</b></p> <p>Rezone from BUS, General business district to BA, Automotive-oriented business district</p>	<p><b>Petition Number</b></p> <p>PB-15-155 ZON</p>
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# City of Gainesville Zoning Districts

- RMF5 12 units/acre Residential Low Density
- RMF6 8-15 units/acre Multiple-Family Medium Density Residential
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- MU1 8-30 units/acre Mixed Use Low Intensity
- W Warehousing and Wholesaling
- I1 Limited Industrial
- CON Conservation

Area  
under petition  
consideration



-----  
Division line between two zoning districts



EXHIBIT  
B-2  
tabbles

## EXISTING ZONING

Name	Petition Request	Petition Number
Warren Mackm agent for Helika Properties	Rezone from BUS, General business district to BA, Automotive-oriented business district	PB-15-155 ZON



No Scale

# City of Gainesville Zoning Districts

- RMF5 12 units/acre Residential Low Density
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- W Warehousing and Wholesaling
- I1 Limited Industrial
- CON Conservation

Area under petition consideration



-----  
Division line between two zoning districts



**EXHIBIT**  
B-3

## PROPOSED ZONING

Name	Petition Request	Petition Number
Warren Mackm agent for Helika Properties	Rezone from BUS, General business district to BA, Automotive-oriented business district	PB-15-155 ZON



No Scale



Exhibit B-5 – BA zoning district regulations

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.

SIC	Uses	Conditions
	<b>USES BY RIGHT:</b>	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Food trucks	In accordance with article VI
	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 stations	Including gasoline service stations in accordance with article VI
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, and simulated gambling establishments
MG-86	Membership organizations	
Places of religious assembly	In accordance with article VI	
Div. J.	Public administration	Excluding correctional institutions (IN-9223)
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	
	Ice manufacturing/vending machines	In accordance with article VI

- (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.

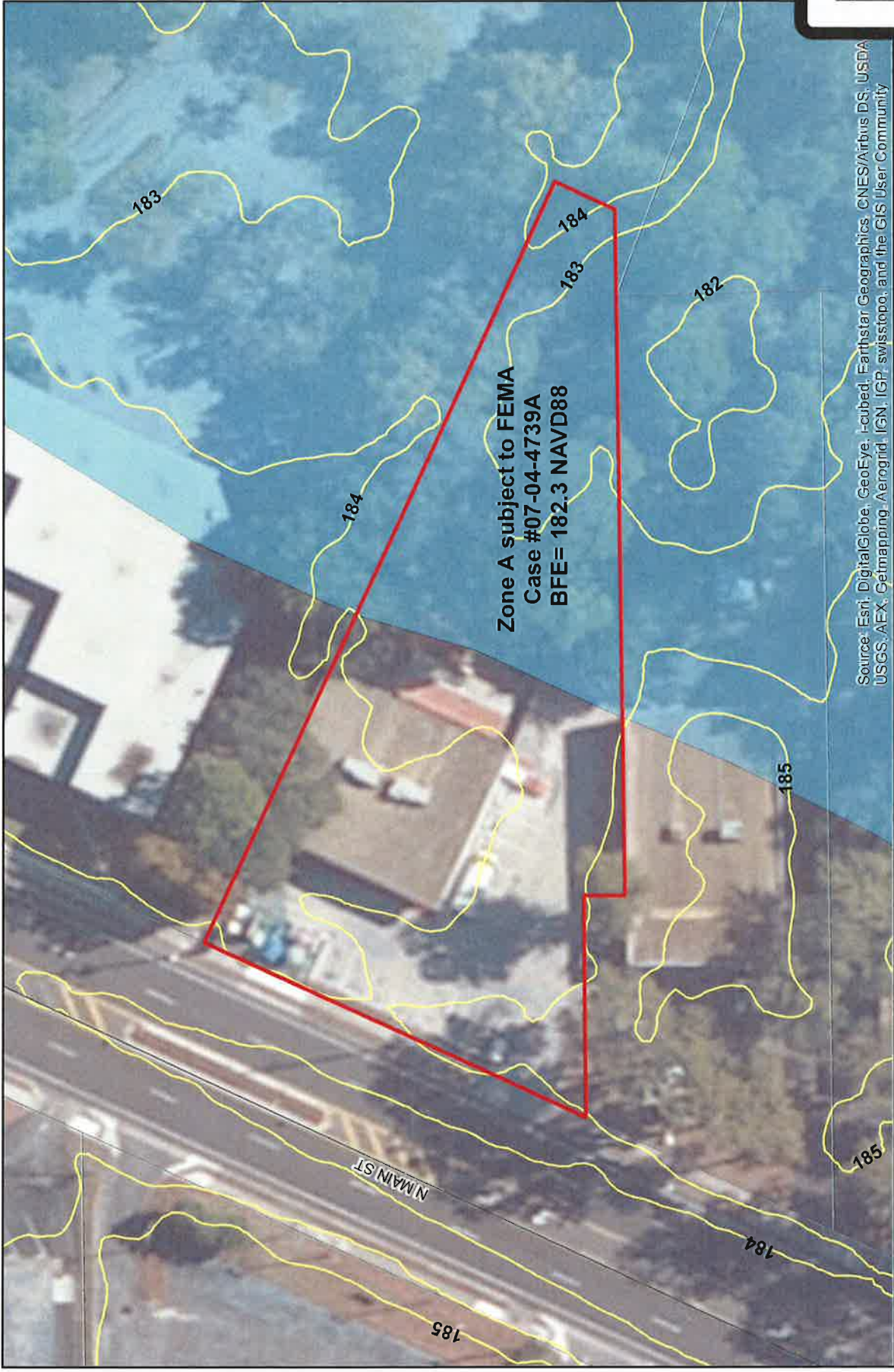
(f) General requirements.

