

TO: City Plan Board

Item Number: 2

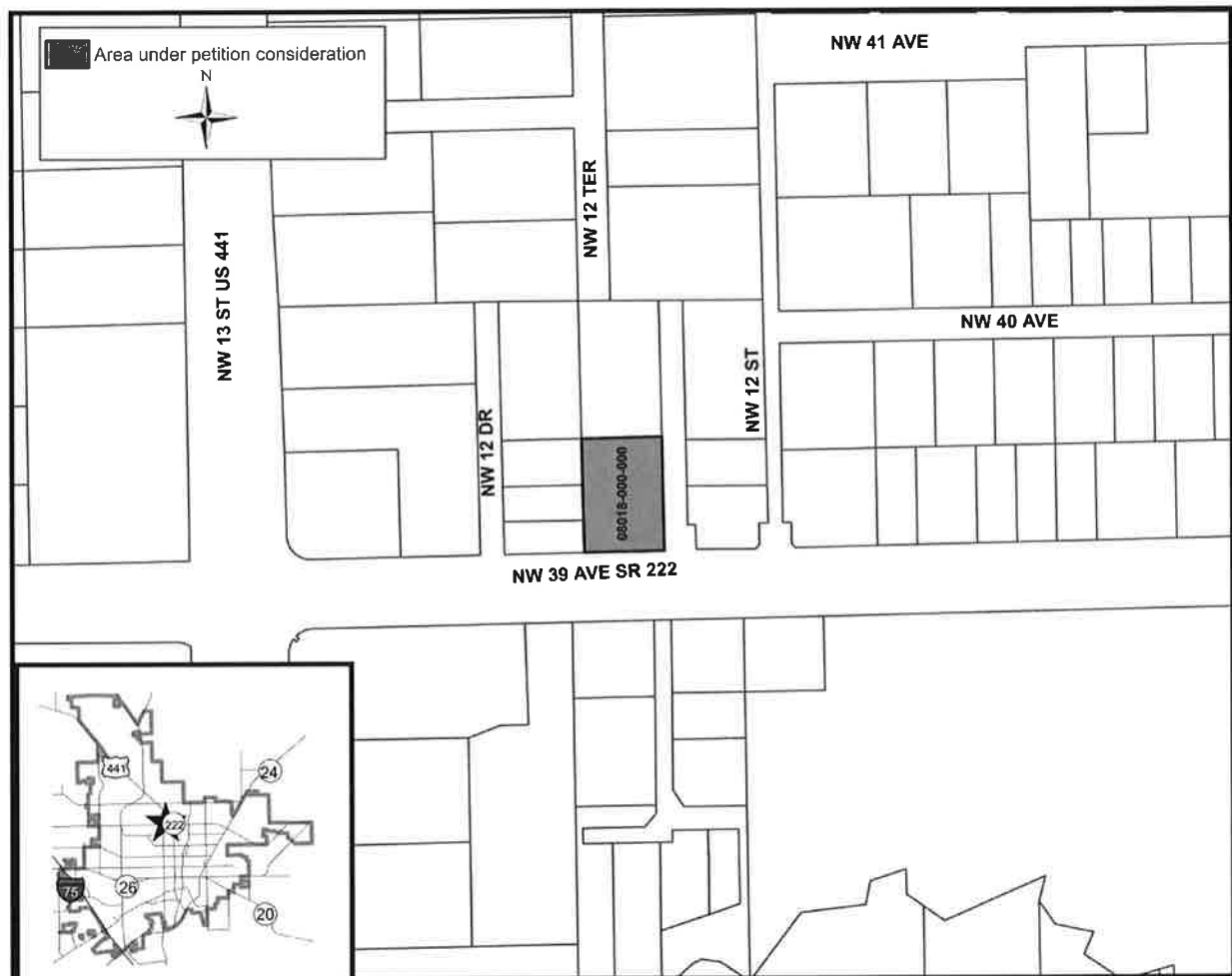
**FROM: Planning & Development Services Department
 Staff**

DATE: April 23, 2015

**SUBJECT: Petition PB-15-21 ZON. John Wernery, Owner. Rezone property from OR:
 20 units/acre office residential district to MU-1: 8-30 units/acre mixed use
 low intensity. Related to PB-15-20 LUC.**

Recommendation

Staff recommends approval of Petition PB-15-21 ZON.



Description

This petition pertains to a developed, 0.33-acre property located on the north side of NW 39th Avenue approximately 360 feet east of N.W. 13th Street, and on the west side of NW 12th Terrace (see map on page 1). The proposed rezoning from OR: 20 units/acre office residential district to MU-1: 8-30 units/acre mixed use low intensity district allows for a mix of non-residential and residential uses (see Exhibit B-4 for the MU-1 regulations), and an increase in residential density of 10 units per acre. The applicant has requested the rezoning in order to open a retail toy store (see last page of Exhibit C-1, Application), which is not allowed under the current OR zoning.

