

050488

# City of Gainesville

Inter-Office Communication

Department of Community Development  
Phone 334-5022, FAX 334-2282, Station 11

Item No. 8

Date: October 20, 2005

**To:** City Plan Board

**From:** Planning Division Staff

**Subject:** Petition 145LUC-05 PB. Causseaux & Ellington, Inc., agent for Joanne Schackow. Amend the City of Gainesville Future Land Use Map from IND (Industrial) to C (Commercial). Located at 309 Northeast 39<sup>th</sup> Avenue. Related to Petition 146ZON-05 PB.

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## Recommendation

Staff recommends approval of Petition 145LUC-05 PB.

## Explanation

The subject property is 1.25 acres and currently contains a vacant building set behind a parking lot.

Properties to the north, east and west have a Commercial land use designation. The property to the south has an Industrial land use designation.

The subject property is entirely within the Secondary Zone of the Murphree Wellfield Protection Area.

Because the character of nearby properties is compatible and because the property is within a Wellfield Protection Zone, a Commercial land use is preferable for the subject property rather than the Industrial land use the property now has.

## Impact on Transportation Level-of-Service

The subject property is within Zone A of the Transportation Currency Exception Area. Projected trips resulting from this proposed land use change are well below the available capacity for the four street segments that are most affected by this site. Transportation and all other applicable concurrency requirements will have to be met at the time of development plan approval for the subject property. Land use changes do not vest for concurrency.

## Compatibility of the proposal / surrounding land uses

The proposed land use is compatible with nearby Commercial and Industrial properties.

### **Environmental impacts and constraints**

The subject property is entirely within the Secondary Zone of the Murphree Wellfield Protection Area. The property is not within the 100-year floodplain and is not associated with significant environmental features besides the wellfield.

### **Whether the change promotes urban infill or redevelopment**

This petition would substantially increase the range of non-industrial uses allowed on the property. Because the industrial designation on the property does not allow more than a modest number of non-industrial uses, because the owners desire only commercial, non-industrial use of the property in a commercialized area, and because the existing building on the property is vacant, a change to a Commercial land use designation would be supportive of infill and redevelopment goals of the City.

### **Applicable Goals, Objectives and Policies**

The proposed rezoning is compatible with the adopted City of Gainesville Comprehensive Plan. The following are relevant goals, objectives and policies from the Future Land Use Element.

#### Future Land Use Element

##### Objective 4.1:

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

##### 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.

##### Policy 4.1.3 The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Overall compatibility of the proposal;
2. Surrounding land uses;
3. Environmental impacts and constraints;
4. Whether the change promotes urban infill; and

5. Whether the best interests, community values, or neighborhood support is achieved.

In no case shall this or any other Policy in the Future Land Use Element indicate a presumption that the City shall support a change of designation of land use for any parcel.

#### Conservation, Open Space and Groundwater Recharge Element

Policy 2.3.2 The City shall allow land uses and facility design within wellfield protection zones (and other "community water system" cones of influence as defined by Fla. Administrative Code Chapter 62-550.200 (Drinking Water Standards, Monitoring, and Reporting, Definitions for Public Water Systems) and Chapter 9J-5.003(27) (Definitions, "cone of influence") and identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series, that are in compliance with the Murphree Wellfield Protection Code.

<b>Applicant Information</b>	Causseaux & Ellington, Inc., agent for Joanne Schackow.
<b>Request</b>	Rezone property from I-1 (Limited industrial district) to BUS (General business district).
<b>Existing Land Use Plan Classification</b>	IND
<b>Existing Zoning</b>	I-1
<b>Purpose of Request</b>	To increase flexibility in use of the property for office, commercial and other non-industrial activity.
<b>Location</b>	309 Northeast 39 <sup>th</sup> Ave
<b>Existing Use</b>	Vacant building
<b>Surrounding Uses</b>	
<b>North</b>	Car dealer, carpet store
<b>South</b>	Car dealer (auction)
<b>East</b>	Vacant convenience store/gas station
<b>West</b>	Car dealer

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<b>Surrounding Controls</b>	<b>Zoning</b>	<b>Land Use</b>
<b>East</b>	BA (Business Automotive)	Commercial
<b>South</b>	I-1 (Limited Industrial)	Industrial
<b>West</b>	BA (Business Automotive)	Commercial
<b>North</b>	BA & BUS (General Business)	Commercial