- (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; Ord. No. 110289, § 7, 11-3-11; Ord. No. 130278, § 1, 12-5-13; Ord. No. 140130, § 3, 9-4-14; Ord. No. 140190, § 7, 4-16-15)

10072-002-002 1947 N MAIN ST

tabbies®  
**EXHIBIT**  
B-6



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**FEMA Special Flood Hazard Area (SFHA)  
And Contour Data  
PB-15-155 ZON**

**Legend**

- A-- Annual 1% chance- 100 year
- AE-- Annual 1% chance- 100 year- Elevations known
- X-- Non Risk
- X500-- Low Risk, area of minimal flooding protected by Levy

**North Arrow**

1 inch = 50 feet

Contour Data: NAVD 1988 Datum

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size, or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map.

**Appendix C Application**



Received  
1/26/16  
(updated from  
11/24/15)

**APPLICATION—CITY PLAN BOARD**  
**Planning & Development Services**

<b>OFFICE USE ONLY</b>	
Petition No. <u>PB-15-15520N</u>	Fee: \$ <u>\$3229.75</u>
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-660-6680-3401 [ ]	
Account No. 001-660-6680-1124 (Enterprise Zone) [ ]	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) [ ]	

Owner(s) of Record (please print)	
Name: Helika Properties	
Address: P.O. Box 46677	
St. Pete Beach, FL 33741	
Phone: (813) 220-0406	Fax: (727) 363-3834
(Additional owners may be listed at end of applic.)	

Applicant(s)/Agent(s), if different	
Name: Warren Mack	
Address: 2909 Pass A Grille Way	
St. Pete Beach, FL 33706	
Phone: (813) 220-0406	Fax: (727) 363-3834

*Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.*

**REQUEST**

Check applicable request(s) below:		
Future Land Use Map [ ]	Zoning Map [X]	Master Flood Control Map [ ]
Present designation:	Present designation: BUS	Other [ ] Specify:
Requested designation:	Requested designation: BA	

**INFORMATION ON PROPERTY**

1. Street address: 1947 N. Main Street Gainesville, FL 32609
2. Map no(s):
3. Tax parcel no(s): 10072-002-002
4. Size of property: 0.63 acre(s)
<i>All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more must be accompanied by a market analysis report.</i>

**Certified Cashier's Receipt:**

5. Legal description (attach as separate document, using the following guidelines): See Attached
- a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
  - b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser’s Office, etc.
  - c. Must correctly describe the property being submitted for the petition.
  - d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340’); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. **INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES (NOTE: All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.)**

A. What are the existing surrounding land uses?

North Commercial (Medical Office Building)

South Commercial (Retail Audio Store)

East Commercial (Vacant)

West Commercial (Vacant Automotive Sales & Display)

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO  YES  If yes, please explain why the other properties cannot accommodate the proposed use?

