

Item No. 9

Date: October 20, 2005

To: City Plan Board
From: Planning Division Staff
Subject: Petition 146ZON-05 PB. Causseaux & Ellington, Inc., agent for Joanne Schackow. Rezone property from I-1 (Limited industrial district) to BUS (General business district). Located at 309 Northeast 39th Avenue. Related to Petition 145LUC-05 PB.

Recommendation

Staff recommends approval of Petition 146ZON-05 PB.

Explanation

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

Properties to the east and west are zoned BA (Business Automotive). The property to the south is zoned I-1 (Limited Industrial). Property to the north is zoned BA and BUS (General Business).

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

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.

Because the character of nearby properties is compatible and because the property is within a Wellfield Protection Zone, a BUS zoning is preferable for the subject property rather than the industrial zoning the property now has.

Character of the District and Suitability

BUS zoning is more compatible with most of the adjacent properties, and is more suitable than industrial zoning, considering the wellfield zone it is within.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

Business uses are appropriate in this location.

Applicable Portions of Current City Plans

There are no City plans for this area.

Needs of the City for Land Areas for Specific Purposes to Serve Population and Economic Activities

There is no significant need on the part of the City for additional BUS zoning in this location.

Whether there have been Substantial Changes in the Character or Development of Areas In or Near Area Under Consideration

There have been no recent developments, or changes to land use or zoning in the vicinity.

Applicable Policies from the Gainesville Comprehensive Plan

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

- 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.

Applicant Information	Causseaux & Ellington, Inc., agent for Joanne Schackow.
Request	Rezone property from I-1 (Limited industrial district) to BUS (General business district).
Existing Land Use Plan Classification	IND
Existing Zoning	I-1 (Limited Industrial)
Purpose of Request	To increase flexibility in use of the property for office, commercial and other non-industrial activity.
Location	Located at 309 Northeast 39 th Avenue.
Size	1.25 acres
Existing Use	Vacant building

Surrounding Uses

North	Car dealer, carpet store
South	Car dealer (auction)
East	Vacant convenience store/gas station
West	Car dealer

Surrounding Controls

	Zoning	Land Use
East	BA (Business Automotive)	Commercial
South	I-1 (Limited Industrial)	Industrial
West	BA (Business Automotive)	Commercial
North	BA & BUS (General Business)	Commercial

Summary

The proposed zoning change from I-1 (Limited industrial district) to BUS (General business district) meets the applicable requirements of the land development code, is consistent with the 2000-2010 Gainesville Comprehensive Plan, and is recommended for approval.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RW:DM:DN

