

TO: City Plan Board
FROM: Planning Department Staff
SUBJECT: Petition 125LUC-08PB. Eng, Denman & Associates, Inc., agent for FJD Realvestment, LLC. Amend the City of Gainesville Future Land Use map from Mixed-Use Medium-Intensity (MUM) to Commercial (C). Located at 2501 North Main Street. Related to Petition 126ZON-08 PB.

Recommendation

Planning Department staff recommends denial of Petition 125LUC-08PB.

Explanation

This petition is a small-scale land use amendment to change the 2000-2010 Future Land Use Map for the subject property from Mixed-Use Medium-Intensity (MUM) to Commercial.

The 2.43-acre subject property contains a commercial building that was formerly occupied by Ryan's Steakhouse and Florida Buffet. It has been vacant for approximately three years.

Please see the attached maps.

Compatibility and Surrounding Land Uses

The subject property is located on the east side of North Main Street just north of 23rd Avenue. Surrounding uses include Gator Automatic Transmission Service to the north; Wholesale Auto Brokers, New York Pizza Plus, Sherwin-Williams Paints, and one undeveloped parcel to the south; Main Street and the Winn-Dixie and Big Lots shopping center to the west; and undeveloped land to the east.

The compatibility of the proposal with surrounding future land use designations is questionable. If proposed land use change is approved, the subject property would be surrounded on all sides by land designated MUM. This would create a spot land use designation that would be different than all adjacent properties, an undesirable planning practice that staff wishes to avoid.

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Neighborhood Activity Centers

The City has designated certain areas (generally major intersections or employment centers) as neighborhood activity centers. They are intended to implement the principles of smart growth by attracting mixed-use, pedestrian-friendly development and redevelopment. The Future Land Use Data and Analysis chapter describes them as a planning tool for “incorporating more mixed use, designing for transportation choice, increasing high-quality residential densities in appropriate locations, revitalizing the downtown as a community-serving destination, creating a sense of place and a pleasant ambiance, building civic pride based on a unique local flavor, improving public schools, creating a choice in housing type and price, and enhancing the compatibility of uses that have traditionally been considered incompatible.” On the City’s future land use and zoning maps, neighborhood activity centers are implemented with mixed-use categories. Please see Exhibit 2, attached, for more information about neighborhood activity centers.

Reflecting this vision, the City has designated the unique node at North Main Street and 23rd Avenue as a neighborhood activity center. The subject property is one of 20 parcels on the north side of the intersection, representing approximately 30 acres, that have been designated with MUM land use and Mixed use medium intensity district (MU-2) zoning. This activity center is in a prime location and is of significant size to serve the neighborhoods of northeast Gainesville. There are several multi-family developments and single-family neighborhoods along the 23rd Avenue corridor to the east, some of which are walking distance from this neighborhood activity center. This area also has potential to serve as a destination for lunchtime and commuter traffic for the busy Main Street commercial corridor, and already supports several successful restaurant, commercial, and service establishments.

The established long-range vision of the City is to guide appropriate development toward neighborhood-serving activity centers, and staff’s recommendation for denial is intended in support of this vision. The Comprehensive Plan states that development in a neighborhood activity center in MUM is intended to serve as a “neighborhood center serving multiple neighborhoods” with a “compact, pedestrian environment”. Conversely, the Commercial land use category “identifies those areas most appropriate for large scale highway-oriented commercial uses” and does not allow for an integrated mix of uses. In following the wisdom of the decision to designate this area as a neighborhood activity center, staff concludes that the Commercial land use is incompatible.

Environmental Impacts and Constraints

This parcel does not contain wetlands and is located outside the FEMA floodplain.

This parcel falls within an area of Special Environmental Concern because of its proximity to the Koppers Superfund site. This overlay area is described in Sec. 30-207 of the City of Gainesville Land Development Code as follows:

This overlay is established for the purpose of protecting the immediate and long-term potable water supply by creating a procedure for projects going through development review in any area designated by the U.S.

through development review in any area designated by the U.S. Environmental Protection Agency as a superfund area, and that certain area adjacent to the superfund area...