Yes, there are other properties within 1/2 mile of the site that carry BA zoning. This part of town has become very auto-oriented, and this is one of only a few properties in the general vicinity that are not zoned BA within the block. The property is vacant and has received several inquiries about using it for an automotive oriented business, which is not currently allowed. In order to be competitive with nearby properties this zoning is requested to accommodate the potential for automotive uses. These uses would be compatible with the surrounding properties.





Explanation of how the proposed development will contribute to the community.

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

The building is currently vacant and is not contributing much to the community at this time. The rezoning will broaden the prospective tenant pool and will assist in securing a user that will bring jobs, wages and additional tax base.

H. What impact will the proposed change have on level of service standards?

Roadways None, as the building has been leased for many years prior.

Recreation This will not affect the recreation L.O.S.

Water and Wastewater The water & wastewater demand will not be increased.

Solid Waste It is not anticipated that the rezoning will contribute to much difference in the solid waste load, since the rezoning does not affect the building size.

Mass Transit No affect on the LOS for Mass Transit is expected.

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO  YES  (please explain)

The site fronts N. Main Street, which contains striped bike lanes, sidewalks and bus routes.

CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	Helika Properties
Address:	P.O. Box 46677 St. Pete Beach, FL 33741
Phone:	813 220 0406
Fax:	727 363 3834
Signature:	<i>Warren Mack</i>

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.



*Warren Mack*  
Owner/Agent Signature  
11/12/15  
Date

STATE OF FLORIDA  
COUNTY OF Pinellas

Sworn to and subscribed before me this 12 day of NOV 2015, by (Name)  
Warren Mack

*Maria Brannen*  
Signature - Notary Public

Personally Known  OR Produced Identification  (Type) \_\_\_\_\_

## LEGAL DESCRIPTION

(Parcel 10072-002-002)

A tract of land situated in Lot 2 of McCOY'S COMMERCIAL PARK, a Subdivision as recorded in Plat Book "H", Page 9, of the Public Records of Alachua County, Florida, said tract of land being more particularly described as follows: Begin at the Southwest corner of Lot 2 of said McCOY'S COMMERCIAL PARK and run North 25° 40' 32" East along the East Right-of-Way line of North Main Street, 150.00 feet; thence leave the East Right-of-Way line of said North Main Street and run South 64° 19' 28" East 300.00 feet; thence run South 25° 40' 32" West 23.75 feet; thence run North 89° 47' 21" West 30.46 feet to the South line of said Lot 2; thence run along the South line of said Lot 2 with the following courses and distances; North 89° 47' 21" West 215.00 feet; North 00° 08' 16" West 15.00 feet; North 89° 47' 21" West 79.59 feet, to the point of beginning; said tract of land containing 0.627 acres, more or less.



# JBrown Professional Group

**CIVIL ENGINEERING • LAND SURVEYING • PLANNING**

3530 NW 43rd Street • Gainesville, FL 32606 • 352.375.8999 • JBProGroup.com

January 26, 2016

Mr. Dean Mimms, AICP, Lead Planner  
Planning & Development Services Dept.  
City of Gainesville  
P.O. Box 490, Station 11  
Gainesville, FL 32627

**RE: 1947 N. Main Street Rezoning  
Rezoning Petition No PB-15-155-ZON**

Dear Dean:

As you are aware, our firm was recently hired by Mr. Warren Mack of Helika Properties to help him manage the rezoning petition he filed for their property at 1947 N. Main Street. We were brought in to assist him with the neighborhood workshop, and to represent Mr. Mack at the public hearings.

The neighborhood workshop was held on January 20, 2016, and a summary of the workshop is attached. It does not appear that there are many issues concerning the noticed neighbors as no one showed up at the workshop meeting.

You asked if I would consider providing a more complete Plan Board Application for the rezoning petition, and Mr. Mack has agreed for me to do so. Please find attached the updated rezoning application. This can be used to replace the first 4 sheets of the application, with the signed & notarized page 5 remaining as submitted by Mr. Mack.

If you find that you need any additional items that were not included in the attachments please let me know. You may contact me at [jay.brown@jbprogroup.com](mailto:jay.brown@jbprogroup.com), or call me at (352) 375-8999. Thank you for your assistance with this project.

Sincerely,

A handwritten signature in blue ink that reads "A. J. Brown, Jr." in a cursive style.