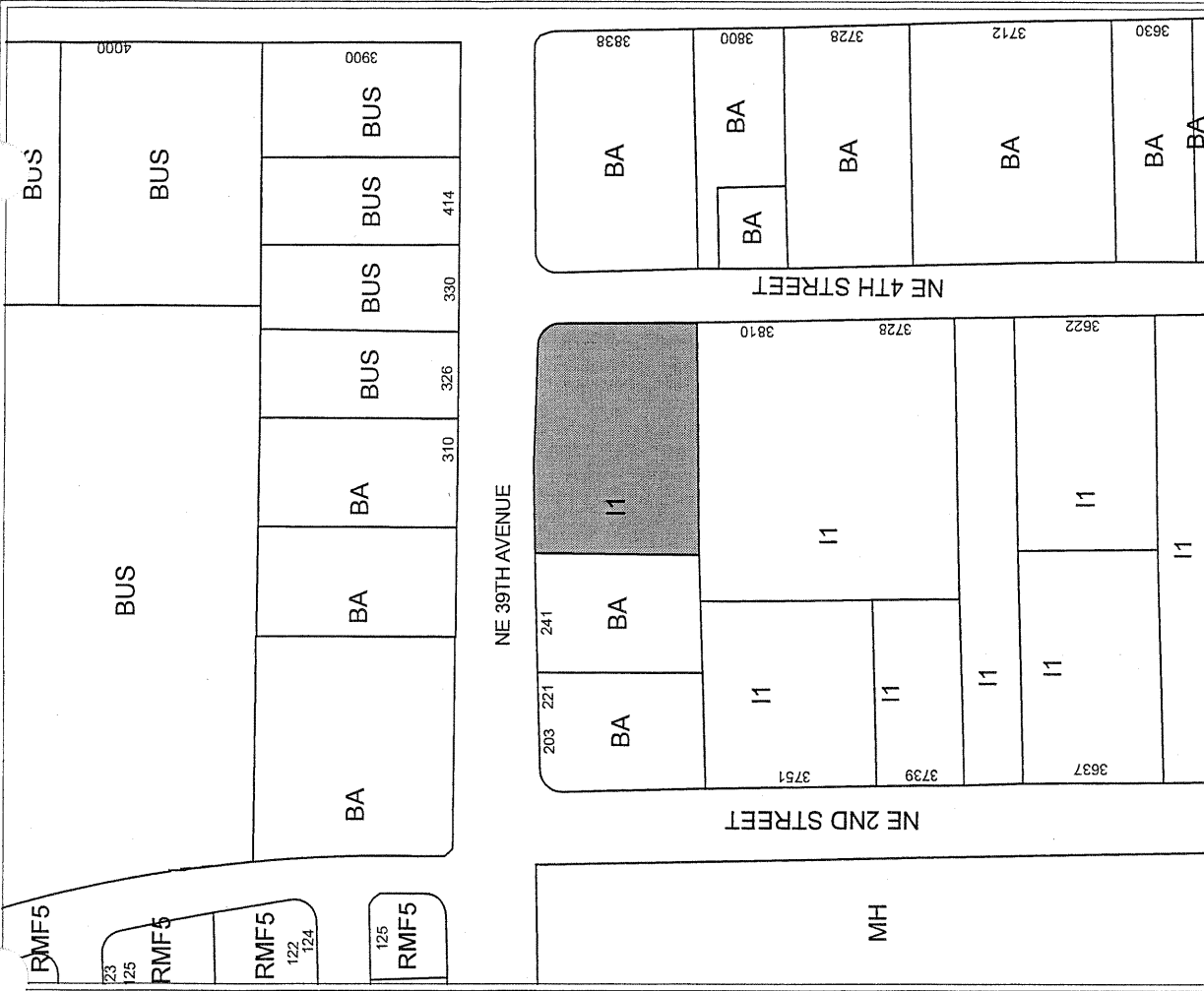
Attachment

Zoning Districts

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

- Historic Preservation/Conservation District
- Special Area Plan
- Division line between two zoning districts
- City Limits

Area under petition consideration



EXISTING ZONING

Name	Petition Request	Map(s)	Petition Number
Causseaux & Ellington, Inc., agent for Johanne Schackow	From I1 to BUS	3552	146ZON-05PB



