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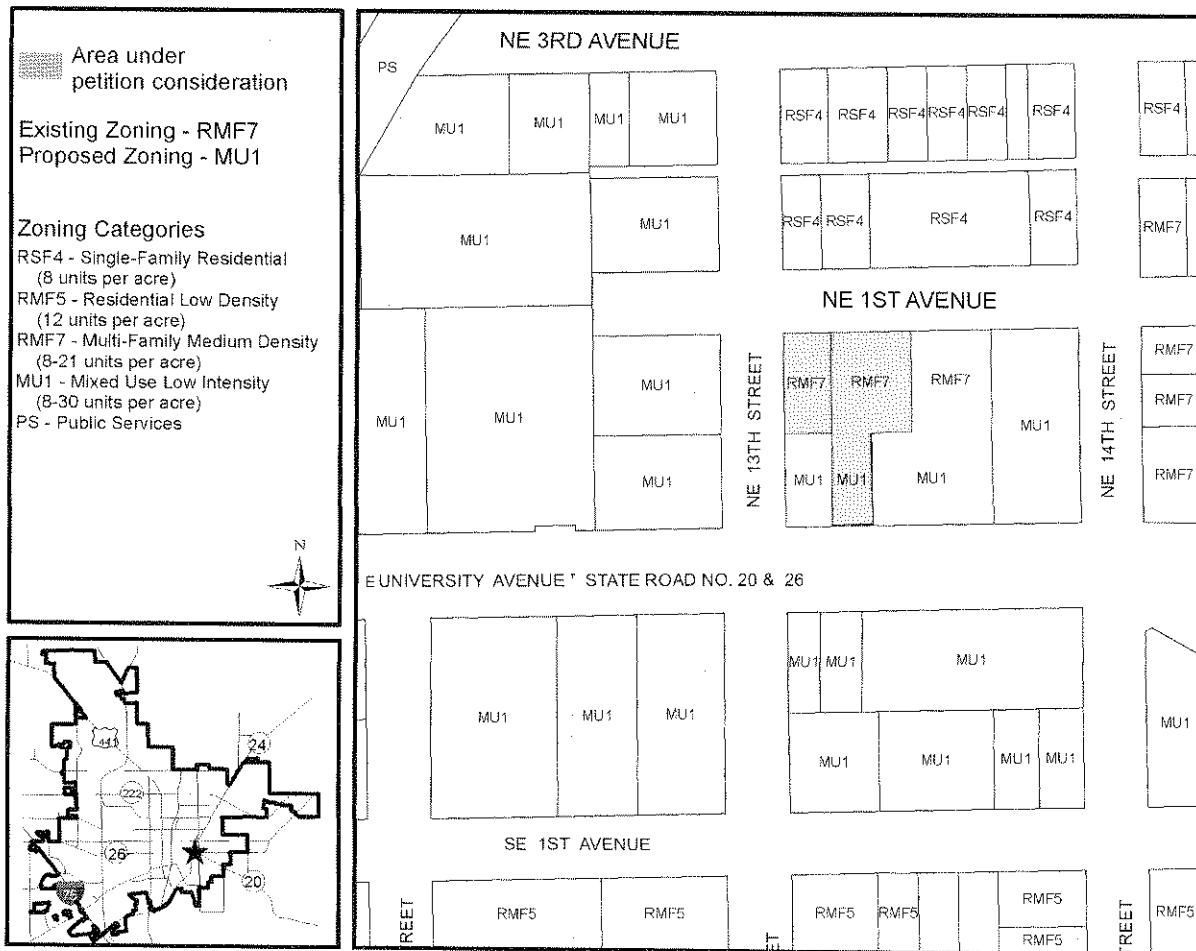
TO: City Plan Board **Item Number: 2**

FROM: Planning & Development Services Department **DATE: January 27, 2011**
Staff

SUBJECT: Petition PB-10-119 ZON. Brown & Cullen, agent for Chowdhury & Kadery. Rezone property from RMF-7 (8-21 units/acre multi-family residential district) to MU-1 (8-30 units/acre mixed use low intensity district). Located at 1308 E. University Avenue & 13 Northeast 13th Street. Related to PB-10-118 LUC.

Recommendation

Staff recommends approval of Petition PB-10-119 ZON.



Description

This request is to change the zoning from RMF-7 (8-21 units/acre multi-family residential district) to MU-1 (8-30 units/acre mixed use low intensity district) on the subject property, which consists of two parcels. Parcel 11525 is located at 1308 E. University Avenue. It is approximately 0.41 acres in size and has split land use designations of Mixed Use-Low (MUL) and Residential-Medium (RM). The parcel has split zoning designations of MU-1 (8-30 units/acre mixed use low intensity district) and RMF-7 (8-21 units/acre multi-family residential district). The parcel is developed with a convenience store, an internet café and parking. The building is primarily located on the MU-1 portion of the parcel, but the northern section of the building extends approximately 50 feet into the RMF-7 portion of land, which creates a non-conformity. Several parking spaces are also located on the residential side of this property. The commercial uses are nonconforming uses in the RM land use category and RMF-7 zoning district, but are allowed uses by right in the proposed MUL land use category and MU-1 district.