### **Summary**

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

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RW:DM:DN

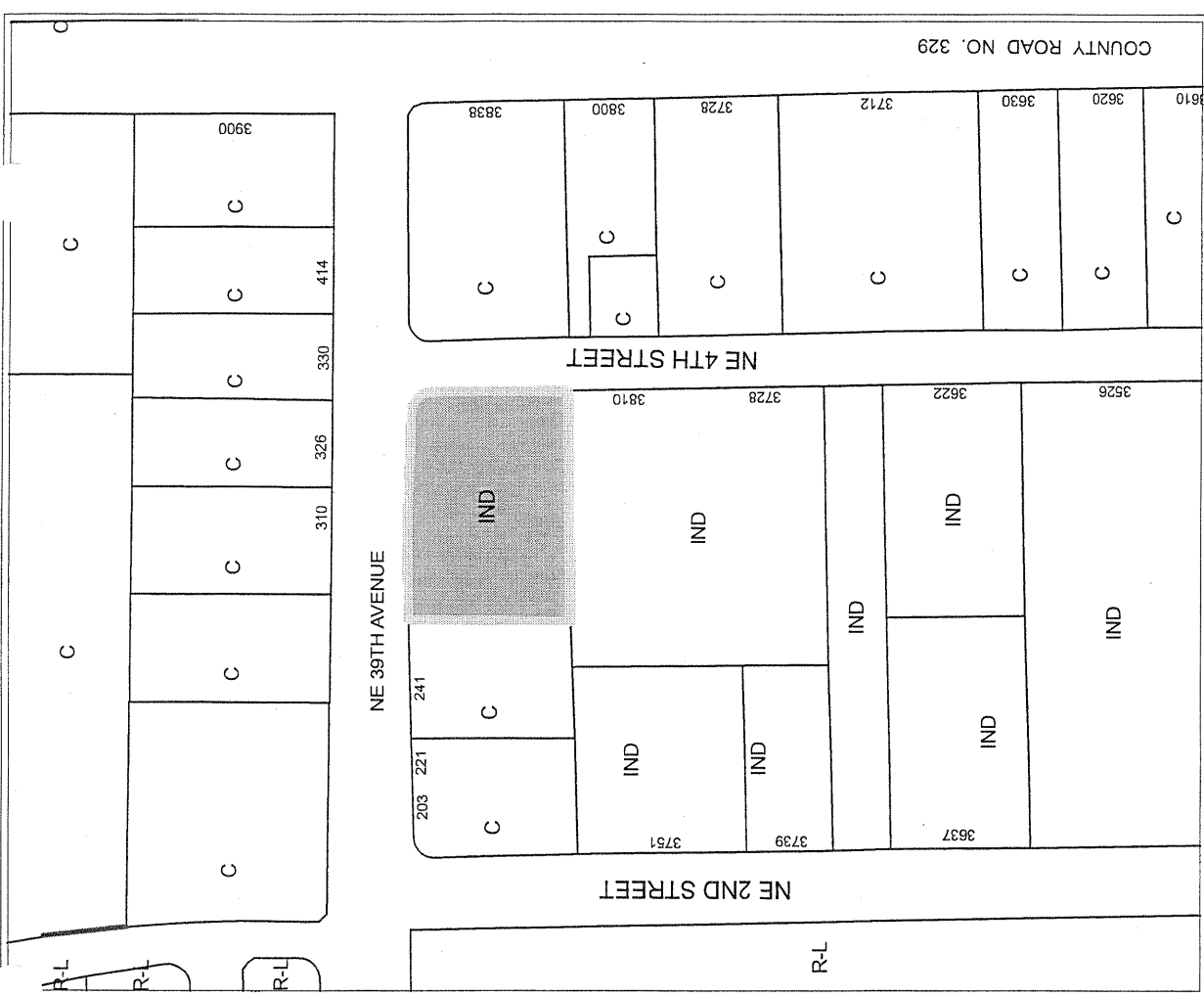
Attachment

# Land Use Designations

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

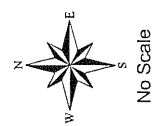
----- Division line between two land use districts  
 ————— City Limits

Area under petition consideration



## EXISTING LAND USE

Name	Petition Request	Map(s)	Petition Number
Causseaux & Ellington, Inc., agent for Joanne Schackow	From IND to C	3552	145LUC-05PB