This section specifies requirements for new development, including application for a development review permit and a wellfield special use permit, which requires approval by the City Commission. Copies of the permit application must also be submitted to federal, state, and county review agencies.

Reuse projects that do not involve the excavation of soil or the drilling of wells are exempt from the additional requirements that pertain to new developments.

Transportation

The subject parcels are located within TCEA Zone A of the Gainesville Transportation Concurrency Exception Area. Any new development will be required to meet the adopted roadway level of service standards or sign a Proportionate Fair-Share agreement for transportation concurrency.

Infill

As a vacant property located within an established commercial area, this site represents an infill opportunity.

Applicable Goals, Objectives and Policies of the Comprehensive Plan

(See also Exhibit 2 for excerpts from the Future Land Use Element Data & Analysis chapter regarding neighborhood activity centers.)

Future Land Use Element

Objective 1.3 Adopt land development regulations that guide the transformation of conventional shopping centers into walkable, mixed-use neighborhood (activity) centers.

Policy 1.3.1 When feasible, neighborhood centers should be designed to include a gridded, interconnected street network lined with street-facing buildings and buildings at least 2 stories in height.

Policy 1.3.2 Centers should be pleasant, safe, and convenient for pedestrians and bicyclists and contain a strong connection to transit service.

Policy 1.3.3 Centers should, to the extent feasible, contain a range of mixed land use types— preferably within a one-quarter mile area— including such uses as neighborhood-scaled retail, office, recreation, civic, school, day care, places of assembly and medical uses. The uses are compact, and vertically and horizontally mixed. Multiple connections to and from surrounding areas should be provided along the edges of a mixed-use area.

Policy 1.3.4 Centers should be designed so that densities and building heights cascade from higher densities at the core of mixed use districts to lower densities at the edges.

Policy 1.3.5 Parking lots and garages should be subordinated, and limited in size.

Objective 1.4 Adopt land development regulations that promote mixed-use development within the city.

Policy 1.4.4 In mixed-use zoning districts, the City should prohibit or restrict land uses that discourage pedestrian activity and residential use, including car washes, motels (hotels are acceptable), storage facilities, auto dealerships, drive-throughs, warehouses, plasma centers, and street-level parking lots.

Policy 4.1.1

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

...

Mixed-Use Medium-Intensity (12-30 units per acre) This category allows a mixture of residential, office, business and light industrial uses concentrated in mapped areas. This category shall also allow traditional neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood Development (TND) ordinance. Public and private schools, institutions of higher learning, places of religious assembly and community facilities shall be appropriate in this category. Such development shall function as neighborhood center serving multiple neighborhoods. It is not expected that these areas shall be expanded significantly during this planning period. Land development regulations shall ensure a compact, pedestrian environment for these areas; provide guidelines for the compatibility of permitted uses; and ensure that such areas do not serve overlapping market areas of other designated medium-intensity neighborhood centers. Residential development from 12 to 30 units per acre shall be permitted. 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 community facilities. Buildings in this land use category shall face the street and have modest (or no) front setbacks.

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; however, height may be increased to a maximum of 8 stories by special use permit.

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.

Policy 4.2.5 The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16th Avenue.