A. J. "Jay" Brown, Jr., P.E.  
President, JBrown Professional Group Inc.

Cc: Warren Mack, Helika Properties



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## **Neighborhood Workshop Summary For 1947 N. Main Street Rezoning**

The neighborhood workshop for the 1947 N. Main Street Rezoning was noticed in the Gainesville Sun and mailers were sent out to the required property owners in advance of the workshop, in accordance with City of Gainesville regulations and requirements. Mr. Jay Brown of JBrown Professional Group attended the workshop meeting on the evening of January 20, 2016 at the site of the rezoning, 1947 N. Main Street. However, no neighbors or interested parties showed up to attend the workshop. Mr. Brown was the only one there and remained onsite for 30 minutes after the scheduled startup. Since no other parties attended there was no formal presentation made.

The meeting was scheduled to begin at 6:30 PM and Mr. Brown arrived 30 minutes prior to the start of the workshop and remained 30 minutes after the scheduled time for the workshop. No other party arrived to attend the workshop. Mr. Brown had a presentation board that showed the existing land use and zoning of the surrounding properties and was prepared to present the information and answer any questions posed by interested parties. Since no one showed up the workshop was adjourned at approximately 7:00 pm.

The following items are attached to further document the Neighborhood Workshop.

1. Meeting Sign-In Sheet
2. Copy of Newspaper Advertisement
3. Copy of Public Notice Mailed



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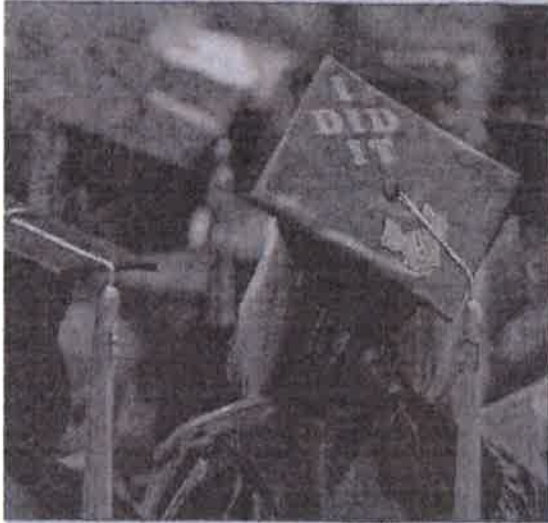
**1947 N. Main St. Rezoning  
Neighborhood Workshop  
January 20, 2016 @ 6:30 p.m.**

## Sign-In Sheet

Name	Company / Agency	Email / Phone
Jay Brown	JBrown Professional Group	<u><a href="mailto:Jay.Brown@jbprogroup.com">Jay.Brown@jbprogroup.com</a></u> (352) 375-8999



# g of minds



by of South Florida Sarasota-Manatee s graduates particip-  
 ing commencement exercises at the Bradenton Area  
 ion Center in Palmetto, Fla., on Monday, May 5, 2014.  
 10 USF Sarasota-Manatee seniors who have applied to  
 : at the spring 2014 commencement, about 190 attended  
 money. This number includes 42 master s degree candi-  
 d 286 bachelor s degree candidates from the Colleges of  
 sciences, Business, Education, Hospitality and Technology  
 ip and the USF Tampa College of Behavioral and Com-  
 sciences. CASEY BROOKE LAWSON/GOESPONDENT

s and hotels now  
 as affordable  
 g.  
 munity and col-  
 eaders tried to  
 education and arts-  
 developments into  
 a through the 2006  
 tion41 initiative  
 that project sput-  
 nd became another  
 ty of the Great  
 ion.  
 ege leaders were  
 ured in the idea,  
 Thompson said,  
 not developers.”  
 r Innovation41, a  
 ve of college lead-  
 ned eager to unite.  
 College President  
 O’Shea was once  
 of Mount Holy-  
 llege, part of the  
 r-old Five College  
 rtium in western  
 chusetts. When  
 ne to New Col-  
 2012, he and Teri  
 formerly with the

no money changes hands  
 when students cross-reg-  
 ister at colleges there. The  
 same will be true of the C4  
 agreement.  
 That will dispro-  
 portionately affect Ringling  
 College, the only private  
 school in the local group.  
 One class credit there can  
 cost about \$1,500 – more  
 than \$1,000 in excess  
 of the per-credit cost  
 for Florida residents at  
 New College (\$192.10),  
 USFSM (\$185.92) and SCF  
 (\$112.08).  
 “Financially, yes, it  
 would be a loss of money,”  
 Thompson said. “But if  
 you look at it from cash  
 circumstances, it’s not a  
 huge loss to the institution  
 provided there is space  
 available in a class.”  
 The cost per-credit dif-  
 ference, he said, “makes  
 it difficult, but I’m a huge  
 believer in the concept  
 of what this is about and

## ENGLEWOOD

# Woman charged in boy’s death

By Michael Scott Davidson  
 GateHouse Media Services



Cole

ENGLEWOOD —  
 As 270-pound James  
 “Rick” Dearman pinned  
 his 6-year-old son into  
 couch cushions, the  
 31-year-old’s girlfriend,  
 Ashley Cole, did not  
 intervene, even as the  
 child screamed that he  
 could not breathe and  
 urinated on himself,  
 authorities said.

