

TO: City Plan Board

Item Number: 1

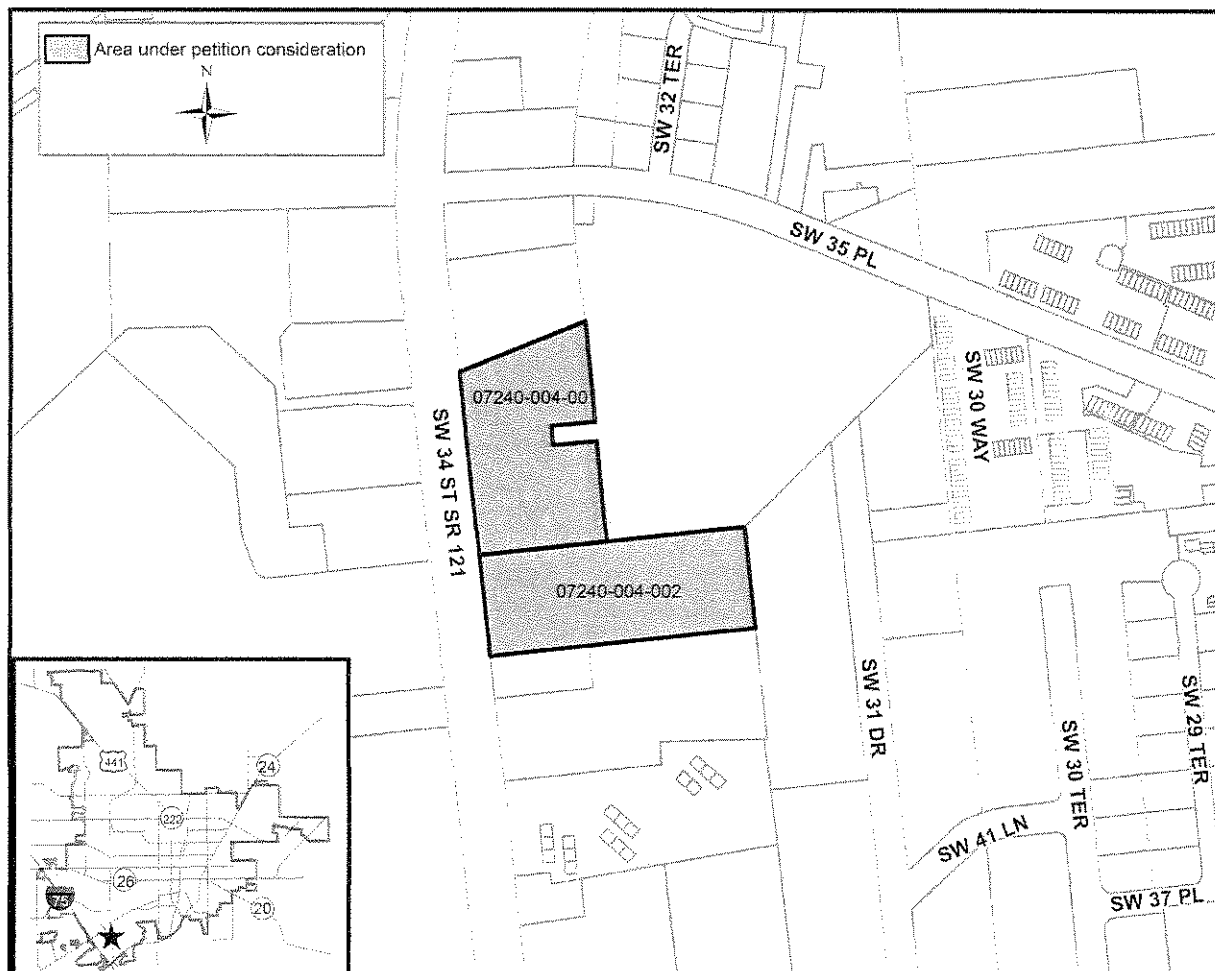
FROM: Planning & Development Services Department
 Staff

DATE: December 2,
 2013

SUBJECT: Petition PB-13-106 ZON. Causseaux, Hewett and Walpole, Inc., agent for Mallory Square Apartments LTD. Rezone property from PD (Planned development district) to MU-1 (8-30 units/acre mixed use low intensity). Located in the 3500-3800 block of SW 34th Street, east side.