Petition Information

Applicant	Eng, Denman & Associates, Inc., agent for FJD Realvestment, LLC
Request	Amend the City of Gainesville Future Land Use Map from Mixed-Use Medium-Intensity to Commercial
Existing Land Use	Mixed-Use Medium-Intensity
Existing Zoning	Mixed use low intensity district (MU-2)
Purpose of Request	To change land use to allow for rezoning and redevelopment
Location	Approximately 400 feet north of the intersection of North Main Street and 23 rd Avenue
Existing Use	Vacant restaurant
Surrounding Uses	North: Gator Automatic Transmission Service South: Wholesale Auto Brokers, New York Pizza Plus, Sherwin-Williams Paints, and one undeveloped parcel West: Main Street; shopping center including Winn-Dixie and Big Lots East: Undeveloped land

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Surrounding Controls

	<u>Future Land Use</u>	<u>Zoning</u>
North:	Mixed-Use Medium-Intensity (MUM)	Mixed use Medium intensity (MU-2)
East:	Mixed-Use Medium-Intensity (MUM)	Mixed use Medium intensity (MU-2)
South:	Mixed-Use Medium-Intensity (MUM)	Mixed use Medium intensity (MU-2)
West:	Mixed-Use Medium-Intensity (MUM)	Mixed use Medium intensity (MU-2)


Summary

This petition requests a land use change from Mixed-Use Medium-Intensity to Commercial. The intention behind the change is to stimulate redevelopment of a site that currently contains a restaurant that has been closed for several years. The related rezoning petition (126ZON-08PB) requests a change from Mixed use medium intensity (MU-2) district to Automotive-oriented business (BA) district.

While it is true that the City's Comprehensive Plan designates North Main Street as the desired location for automotive sales businesses, it is also true that the land around this intersection – including on all sides of the subject property – has been given the land use and zoning designations consistent with a neighborhood activity center. These designations are part of a long-term strategy by the City of Gainesville to bring vibrant, walkable development to the area around key intersections. The MUM land use calls for a “compact, pedestrian environment”, and staff supports remaining consistent with this long-term vision.

It is staff's position that the requested land use change would be inconsistent with the existing surrounding land use designations, as well as the City's intentions regarding the character of development in neighborhood activity centers. Therefore, the staff recommendation for petition 125LUC-08PB is for denial.