The MU-1 zoning district (see Exhibit B-4 - MU-1 district regulations) is established for the purpose of allowing coordinated developments designed to offer a mixture of residential, convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods, and places of religious assembly. The district is intended to reduce the length and number of vehicular trips by providing for basic needs within close proximity to residential areas, by encouraging pedestrian access, and by the combining of trips. This district is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other. A broad range of non-residential and residential uses is allowed in this district, including a wide range of professional, service and retail uses. The current OR district zoning on the property allows a much narrower range of non-residential uses, and does not allow retail sales (but does allow sales offices without warehousing, showrooms or retail space).

This petition is related to Petition PB-15-20 LUC, which proposes a small-scale land use change from Office (O) to Mixed-use low-intensity (8-30 units per acre).

This developed property contains a single-story, 1,092 square-foot, single-family house that was built in 1963. It is within the NW 39th Avenue Special Area Plan, the purpose of which is to “accommodate redevelopment of the area north of NW 39th Avenue between NW 7th Street and NW 12th Drive while helping to ensure that redevelopment does not cause unnecessary traffic hazards for pedestrians and vehicles along NW 39th Avenue.” The property is the westernmost property with the OR district zoning (and Office land use category) that fronts the north side of NW 39th Avenue west of NW 7th Street. This five-block segment contains a place of religious assembly, apartments, one duplex, several single-family houses, vacant parcels, and a hair salon (west side of NW 12th Street). Across NW 39th Avenue to the south are apartment buildings with RMF-7 (8-21 units per acre) multi-family residential district zoning (and the Residential Medium-Density (8-30 units per acre) land use category).

The property to the north is in the RMF-5 (residential low density district, up to 12 units per acre) (and the Residential Low-Density (up to 12 units per acre) land use category). This property contains a single-family house.

To the east across NW 12th Terrace (a local street that dead ends approximately 170 feet north of the subject property and 300 feet to the north of NW 39th Avenue) are two vacant lots, the northernmost of which has RMF-6 (8-15 units per acre) multi-family residential district zoning (and the Residential Medium-Density (8-30 units per acre) land use category). The southernmost vacant lot has OR district zoning (and the Office land use category). The property to the west

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has the MU-1 zoning district (and the Mixed-Use Low-Intensity (MUL) land use category), and is the site of the retention pond for the Walgreens drug store (MU-1 zoning district and the MUL land use category) located on the northeast corner of NW 39th Avenue and NW 13th Street.

See Table 1 on Page 7 for a tabular summary of adjacent existing uses and adjacent zoning and land use categories.

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 MU-1 is consistent with the City's Comprehensive Plan and supports infill and redevelopment.
- This proposed MU-1 zoning will broaden the range of permitted uses of the property and is supportive of economic development.
- The proposed MU-1 zoning is consistent with the MU-1 zoning that is adjacent to the west.

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 MU-1: 8—30 units/acre mixed use low intensity district is consistent with Future Land Use Element Policy 1.2.3, 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 MU-1 zoning for this location is consistent with Transportation Mobility Element Policy 10.2.5 (in Exhibit A-1). Policy 10.2.5 encourages redevelopment within one-quarter mile (1,320 feet) of designated Transit-Supportive Areas. The subject property of this petition is within 600 feet of the Exchange Center (shopping center that comprises the northwest quadrant of the intersection of NW 13th ST and NW 39th Avenue), which is a designated Transit-Supportive Area (see Exhibit B-5 for a map). The proposed rezoning is consistent with the Comprehensive Plan.

Future Land Use Element

Policy 1.2.3 The City should encourage mixed-use development, where appropriate.

2. Conformance with the Land Development Code

The proposed rezoning to MU-1 will implement the Mixed-Use Low-Intensity land use category proposed by Petition PB-14-20 LUC. If redevelopment occurs, at the development plan stage,

any proposed development will be required to meet all of the Land Development Code requirements. As stated later in the report, there are no major environmental constraints on the property.

The MU-1 zoning district allows a mix of commercial, office, and residential uses up to a maximum of 30 units per acre. See Exhibit B-4 (Sec. 30-64 – Mixed-use low intensity district (MU-1)).

3. Changed Conditions

The property owner purchased this property in 2014 and plans to open a retail toy store on a site that has not previously been used for non-residential purposes, according to City of Gainesville Budget and Finance Department records as of April 8, 2015. This use is not allowed under the current OR zoning, but it is a permitted use under the requested MU-1 zoning.

4. Compatibility

The proposed mixed use low intensity zoning is compatible with the adjacent properties to the east (OR zoning district, Office land use category) and west (MU-1 zoning district, MUL land use category) along NW 39th Avenue, and with the surrounding area. The introduction of non-residential uses for this property will allow for a greater range of redevelopment and infill opportunities at this location near (approximately 360 feet to the east) the intersection of two, four-lane arterial roadways. The MU-1 zoning district (and MUL land use category) is on three of the four corners of the intersection of NW 39th Avenue and NW 13th Street, which has a CVS drug store with PD (Planned development district) zoning and the PUD (Planned Use District) land use category at its northwest corner. The northeast corner is the site of a Walgreen's drug store; a gas station with convenience store is at the southeast corner; and a shopping center (the Exchange Center) is at the southwest corner of this major intersection.