Recommendation

Staff recommends approval of Petition PB-13-106 ZON.



Description

This undeveloped, approximately 8-acre property (see map on previous page) is on the east side of SW 34th Street (a six-lane roadway also known as State Road 121) between SW 35th Boulevard and SW 39th Place. Planned development district (PD) zoning for the Mallory Square Planned Development was approved in 2008 by Ordinance No. 070621 for a mixed use development of up to 122 residential units (plus 2,000 square feet of related office space), and 30,000 square feet of nonresidential uses. Subsequent to the execution of a TCEA Zone C agreement for this development, the property owner requested that the TCEA mitigation fee be returned and that the TCEA agreement be nullified. Those requests were met by the City, and the development order approved by adoption of the PD ordinance has expired. The owner, Mallory Square Apartments Limited, through its agent is now requesting that the property be rezoned to MU-1 (8-30 units/acre mixed use low intensity). The application is limited to rezoning, and the applicant has stated in the application packet that currently “there are no definitive plans for development” (see Statement of Proposed Change (Page 2 of Justification Report) in Exhibit C-1 (SW 34th Street Rezoning – Application Packet)).

This proposed rezoning, if approved, will facilitate future non-residential and/or residential infill development of this undeveloped property that is less than one half-mile from Archer Road and Butler Plaza, and is surrounded by developed areas. To the north is a small shopping center along SW 34th Street and to the north and east is an apartment complex on the south side of SW 35th Place. An apartment complex and a residential treatment facility are to the south, and commercial development and an undeveloped property are to the west, across SW 34th Street. BUS (General business district) and RMF-8 (8-30 units per acre) zoning are to the north and west, and RMF-8 zoning is to the south and east. See Table 1 (on Page 6 of this staff report) for additional information.

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps illustrating the existing and proposed zoning. Exhibit C-1 is the application packet. Also see Exhibit B-5 (Memorandum from City of Gainesville Environmental Coordinator) regarding the environmental characteristics of this property.

Key Issues

- The proposed rezoning to MU-1 (8-30 units/acre mixed use low intensity) is consistent with the City’s Comprehensive Plan and will implement the existing MU-L (Mixed-Use Low-Intensity (8-30 units per acre)) land use category.
- The Planned development district (PS) zoning has expired and the property must be rezoned.

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 is fully consistent with the existing MU-L land use category. The proposed rezoning is also consistent with City of Gainesville Future Land Use Element Policy 4.1.1 (Mixed-Use Low-Intensity (8 to 30 units per acre) below. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies, including Objective 4.7 and applicable policies of the Idylwild-Serenola Special Area.

Future Land Use Element

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

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Mixed-Use Low-Intensity (8-30 units per acre)

This category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses, and traditional neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood Development (TND) ordinance. Residential development shall be limited to 8 to 30 units per acres. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may be increased to a maximum of 8 stories by special use permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest (or no) front setbacks.

2. Conformance with the Land Development Code

The proposed rezoning to MU-1 will implement the existing Mixed-Use Low-Intensity (8-30 units per acre) land use category on this property. The MU-1 zoning district allows for residential uses from 8-30 units per acre and a broad range of nonresidential uses. The MU-1 zoning district regulations are in Exhibit B-4.

At the development plan stage, any proposed development will be required to meet all applicable requirements of the Land Development Code, including compliance with the Land Development

Code requirements of Division 4 – Regulated Natural and Archaeological Resources, and Subdivision III - Surface Waters and Wetlands District.

3. Changed Conditions

The major changed condition of this undeveloped property is the expiration of the Planned development district (PD) zoning that was approved by Ordinance No. 070621 in 2008. This ordinance (along with the associated TCEA Zone C Agreement) was voluntarily nullified by the property owner on February 25, 2009. The property therefore needs to be rezoned.