Dearman was charged  
 Dec. 31 with aggravated  
 manslaughter in the death  
 of James “Jimmy” Dear-  
 man on Christmas Eve.

On Monday night,  
 deputies arrested Cole,  
 22, on a charge of prin-  
 cipal to aggravated  
 manslaughter of a child.  
 Jimmy’s face was buried  
 in the living room’s couch  
 cushions for about five  
 minutes before he became  
 motionless, Cole told  
 authorities. His 7-year-  
 old sister watched it  
 happen.

Dearman held the child  
 there to keep him quiet  
 while the two adults  
 played video games, Cole  
 said. She helped by hold-  
 ing Jimmy’s feet between  
 her back and the couch.

After  
 the  
 6-year-  
 old  
 stopped  
 moving,  
 both  
 adults  
 smoked

a cigarette in the home’s  
 garage. They came back  
 about 10 minutes later to  
 find Jimmy with blue lips  
 and not breathing.

Cole told investigators  
 she ran into the garage  
 and prayed. Dearman  
 called 911 and tried to  
 perform CPR until para-  
 medics arrived.

Jimmy was later  
 pronounced dead at  
 Englewood Community  
 Hospital. The area’s med-  
 ical examiner reported  
 the death as highly sus-  
 picious for homicidal  
 suffocation.

“(Medical Examiner)  
 Dr. (Russell) Vega con-  
 cluded the cause of death  
 was likely some form of  
 asphyxiation, based upon  
 the pressure applied to  
 the child’s back,” Cole’s  
 arrest report stated.

Dearman is being  
 held on \$1 million bond.  
 Cole’s bond was set at  
 \$100,000.

Dearman’s other child,  
 the 7-year-old, is in  
 protective custody of  
 the Florida Department  
 of Children and Fami-  
 lies, the Sheriff’s Office  
 reported.

DCF spokeswoman  
 Michelle Glady said the  
 DCF had “no prior his-  
 tory” with the family.

About 7:30 p.m. on  
 Christmas Eve, Dear-  
 man told his two children  
 to go to bed, Cole told  
 authorities.

But the children did  
 not listen and ran around  
 the bedroom instead, she  
 said.

Dearman decided to  
 punish them. He forced  
 them to stand facing the  
 wall.

Then he caught Jimmy  
 watching him play video  
 games. Dearman forced  
 his son to lie on the couch  
 with his face against its  
 rear cushions.

He used his body  
 weight and the cushions  
 to smother the child, Cole  
 said. Dearman continued  
 to play video games as the  
 boy became motionless.

The 7-year-old girl  
 later told investigators,  
 “When Dad squished  
 him, he got dead.”

## IMPERILED ANIMALS

# FWC seeking comments on plans to aid declining species

By Tom Palmer  
 The Ledger

LAKELAND — Limp-  
 kins, an increasingly  
 familiar marsh bird that  
 leaves a trail of empty  
 apple snail shells along  
 shorelines, are no longer  
 in danger of disappear-  
 ing from the Florida

habits and their habitat  
 requirements.

The recommendations  
 regarding additional  
 research needs is not  
 new. FWC studies con-  
 ducted as long as 25  
 years ago highlighted  
 this need.

However, the latest  
 plan lays out specific

after they’re listed.

“This is really excit-  
 ing because before there  
 was just a hodgepodge of  
 species listed willy-nilly  
 and once they were listed  
 there was no plan to get  
 them taken off the list,”  
 said Julie Wraithmell, a  
 biologist who is director  
 of wildlife conservation



proposed to be classified as a threatened species.

They're among 57 Florida wildlife species that have been listed as endangered, threatened or species of special concern by the Florida Fish and Wildlife Conservation Commission.