Respectfully Submitted,



Ralph Hilliard
Planning Manager

RH:DM:SBN

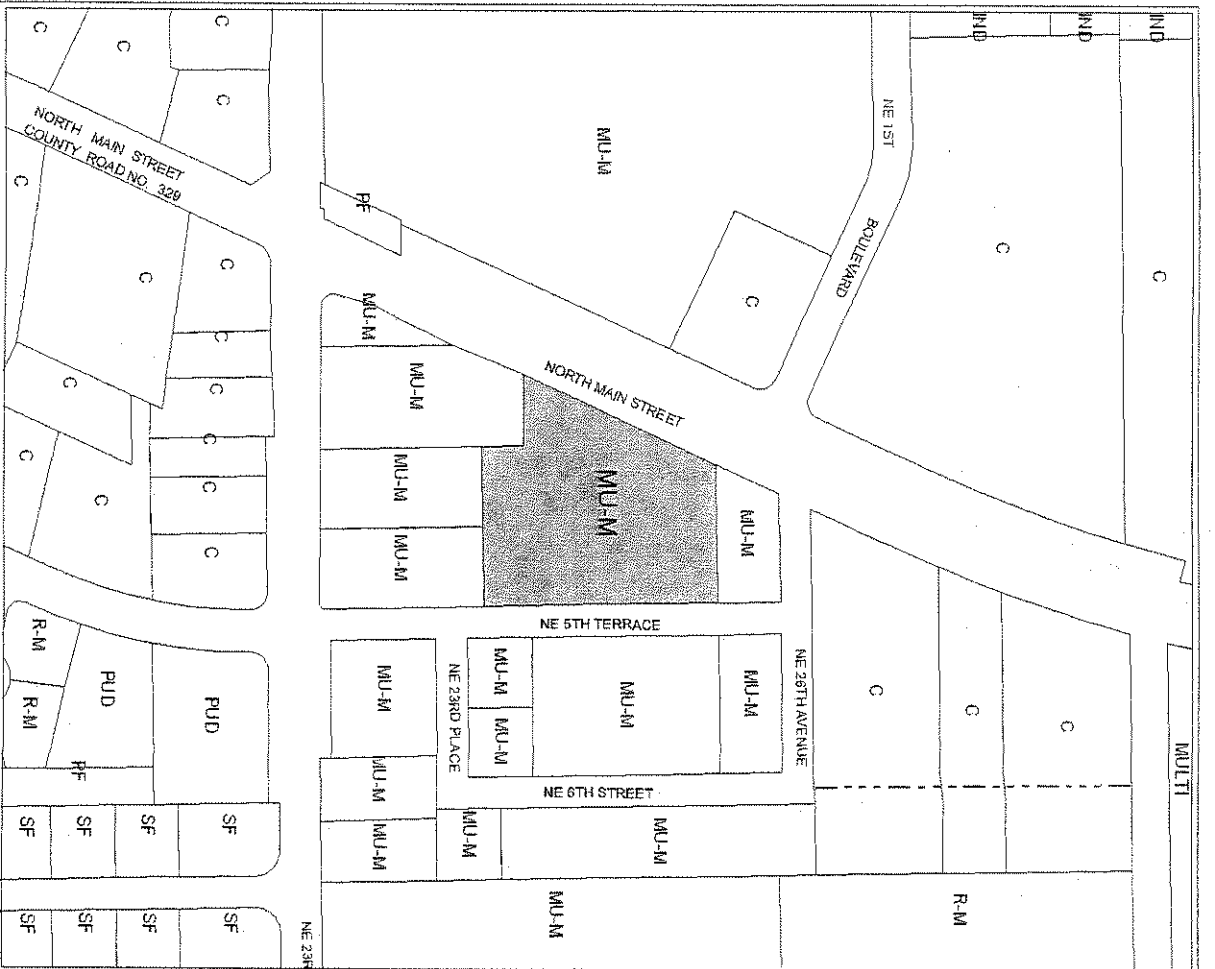
Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- MUL Mixed Use Low Intensity (8-30 du/acre)
- MUM Mixed Use Medium Intensity (12-30 du/acre)
- MUH Mixed Use High Intensity (up to 150 du/acre)
- UMU1 Urban Mixed Use 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use 2 (up to 100 du/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

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Area under petition consideration



EXISTING LAND USE

Name	Petition Request	Map(s)	Petition Number
Eng, Denman & Associates, Inc agents for FJD Realvestment, LLC	Change Land Use from MUM (Mixed-Use Medium Intensity) to C (Commercial).	3652	125LUC-08PB



Exhibit 2 – Excerpts from the Future Land Use Data & Analysis

Growth Management Framework

The State mandate to update local comprehensive plans places the responsibility on the City to develop a future land use element of its comprehensive plan that will guide development and accommodate expected growth trends without reducing service levels below adopted standards. To meet this challenge, the City must develop a growth management framework for the future which will become the foundation for the land use element.

Future Alternative Design Concepts and Visions

[For ease of reference, the three design concepts described here are duplicated from the Urban Design Element]

There are three broad categories of potential future alternative growth concepts and visions for Gainesville. This Element endorses Concept A as the alternative to be pursued by Gainesville. This concept is generally consistent with the Gainesville 2020 Transportation Plan entitled “Livable Community Reinvestment Plan (LCRP)” that was adopted on October 12, 2000. The vision statement adopted by the MTPO states that the LCRP would “make transportation investments that support livable community centers and neighborhoods by: (1) re-investing in the traditional core areas of Gainesville and the towns of Alachua County to develop walkable downtown centers; (2) connecting a limited number of highly developed mixed use centers, and (3) providing a high level of premium transit service in a linear Archer Road corridor.”