Compatibility with the low-density residential property (RMF-5 zoning district, RL land use category) to the north, and with the multiple family medium-density residential property to the east (RMF-6 zoning district, RM land use category) will be assured by meeting all applicable requirements of the Land Development Code. Note that the MU-1 zoning district (see Exhibit B-4), as stated in Sec. 30-64 (a) of the Land Development Code, "is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other."

See Table 1 on Page 7 of this document for a tabular summary of adjacent existing uses and adjacent land use and zoning categories. See Exhibit B-1 for an aerial photograph, which shows the outlined property along the NW 39th Avenue corridor east of NW 13th Street. As noted in the Description section of this report, Exhibits B-2 and B-3 show existing and proposed land use.

5. Impacts on Affordable Housing

The proposed rezoning may have a minimal positive impact on the supply of potential affordable housing in the City. The maximum density of 20 units per acre allowed by the existing OR

zoning allows up to 6 residential units on this 0.33-acre property, and the proposed MU-1 zoning allows up to 30 units/per acre, or 9 residential units, for a net increase of 3 residential units.

Transportation

There are no major transportation issues associated with the proposed rezoning of this developed property. The site is located within Zone B of the Gainesville Transportation Mobility Program Area (TMPA) and is proximate to (within 600 feet) The Exchange Center (located at the northwest corner of the intersection of NW 13th ST and NW 39th AVE), which is designated as a transit-supportive area by the Transportation Mobility Element (see Policy 10.2.5 in Exhibit A-1, and see Exhibit B-5 for a map of Existing Transit Hubs & Transit-Supportive Areas).

The net increase in trip generation for the toy store use anticipated by the applicant is 12 average daily trips (ADT) and one PM peak hour trip in comparison to the trip generation of the existing single-family house. At the time of development plan review, this 0.33-acre property will be subject to the Zone B requirements of Policy 10.1.5 and 10.1.6 (see Exhibit A-1) of the Transportation Mobility Element. The property is served by NW 39th Avenue (State Road 222, a 4-lane arterial roadway that is part of the Strategic Intermodal System (SIS)), which has bike lanes and sidewalks on both sides.

The site is currently served by RTS Routes 15 and 39. Route 15 (Downtown Station to NW 13th ST (at NW 23rd Ave)) provides service along NW 39th Avenue between NE 15th ST and NW 13th ST every 30-60 minutes on weekdays and every 60 minutes on weekends. Route 39 (Santa Fe College to Airport) provides service along NW 39th Avenue every 60 minutes on weekdays and no service on weekends.

RTS Route 41 (Beaty Towers to N. Walmart Supercenter) provides service along nearby NW 13th ST (approximately 360 ft. to the west of the site) every 32-72 minutes on weekdays and no service on weekends.

Environmental Impacts and Constraints

This petition is limited to rezoning a developed property that is located in FEMA Flood Zone X (outside of the 100-500 year floodplain).

The City's Environmental Coordinator reviewed the subject parcel located at 1220 NW 39th Avenue for any natural resource characteristics or environmental issues which would be regulated pursuant to Land Development Code sections 30-300 and 30-310. No regulated surface waters/wetlands or natural and archaeological resources are present on or immediately adjacent to the subject parcel. The parcel falls within the tertiary zone of the Murphree Wellfield and would be subject to applicable regulations under the Alachua County Murphree Wellfield Protection Code, administered by the Alachua County Environmental Protection Department. The types of uses or facilities regulated in the tertiary zone which might occur on the subject property are existing or new wells, or non-residential septic tanks. The City data base shows no records of wells or septic tanks, but the permitting agencies for these types of facilities which would have official records are the Florida Department of Environmental Protection and the Alachua County Health Department. As City water and sewer are available

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to the property, no new wells or non-residential septic tanks would be expected to be proposed. Otherwise, the proposed use of the property would not be expected to be affected by the wellfield protection regulations. This property will be subject to review by environmental staff at the time of development plan review.

Respectfully submitted,


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Principal Planner



Prepared by: Dean Mimms, AICP
Lead Planner

Table 1**Adjacent Existing Uses**

North	Single-family residence
South	Multi-family residential across NW 39 th AVE
East	Vacant land
West	Stormwater pond

Adjacent Zoning and Land Use and Zoning

	Land Use Category	Zoning Category
North	RL - Residential Low-Density (up to 12 units per acre)	RMF-5 (Residential low density, 12 units per acre)
South	NW 39th Avenue (State Road 222, arterial roadway), then RM - Residential Medium-Density (8-30 units per acre)	RMF-7 (Multiple-family medium-density residential, 14-21 units per acre)
East	NW 12 th Drive, RM - Residential Medium-Density (8-30 units per acre) & O - Office	NW 12th Terrace (local street), then RMF-6 (Multiple-family medium-density residential, 8-15 units per acre) and OR (20 units/acre office residential district)
West	MUL - Mixed-Use Low-Intensity (8-30 units per acre)	MU-1 (8-30 units/acre mixed use low intensity district)

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 Sec. 30-64 – Mixed-use low intensity district (MU-1)

Exhibit B-5 Map: Existing Transit Hubs & Transit-Supportive Areas

Appendix C Application Package

Exhibit C-1 Rezoning Application