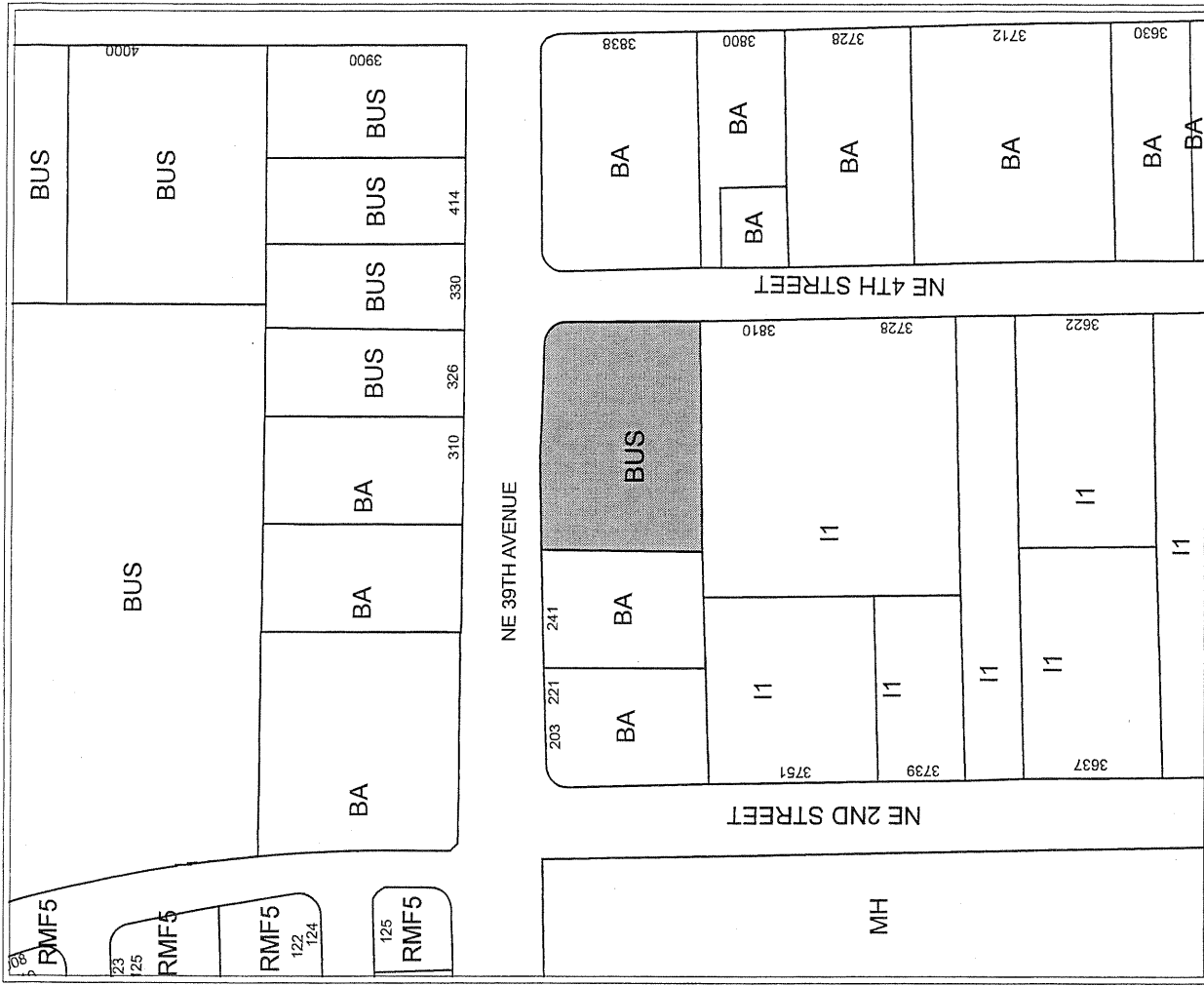
No Scale

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PROPOSED ZONING

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No Scale

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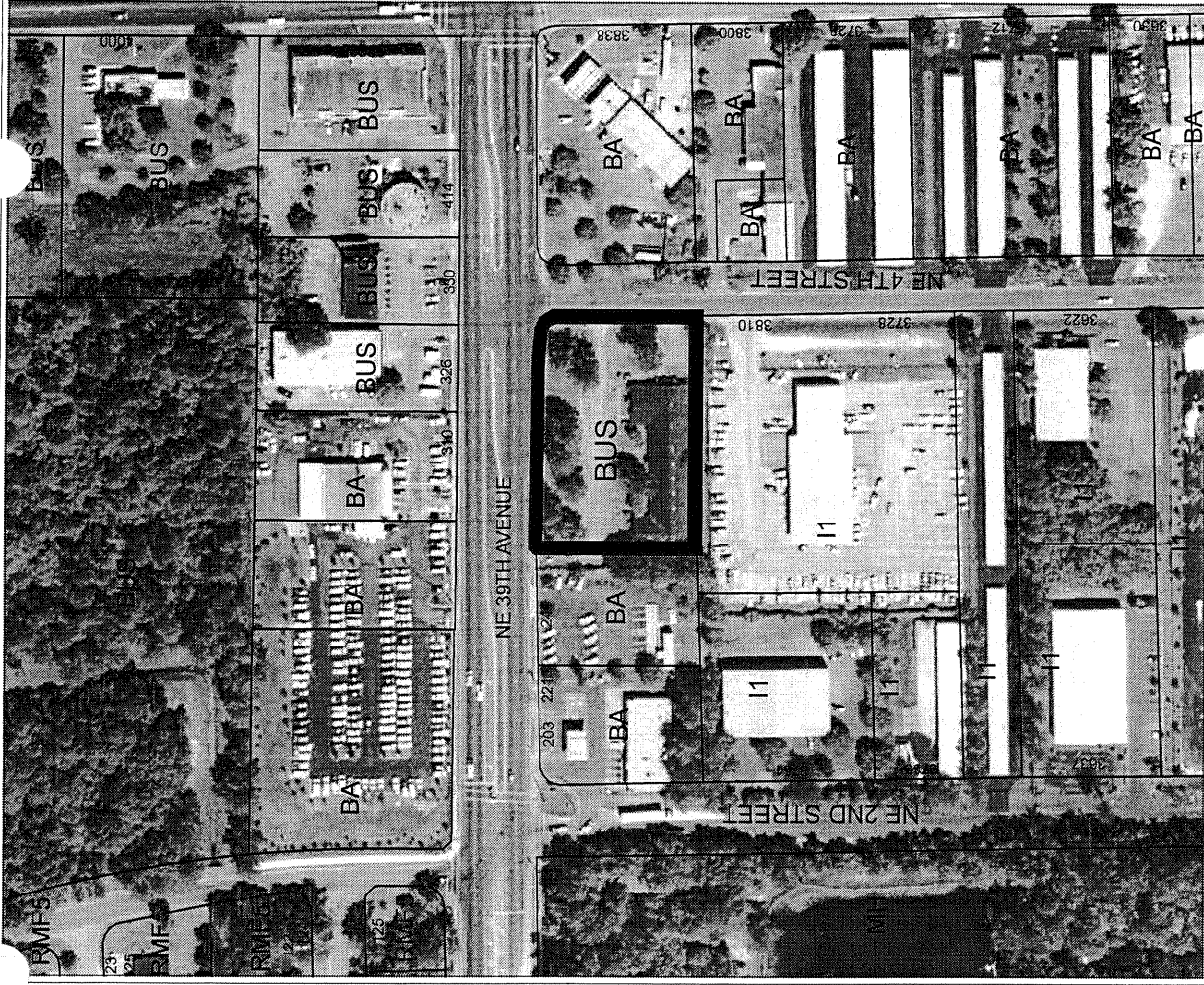
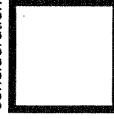
Historic Preservation/Conservation District

Special Area Plan

Division line between two zoning districts

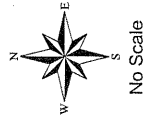
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No Scale

Legislative Matter #050489

9. **Petition 146ZON-05 PB** Causseaux & Ellington, Inc., agent for Joanne Schackow. Rezone property from I-1 (Limited industrial district) to BUS (General business district). Located at 309 Northeast 39th Avenue. Related to Petition 145LUC-05 PB.

Discussed with Petition 145LUC-05 PB.

<u>Motion By:</u> Mr. Reiskind	<u>Seconded By:</u> Mr. Polshek
<u>Moved to:</u> Approve Petition 146ZON-05 PB.	<u>Upon Vote:</u> Motion Carried 4 – 0 Ayes: Cohen, Polshek, Reiskind, Cole