Concept A

Concept A features compact development, new in-town development and redevelopment, and higher densities in appropriate locations. Gradually, over time, conventional shopping centers are transformed into walkable neighborhood centers. Neighborhoods are strengthened and made more livable, vibrant, and safe. A diversity of neighborhoods is available, from conventional, low density, single-family, to compact row house and other forms. Neighborhoods are kept stable, and are positive places in which to invest. Traffic is dispersed on interconnected streets. A trails network, connecting natural areas, neighborhoods, and neighborhood centers, form an interconnected “emerald necklace” throughout the urban area. People are less likely to flee from residences within the city core.

In Concept A, the city is designed so that people have transportation choices (they are therefore less dependent on their cars), have a stronger connection to urban natural areas, look out for the collective security of their neighborhood, and exhibit a great deal of civic pride. Higher densities and mixed uses allow for smaller, neighborhood-based corner stores and offices, and quality, frequent transit service. Retail, offices, small and neighborhood-based parks, and jobs are pleasant and convenient to walk to, bicycle to, or take transit to from nearby residences.

This concept includes sidewalks, neighborhood centers and street trees. Retail, office, and residential continue to be attracted back to the city core due to the high quality of life, safety, and pedestrian vibrancy.

The rate of development within city limits stabilizes so that growth is faster or as fast as within the city as outside the city within the urban area.

Some Land Use Recommendations to Achieve Concept A

A portion of this framework will be the development of walkable neighborhoods and neighborhood centers. The goals of this strategy are to implement “smart growth” principles.

In general, this involves incorporating more mixed use, designing for transportation choice, increasing high-quality residential densities in appropriate locations, revitalizing the downtown as a community-serving destination, creating a sense of place and a pleasant ambiance, building civic pride based on a unique local flavor, improving public schools, creating a choice in housing type and price, and enhancing the compatibility of uses that have traditionally been considered incompatible.

Neighborhood (activity) centers and industrial areas are located throughout the city (see Figures 3 and 4). The goals of these centers and areas are to achieve the principles outlined above and prevent the diffusion of commercial activities into commercial strips.

To implement these concepts, this element calls for the development of traditional neighborhoods (TNDs), applying urban design overlay zones to create walkable neighborhoods and centers, designing streets for livability and shared use, and allowing more mixed use development. The element proposes to implement this system by:

- Using four mixed use land use districts: Mixed Use Low (MUL), Mixed Use Medium (MUM), Mixed Use Residential (MUR), and Mixed Use High (MUH). The MUL district will include low intensity neighborhood-serving neighborhood centers. This district will also be used to encourage redevelopment of existing strip commercial areas. The MUM district will be used to designate community-servicing neighborhood centers. This district should not be used to designate strip commercial areas.
- Allowing TNDs by right in a number of land use categories.
- Designating existing shopping centers and other areas to be managed by an urban design overlay such as the Traditional City ordinance.
- Revising street specifications.

The following land use categories will implement the growth management plan (see Table 7 for acreage distributions by Future Land Use category):

Single Family (up to 8 units per acre).

Residential Low Density (up to 12 units per acre).

Residential Medium Density (8-30 units per acre).

Residential High Density (8-100 units per acre).

Mixed Use Residential (up to 75 units per acre).

Mixed-Use Low Intensity (10-30 units per acre).

Mixed-Use Medium Intensity (14-30 units per acre).

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Mixed Use High Intensity (up to 150 units per acre).

Office.

Commercial.

Industrial.

Education.

Recreation.

Conservation.

Agriculture.

Public Facilities.

Planned Use District.