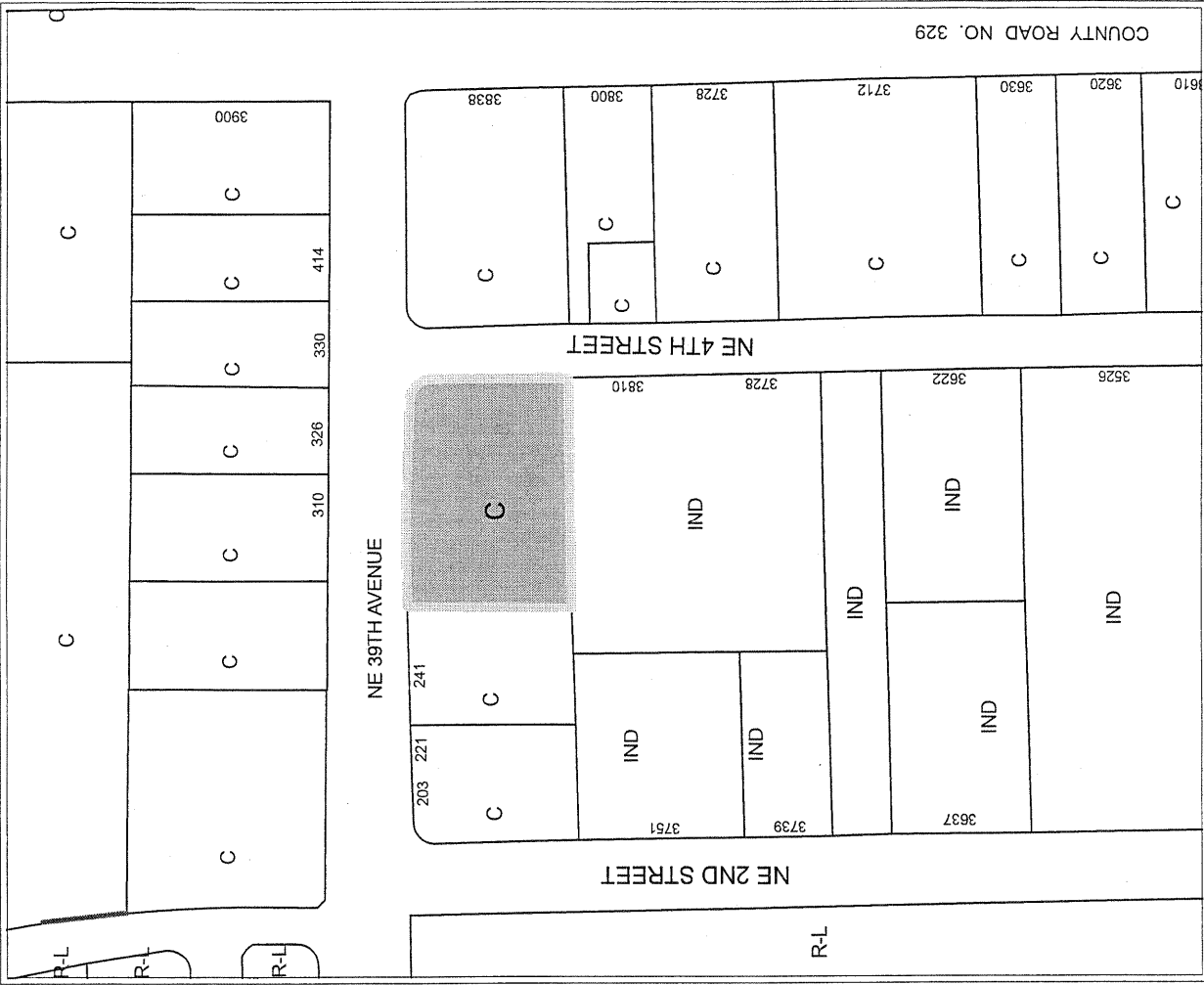
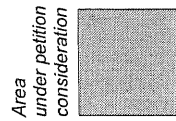


No Scale

# Land Use Designations

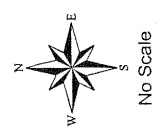
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- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
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- PUD Planned Use District

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



## PROPOSED LAND USE

Name	Petition Request	Map(s)	Petition Number
Causseaux & Ellington, Inc., agent for Joanne Schackow	From IND to C	3552	145LUC-05PB



No Scale



**Legislative Matter # 0504888**

8. **Petition 145LUC-05 PB** Causseaux & Ellington, Inc., agent for Joanne Schackow. Amend the City of Gainesville Future Land Use Map from IND (Industrial) to C (Commercial). Located at 309 Northeast 39<sup>th</sup> Avenue. Related to Petition 146ZON-05 PB.

Mr. Dom Nozzi was recognized. Mr. Nozzi indicated that he would discuss Petitions 145LUC-05 PB and 146ZON-05 PB simultaneously. He presented a map of the site and described it and the surrounding land uses and zoning in detail. He also presented photos of the site. He noted that the site had an existing, vacant building and there was a great deal of commercial activity in the vicinity. He explained that, since there was so much commercial and industrial zoning in the vicinity, and the site was located in the secondary wellfield zone, staff believed it was best for the site to be in a commercial rather than an industrial category. Mr. Nozzi offered to answer any questions from the board.

Mr. Reiskind noted that he had read the staff report and all the other information, but it was difficult to determine what the proposed use on the site would be. He asked why the staff report did not mention the proposed use. He suggested that it was relevant to the petition.