Parcel 11526 is a vacant property of approximately 0.18 acres, located at 13 N.E. 13th Street. The parcel has RM land use and RMF-7 zoning. Although this parcel is vacant, an unpaved secondary access into the developed parcel 11525 does exist. However, this is not permitted in accordance with section 30-56(a) of the Land Development Code, which concerns general provisions for residential districts. No residential zoned land shall be used for driveway access into land with nonresidential zoning.

This petition is related to land use petition PB-10-118 LUC, which would amend the land use on both parcels from RM to MUL. The zoning on the developed parcel 11525 is RMF-7 and MU-1; only the portion that is currently RMF-7 would change to the MU-1 zoning. This land use change and subsequent zoning change is requested to establish a conforming use on what is now the RM/RMF-7 portion of the property. These amendments would also provide for the opportunity to install a secondary entrance into the rear parking area from N.E. 13th Street, and eliminate the split land use and zoning of the developed property.

Both the existing RMF-7 zoning and the proposed MU-1 zoning allow 8 to 30 dwelling units per acre for residential development. The MU-1 does allow for a variety of non-residential uses, as well as residential use, which increases the viability of any redevelopment efforts on these properties in the future, in accordance with the Five Points Special Area Plan and the Southeast Gainesville Renaissance Initiative (SEGRI).

Please see the map on page 1 for the subject property with the existing and surrounding zoning districts, and Appendix C for the full map series.

Key Issues

- The proposed rezoning is consistent with the Comprehensive Plan, as discussed below in “1. Conformance with the Comprehensive Plan.”
- Section 30-67(f) prohibits access for nonresidential use from a street that has RSF-1-4 immediately across such street.

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- This petition would help to clear up a non-conforming situation. The building on the developed property is partially located on the RMF-7 zoned portion of land, as well as some of the vehicular use area.
- Property is in the Five Points and SEGRI redevelopment areas, which promote redevelopment of the Five Points Town Center with high-quality urban design.
- If MU-1 zoning abuts single-family, the density of the residential portion of a mixed-use development is limited to the density of RMF-6 within 100 feet of the property line.

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 zoning change is consistent with Gainesville's Comprehensive Plan. Objective 4.2 and Policy 4.2.1 are adequately met by this petition because a number of protections are in place to limit any negative impacts on the existing, low-density residential area that lies to the north of the subject property.

Objective 4.2 The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.

Policy 4.2.1 The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and tree canopy.

The list of other applicable comprehensive plan policies is located in Appendix A.

The petition site is located within Zone A of the City's Transportation Concurrency Exception Area (TCEA), which is intended to promote redevelopment and infill in the eastern portion of the city. At the time of any type of development plan review, the proposal will be required to meet the standards of Policy 1.1.4 of the Concurrency Management Element because of the Zone A location. Comprehensive plan land use amendments within transportation concurrency exception

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areas are deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.

In the case of any future development or redevelopment proposal, the proposed land use amendment will not adversely impact adopted levels of service for potable water, wastewater, solid waste, and recreation. Stormwater management is addressed at the time of development plan review.

2. Conformance with the Land Development Code

As noted earlier, the vacant parcel 11526 provides an unpaved secondary access into the developed parcel. However, this is not permitted in accordance with section 30-56(a) of the Land Development Code, which concerns general provisions for residential districts. No residential zoned land shall be used for driveway access into land with nonresidential zoning. This rezoning to MU-1 would allow for the establishment of a legal, paved access into the developed parcel.

This proposed zoning change promotes infill development. The property is located within the Five Points Special Area Plan area, which is intended to redevelop the Five Points Town Center area into a neighborhood center. The MUL land use and MU-1 zoning category more easily allow for development projects that combine retail uses with residential units.

3. Changed Conditions

Recent complaints about access to the business on the subject property from N.E. 13th Street have prompted the proposal to change the land use and zoning. Part of the illegal access into the subject property from N.E. 13th Street is just north of a convenience store at 1304 East University Avenue and may partially be on this property. There is no intention to immediately redevelop the subject property with the exception of a secondary entrance into the property from N.E. 13th Street.

4. Compatibility

The subject parcels are located on the southeast corner of N.E. 13th Street and N.E. 1st Avenue, a block north of East University Avenue and west of N.E. 14th Street. To the north of the parcels are properties with RL, Residential Low-Density (up to 12 units per acre) land use and RSF-4 (8 units/acre single-family residential district) zoning. These properties include two single-family homes and a vacant property. To the east is RM designated land that is part of a split land use parcel that also has MUL land use, as well as RMF-7 and MU-1 zoning. This is a strip commercial shopping center with a vehicular use area in the rear. To the south across East University Avenue are properties with MUL land use and MU-1 zoning, including miscellaneous vehicles and a retail auto parts store. To the west of the subject site are MUL and MU-1 designated land, including an automobile repair business and vacant land (See Table 1).