Figure 3

NEIGHBORHOOD & REGIONAL CENTERS

Major and Minor

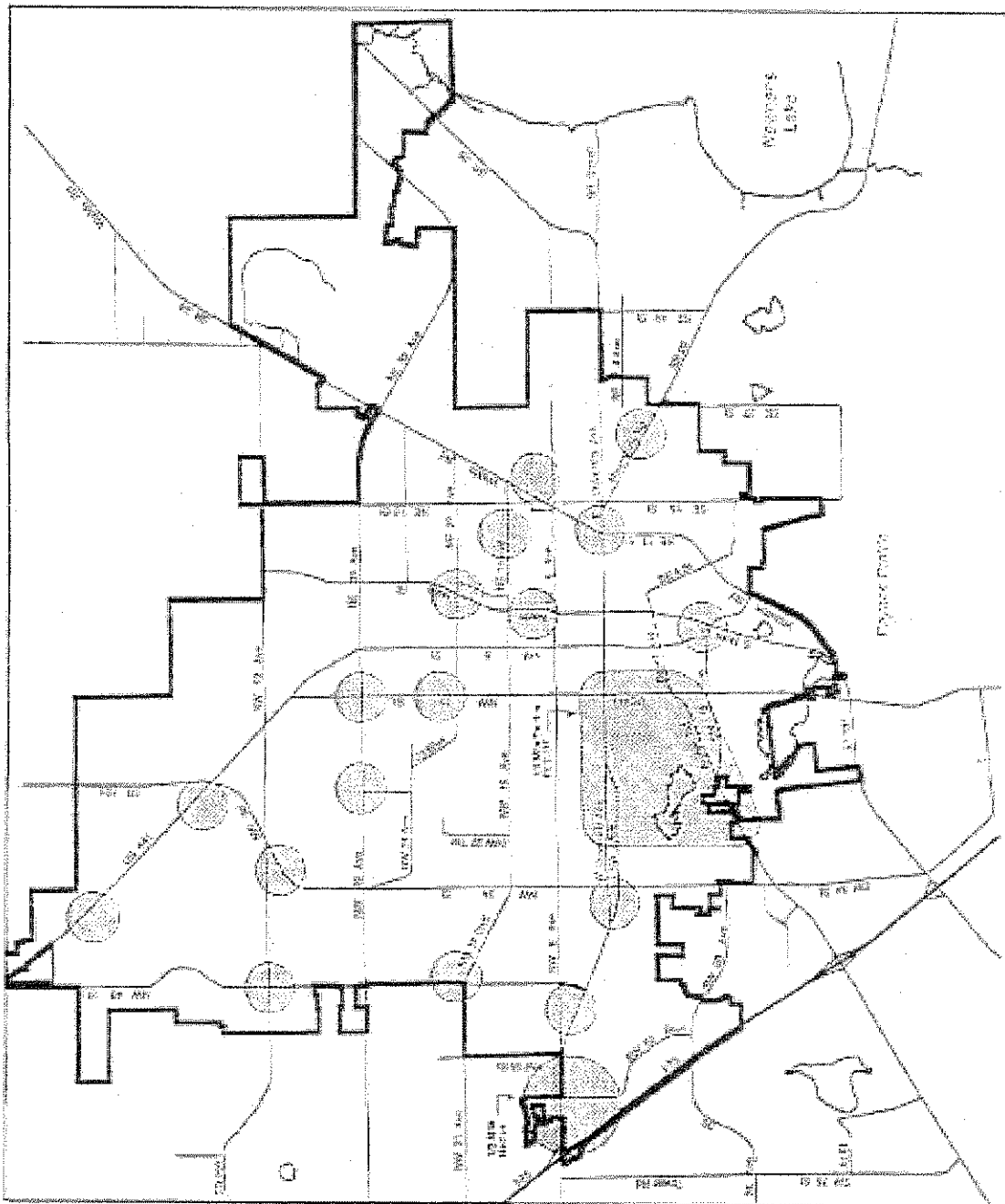
Legend

Regional Center
(shown as shaded circle
before 1980 census)

City Limits

City of Gainesville, Florida

Prepared by the
Department of Community Development
July, 1980



Petition 125LUC-08 PB Eng, Denman & Associates, Inc., agent for FJD Realvestment, LLC. Amend the City of Gainesville Future Land Use Map from MUM (Mixed-Use Medium-Intensity, 12-30 units per acre) to COM (Commercial). Located at 2501 North Main Street. Related to Petition 126ZON-08 PB.