Mr. Nozzi explained that, in general, when property was rezoned, the proposed use was almost irrelevant. He noted that the allowable list of uses in the zoning category to which property was rezoned would determine what the use would be in the future. He pointed out that it was possible that the proposed use would not come about or would change, and it became a question of the uses allowed by the zoning district being acceptable uses on the property.

Mr. Reiskind agreed that when zoning was changed it did allow a number of possible uses, however, he thought it was important that planning staff know what the proposed use would be and provide that information to the board in their report.

Mr. Mimms pointed out that the proposed use could disappear tomorrow, however, the new zoning and land use would remain in place. He explained that the proposed use was not the basis for the petition, therefore it was in the backup provided by the person requesting the rezoning.

Mr. Reiskind agreed that the board should review all the uses allowed by right when a rezoning proposal was presented.

Mr. Nozzi explained that there were times in the past when a proposed use on rezoned property had not come about as presented. He explained that a rezoning concerned the acceptability of uses allowed by right on a property.

Mr. Polshek asked if any business automotive uses were allowed. He noted that it was in the secondary wellfield zone, and asked if some of the allowed uses were not appropriate for that zone.

Mr. Nozzi pointed out that the list of uses in the current industrial I-1 zoning on the property were less appropriate for a site in the secondary wellfield zone than the proposed zoning.



Mr. Mimms noted that some of the uses in the Commercial Zoning District would have to be reviewed for wellfield impacts.

Mr. Gerry Dedenbach, agent for the applicant, was recognized. Mr. Dedenbach presented information on the proposed use of the site. He noted that Community Praise was a faith-based organization. He explained that a neighborhood workshop was held and there was no opposition to the project. He noted that the existing building site on NE 39<sup>th</sup> Avenue was proximate to numerous commercial uses on the corridor. He stated that the project met all the requirements of the Commercial Zoning District.

Mr. Reiskind asked how many of the persons attending the neighborhood workshop actually lived in the neighborhood.

Mr. Deadenbach explained that, while he did not specifically ascertain that information, he presumed that, from the addresses, many lived fairly close to the site.

Pastor Shirley Watts was recognized. Pastor Watts discussed the work of Community Praise and the future plans for the site. She noted that there would be no soup kitchen, however, there would be a childcare facility.

Mr. Reiskind asked if the area was conducive to Community Praise's plans for service. He pointed out that, while he realized that many other uses could go on the site, the proposed use was more attractive than some of those uses, and it was a factor in his decision on the petition.

Mr. Polshek pointed out that rezoning opened the door for many other uses, and that was the issue.

Mr. Dedenbach pointed out that the site was one acre in size. He stated that, as a professional planner, he did not believe that one acre of business allowed in place of the current industrial zoning would have a detrimental affect on NE 39<sup>th</sup> Avenue.

There was no public comment on the petition.

Mr. Mimms explained that, once the zoning and land use was in place, staff would carefully scrutinize any proposed use on the property, regardless of what that use might involve. He noted that any proposal would have to go through the Zoning Compliance and Wellfield Permit process.

Mr. Reiskind explained that he wished some assurance from staff that the proposal fully satisfied the needs of Community Praise. He asked if there were alternative ways or any other zoning that would satisfy those needs.

Mr. Ralph Hilliard, City Planning Manager, was recognized. Mr. Hilliard indicated the rezoning was not about Community Praise. He explained that while it was not the only way to allow Community Praise to operate, the larger issue involved the question of the appropriate land use and zoning at the particular location. He noted that the building was often vacant over the years, and staff had to reject hundreds of requests to occupy it because those requests involved commercial uses and not industrial uses as allowed by

the zoning. He pointed out that Commercial Land use allowed commercial, retail, and offices uses. Mr. Hilliard explained that staff looked at the building, how it was situated, the existing commercial land uses along NE 39<sup>th</sup> Avenue, and determined that the site was best suited to commercial land use and zoning.

Mr. Polshek asked if staff looked at some of the other classifications that might narrow the number of possible commercial uses.

Mr. Hilliard pointed out that the corridor around the site was primarily commercial uses and it did not seem appropriate to place an office or mixed use zoning on the property.

Mr. Polshek pointed out that it was in the secondary wellfield zone and it would be a relief to know that would not be an automotive oriented business.

Mr. Hilliard explained that automotive oriented business were not an issue for the wellfield zone. He noted that if a proposed business had hazardous materials, it would have to complete an entirely different process, which included review by the Alachua County Environmental Protection Department. He pointed out that there was a greater chance of a business involving hazardous materials going in with the existing industrial land use than the proposed commercial.

<u>Motion By:</u> Mr. Polshek	<u>Seconded By:</u> Mr. Cohen
<u>Moved to:</u> Approve Petition 145LUC-05 PB.	<u>Upon Vote:</u> Motion Carried 4 – 0 Ayes: Cohen, Polshek, Reiskind, Cole