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There is no intention to immediately redevelop the property with the exception of a secondary entrance into parcel 11525 from N.E. 13th Street. There should be no compatibility issues with the surrounding land uses. However, redevelopment of this property could occur in the future, and this would be in conformance with the goals of the Five Points Special Area Plan, SEGRI, and the Eastside Community Redevelopment Area concerning redevelopment on the east side of the community. The MUL land use and subsequent MU-1 zoning would allow a mixture of residential and neighborhood-level retail and service uses that are appropriate for the area. The blocks to the west and south of the subject parcels are MUL and MU-1. The property to the east is split with MUL and RM land use.

The MU-1 zoning district is designed to encourage compatible commercial, office, service and residential developments that benefit from close proximity to each other. In accordance with this objective, Section 30-64(c) (1) under the MU-1 zoning district provisions states that if MU-1 zoning abuts a single-family residential zoning district, the density of the residential portion of the mixed-use development is limited to the density of the RMF-6 (8-15 units/acre multi-family residential district) zoning district, within 100 feet of the property line. Also, under general provisions for business and mixed-use districts, Section 30-67(f) states that where a nonresidential parcel in any mixed-use or business district abuts more than one street, access from either street is permitted only if no property in the RSF-1 through RSF-4 zones or RC (12 units/acre residential conservation district) district lies immediately across the street from such mixed-use or business district. If the subject parcels are amended to MUL and MU-1, they would not be allowed vehicular access onto N.E. 1st Avenue due to this code provision.

The Five Points plan requires new buildings to be a minimum of two stories in height. The MUL land use category and the MU-1 zone allow a building up to five stories in height.

The number of residential units that could potentially be built could actually be less with this proposal. Section 30-64(c)(1) under the MU-1 zoning district provisions states that if MU-1 zoning abuts a single-family residential zoning district, the density of the residential portion of the of the mixed-use development is limited to the density of the RMF-6 (8-15 units/acre) zoning district, within 100 feet of the property line. This maximum density is less than the existing RMF-7 maximum density (8-21 units/acre). With approximately 0.47 acres of RM/RMF-7 designated land, the current RMF-7 zoning would allow up to 10 residential units ($0.47 \text{ ac} \times 21 = 9.87$). The RMF-6 zoning would allow up to 7 residential units ($0.47 \text{ ac} \times 15 = 7.05$).

5. Impacts on Affordable Housing

This proposed zoning change will not have an impact on affordable housing. Residential development can occur with the existing land use/zoning designations as well as the proposed land use/zoning designations.

Transportation

The proposed zoning change would allow for more potential uses on the property, which could mean more trips generated. The property is located within Zone A of the City's Transportation

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Concurrency Exception Area (TCEA), which is intended to promote redevelopment and infill in the eastern part of the City. Any future development or redevelopment would have to comply with the provisions of Policy 1.1.4 of the Concurrency Management Element. There is no direct access to a bus route along this section of East University Avenue. The creation of a legal secondary access into the developed parcel will help to improve traffic circulation into and out of the parcel. Please see the petitioner's comprehensive plan amendment and rezoning report for level of service impacts in Appendix C of Petition PB-10-118 LUC.

Environmental Impacts and Constraints

There are no major environmental issues concerning the subject property. The developed parcel is already considered urban land. A portion of the subject property is within the 100-year floodplain, and any improvements to the site will have to comply with the applicable floodplain regulations. Stormwater management is addressed at the time of development plan review and the property is not in the Wellfield District.

Please note that tax parcel 11525 lists as the owners Chowdhury and Chowdhury, as shown in the Alachua County Property Appraiser records. Parcel 11526 lists the property owners as Chowdhury and Kadery. These are the same people. It is understood that the second Mr. Chowdhury petitioned for and received an official name change from Chowdhury to Kadery on May 19, 2005. The supporting documentation of the name change is shown in Appendix C.

Respectfully submitted,



Onelia Lazzari
Principal Planner

Prepared by:



Jason Simmons
Planner

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Table 1

Adjacent Existing Uses

North	Single-family residential
South	Miscellaneous vehicles, retail auto parts store
East	Strip commercial
West	Convenience store

Adjacent Zoning and Land Use

	Zoning Category	Land Use Category
North	RSF-4	RL
South	MU-1	MUL
East	MU-1, RMF-7	MUL, RM
West	MU-1, RMF-7	MUL, RM

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List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Future Land Use Element

Appendix B Land Development Code

Exhibit B-1 Mixed-Use 1 purpose and objectives

Exhibit B-2 Five Points Special Area Plan

Appendix C Supplemental Documents

Exhibit C-1 Existing Zoning Map

Exhibit C-2 Proposed Zoning Map

Exhibit C-3 Aerial Map

Exhibit C-4 Petition for Name Change

Appendix D Application and Neighborhood Workshop information

Exhibit D-1 Land Use and Zoning Application

Exhibit D-2 Neighborhood Meeting information