Susan Niemann, Senior Planner, gave a presentation and stated that the property is surrounded on all sides by Mixed Use Land Use and Zoning designations. Ms. Niemann further stated that the requested change by the petitioner represents a spot designation that is inconsistent with the adjacent properties and creates piecemeal change within the area that would not be appropriate or desirable. Ms. Niemann added that the City would prefer to see mixed use and pedestrian-oriented development and redevelopment in this area as Neighborhood Activity Centers are intended to provide a mix of uses in a way that would not normally be allowed under conventional zoning. Ms. Niemann further added that staff is recommending denial of both petitions 125LUC-08 PB and 126ZON-08 PB.

Clay Sweger, representative for the petitioner stated that the subject property has been vacant for almost three years and the property owner has been unsuccessful in gaining a tenant because the space is not zoned correctly for the best use of the land. Mr. Sweger further stated that the Commercial land use and BA zoning would allow for:

- a wider range of uses that have proved to be successful;
- consistency with the Comprehensive Plan;
- compatibility with the surrounding area, and
- promoting economic development

Mr. Sweger added that the neighborhood center is a good concept; however, it is not adopted as part of the Comprehensive Plan.

Randy Wells inquired how long the MUM land use has been in place in this area. Dean Mimms, Chief of Comprehensive Planning, stated that it has been in place for at least 11 years.

Chris Dawson inquired if the Data and Analysis was adopted with the Comprehensive Plan. Ralph Hilliard, Planning Manager, stated that the Data and Analysis sets the basis for the Future Land Use Map and the Future Land Use policies. Mr. Hilliard further stated that Neighborhood Activity Centers are implemented by using the Mixed Use Medium and Mixed Use Low land use categories, and there are other policies in the Comprehensive Plan that talk about activity and neighborhood centers.

Mr. Dawson further inquired if staff feels that this petition is not an appropriate implementation for the activity center or its location. Mr. Hilliard stated that if this site is designated Commercial it will probably be a used car lot in an area that is designated as Mixed Use, and we need to look at the long range plans for the best interest of the entire community.

Randy Wells stated that his concern is that the logic of any of the MU land uses in this area seems hard to defend and almost begs the question if there will be additional applications for this same request as well as the entire concept of the MUM land use as a method of identifying areas for future walkable areas. Mr. Hilliard stated that spot zoning is really not a good tool to use when planning an area as there needs to be some consistency. Mr. Hilliard further stated that there are sidewalks in the area that allows for connectivity and maybe sometime in the future, areas will be redeveloped to provide services to neighborhoods.

Bob Ackerman stated that the issue is that the city has an interest to have this area be developed into a neighborhood economic center and it is not currently functioning that way. Mr. Ackerman further stated that if a land use change is approved it will blow a hole in the middle of the future neighborhood center and there will be no way to prevent others from changing their MU to Commercial and will vote against this petition.

Chris Dawson stated that this is a future land use map and not a current land use map. Mr. Dawson further stated that it represents an ideal that was implemented in the past, and whether it was adopted along with the Comprehensive Plan or not, the link between them is pretty clear. Mr. Dawson added that he does not think that the change to Commercial in this location is appropriate as it would severely limit the ability of this intersection to provide a neighborhood center which could potentially redevelop over some time with a residential component adjacent to it. Mr. Dawson further added that the infrastructure across the street is there for redevelopment of a shopping center and when that happens, hopefully will be implemented appropriately, and can not support this petition based on the testimony from the applicant and staff for a change in land use to Commercial or a change in zoning to MU-2.

Chair Cohen stated that the petitioner made a fairly compelling case as there is Automotive to the north and south and it is the automotive corridor. Chair Cohen further stated that he is concerned about spot zoning because it creates several issues and this is an area that has potential as a neighborhood center as identified on the future land use map.

Motion By: Bob Ackerman	Seconded By: Randy Wells
Moved To: Denied.	Upon Vote: 6 – 0.