4. Compatibility

The proposed MU-1 zoning is compatible with adjacent properties and the surrounding area, which consists of both multiple-family residential and nonresidential development. See Table 1 on Page 6 of this staff report for a tabular summary of adjacent existing uses and adjacent zoning and land use categories. As noted in the Description section of this report, see Exhibit B-1 for the aerial photograph, and Exhibits B-2 and B-3 for maps of the existing and proposed zoning for this 8-acre property and the surrounding area.

5. Impacts on Affordable Housing

The proposed MU-1 zoning allows for a maximum residential density of 30 units per acre which may allow up to 240 dwelling units on the property.

The proposed rezoning of this undeveloped property has the potential to have a positive impact on the supply of affordable housing in Gainesville.

Transportation

There are no major transportation issues associated with this proposed zoning change. The property is served by S.W. 34th Street (State Road 121), a major six-lane arterial with bike lanes and sidewalks on both sides. (The property also connects by way of a driveway system to SW 35th Place.)

The property is served by RTS Routes 12 (Reitz Union to Butler Plaza), 35 (Reitz Union to SW 35th Place), and 36 (The Hub to SW 34th ST Post Office). Route 12 provides service Monday to Friday every 10, 20, or 23 minutes between 6:43 AM and 2:43 AM, and provides more limited service on weekends. Route 35 provides Monday through Friday service every 10, 22, or 23 minutes between 7:03 AM and 1:47 AM, with more limited service Saturdays and Sundays. Route 36 provides service every 30 minutes Monday through Friday from 7:20 AM until 5:50 PM, and does not provide weekend service.

The property is located within Zone C of the Gainesville Transportation Mobility Program Area (TMPA). At the time of development plan review, this 8-acre property will be subject to the Zone C requirements of Policy 10.1.7 of the Transportation Mobility Element (see Exhibit A-1, Comprehensive Plan GOPs).

Petition PB-13-106 ZON
December 2, 2013

Environmental Impacts and Constraints

The November 13, 2013 memorandum (Exhibit B-5) from the City's Environmental Coordinator describes the environmental characteristics and constraints of this property. A regulated surface water/wetland area is located in the northeast corner of the property and an environmentally significant area of natural upland forest (mesic hammock) that includes the Florida spinypod (*Matelea floridana*), which is a listed plant species, is in the southeast part of the property.

Future development of the property will be required to comply with the conservation policies of the Comprehensive Plan, applicable Idylwild/Serenola Special Area policies, and current environmental regulations contained in Section 30-300 (Regulated Surface Waters and Wetlands), and Section 30-310 (Regulated Natural and Archaeological Resources) of the City's Land Development Code.

The majority of this property is outside of the 100-year Flood Zone, but a small area at the southeastern corner of the property is in FEMA Flood Zone A (100-year Flood Zone, no FEMA-determined elevation).

Respectfully submitted,



Onelia Lazzari, AICP
Principal Planner

Prepared by:



Dean Mimms, AICP
Lead Planner

Table 1**Adjacent Existing Uses**

North	Shopping center; apartment complex
South	Residential treatment facility; apartment complex
East	Apartment complex
West	Retail (consumer electronics and household appliances); credit union; undeveloped, wooded land

Adjacent Zoning and Land Use

	Land Use Category	Zoning Category
North	Commercial; Residential Medium Density	BUS (General business district); RMF-8 (8-30 units/acre multiple-family residential district)
South	Residential Medium Density	RMF-8 (8-30 units/acre multiple-family residential district)
East	Residential Medium Density	RMF-8 (8-30 units/acre multiple-family residential district)
West	Commercial; Residential Medium Density	BUS (General business district); RMF-8 (8-30 units/acre multiple-family residential 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 MU-1 zoning district regulations

Exhibit B-5 Memorandum from City of Gainesville Environmental Coordinator

Appendix C Application Package

Exhibit C-1 SW 34th Street Rezoning Application Packet