In a draft report called the Florida Imperiled Species Management Plan, which is being circulated for comment, the status of all of these species has been re-evaluated, resulting in some species being taken off the list.

The report concludes that some species, such as limpkins, snowy egrets and gopher frogs, are doing well enough to be removed from the list of species state officials classify as threatened or endangered.

In addition to the burrowing owls, roseate spoonbills, tricolored herons and little blue herons are being proposed to be reclassified from species of special concern to threatened status to prevent their further slide toward extinction.

The plan includes measures for conducting further research to learn more about the status of some species — particularly those that are difficult to locate because of their cryptic

praising the approach because it not only takes a more scientific approach to listing species, but also includes specific measures to protect them

ing financial incentives through wildlife grant programs — to encourage them and to give them technical advice on how to protect wildlife on their land.

## NOTICE OF PUBLIC HEARING



The Alachua County Planning Commission will hold a public hearing Wednesday, January 20, 2016, at 6:00 p.m., or as soon thereafter as the matter may be heard, at the County Administration Building, Jack Durrance Auditorium Room 209, 12 S.E. 1st Street, Gainesville, Florida to consider the following zoning item:

### ZOM-09-15 (Major Amendment to a PD)

A request by CHW Inc., agent, for Parker 26 LLC, owner, for a major amendment to a PD to allow a medical clinic to operate 24 hours a day. The site is located at 708 NW 122<sup>nd</sup> St. on approximately 2.06 acres. The parcel is zoned "PD" (Planned Development) and has a Future Land Use designation of Commercial. The tax parcel number associated with this request is 04336-000-000.

All interested persons are invited to attend and be heard. Written comments may be filed with the Office of Planning and Development for consideration. In addition to any other comments, interested persons are invited to submit comments on whether the proposal will have a significant impact on the cost of housing.

All persons are advised that, if they decide to appeal any decision made at this public hearing or meeting, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If any accommodations are needed for persons with disabilities, please contact the Alachua County Equal Opportunity Office at (352) 374-6275 (voice) or (352) 374-6284 (TDD) or 711 Relay Friendly.

General Information: Staff Reports on the above item will be available on Friday of the week preceding the meeting at the Office of Planning and Development: 10-300 S.W. 2<sup>nd</sup> Avenue Gainesville, FL 32601. For further information call (352) 374-5249.

## Public Notice

A Neighborhood Workshop will be held to discuss a rezoning to BA (Automotive-Oriented Business District) on 0.63 acres located at 1947 N. Main Street. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments.

The Workshop will be held on Wednesday January 20th at 1947 N. Main Street, Gainesville, FL at 6:30 PM. Contact Person Jay Brown, PE JBrown Professional Group (352) 375-8999.



## Neighborhood Workshop

You are invited to attend a Neighborhood Workshop, which will be held to discuss a rezoning to BA (Automotive-Oriented Business District) on 0.63 acres located at 1947 N. Main Street. This is not a public hearing. The Workshop dates and times are presented below.

Date: Wednesday January 20, 2016

Time: 6:30 PM

Place: 1947 N. Main Street, Gainesville, FL

Contact: Jay Brown, PE JBrown Professional Group (352) 375-8999.

The workshop is being held to discuss the plan to rezone the property from BUS (General Business District) to BA (Automotive-Oriented Business District). This will allow the addition of automotive oriented uses, such as: motor vehicle and motor vehicle parts and supplies, wholesale; automotive dealers and gasoline service stations, automotive repair services and parking, and others. Please see a complete list of all allowable uses for the property under BA zoning attached. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments. We look forward to seeing you there.

own Professional Grup  
0 NW 43RD ST  
NESVILLE, FL 32606

JACKSONVILLE, FL 320

05 JAN 2016 PM 5 T



JBrown Professional Group  
3530 NW 43RD ST  
GAINESVILLE, FL 32606

3260638104



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.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Food trucks	In accordance with article VI
	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 stations	Including gasoline service stations in accordance with article VI
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 <u>section 30-67</u>
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, and simulated gambling establishments
MG-86	Membership organizations	
Places of religious assembly	In accordance with article VI	
Div. J.	Public administration	Excluding correctional institutions (IN-9223)
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	
	Ice manufacturing/vending machines	In accordance with article VI

- (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; Ord. No. 110289, § 7, 11-3-11; Ord. No. 130278, § 1, 12-5-13; Ord. No. 140130, § 3, 9-4-14; Ord. No. 140190, § 7, 4-16-15)