

LEGISLATIVE #

110247C

APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PB-11-00090 TCA</u>	Fee: \$ <u>607.⁷⁵</u>
1 st Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 []	
Account No. 001-670-6710-1124 (Enterprise Zone) []	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) []	

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name:	Jennifer Volz, Environmental Consulting & Design, Inc.
Applicant/Agent Address:	3603 NW 98th Street, Suite C
City:	Gainesville
State:	Florida
Zip:	32606
Applicant/Agent Phone:	352.538.0232
Applicant/Agent Fax:	N/A

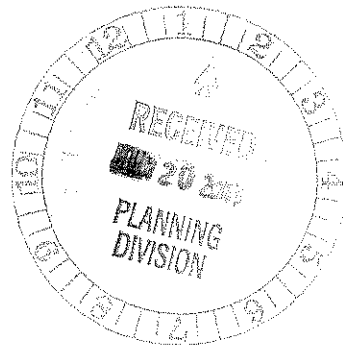
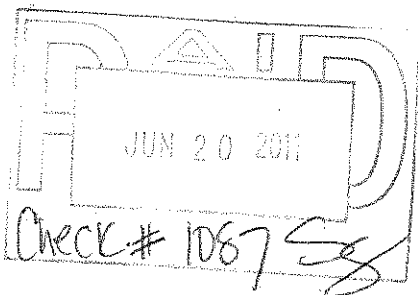
Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.

TEXT AMENDMENT

Check applicable request below:		
Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text []	Other []
Section/Appendix No.:	Element & Goal, Objective or Policy	Specify:
Chapter 30, Appendix A, Section 5,	No.:	
Exhibit B(q)(2) and Chapter 30, Article II		
Section 30-23 (c)		

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):
See attached Justification Report.

Certified Cashiers Receipt:

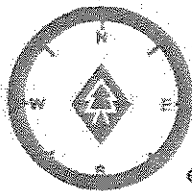


Kauffman Tire

Application for Land Development Code Text Amendment

Justification Statement

Prepared by:



EC & D

environmental consulting & design, inc.

3403 NW 98th Street, Suite C
Gainesville, FL 32606

☎ 352.371.4333

5547 ATA South, Unit 107
St Augustine, FL 32080

☎ 904.495.5305

June 2011

EC&D Project No. 11-026

TABLE OF CONTENTS

1.0 Introduction 1
2.0 Proposed Amendment 1
3.0 Reason for Amendment 2
4.0 Consistency with Comprehensive Plan and Land Development Code 2
5.0 Conclusion 3

FIGURES

Figure 1 Central Corridors

ATTACHMENTS

Attachment A Special Area Plan for Central Corridor

1.0 Introduction

Environmental Consulting & Design, Inc. (EC&D) has been retained by Kauffman Tire to apply for an amendment to the City of Gainesville Land Development Code related to the *Special Area Plan for the Central Corridors* and *Article II – Definitions and Rules of Construction*. The Special Area Plan (SAP) for the Central Corridors was adopted in June of 1998. This district was established to promote a mix of commercial, office, and residential uses along major roadways in the City while also promoting pedestrian and transit ridership. The Special Area Plan includes several central corridors: West University Avenue, SW 2nd Avenue, West 13th Street, NW 23rd Avenue, West 6th Street, North Main Street, Waldo Road and Hawthorne Road.

The Central Corridors SAP standards act as an overlay zoning district for parcels of land along the corridors shown on the attached Figure 1. All new commercial, office, civic and multi-family developments along these corridors are required to comply with the SAP standards (Attachment A). The standards include build-to-lines, parking, sidewalks, building orientation and articulation, mechanical equipment, and auto-oriented uses.

2.0 Proposed Amendment

The proposed text amendments will revise the Central Corridors standard associated with auto-oriented uses and add two definitions to *Article II – Definitions and Rules of Construction*. The goal is to add the definition of *service bay* and *service bay door*. The proposed amendment related to auto-oriented uses will impact all areas located along Central Corridors. The addition of the definitions will affect only those uses that have service bays.

The intent of the auto-oriented uses standard in the Central Corridors SAP is to limit uses that “tend to create visual blight, and noise and light pollution that detracts from community character and nearby neighborhoods”. Currently, the SAP limits the allowable number of service bays to three. EC&D proposes to amend the text to allow no more than three service bay doors opening to the exterior of the building. The intent of the SAP is to minimize the potential for visually unappealing activities, noise and light pollution by minimizing the number of service bays which are visible. The proposed amendment would allow for a more efficient and economic use of properties along Central Corridors while retaining the intent of the SAP. The proposed amendment is shown below with stricken text noting deletions and underlined text noting additions.

Chapter 30, Appendix A, Section 5, Exhibit B

(q) **Auto-oriented uses.**

- (1) Intent. Auto-oriented uses tend to create visual blight, and noise and light pollution that detracts from community character and nearby neighborhoods.
- (2) Standard. Gas Stations, Car Washes, Auto Dealers, and Limited Automotive Services shall be designed to minimize interruption of pedestrian traffic. The number of gas pumps ~~and service bays~~ shall not exceed 4 fueling positions and there shall not be more than 3 service bays door openings on the exterior of the building. Service Bay

Doors shall not exceed twenty-six (26) feet in width, shall be oriented to the side or rear of buildings and all work shall be performed internal to the service bays.

City of Gainesville Development Services Staff and EC&D determined that amending the SAP text necessitated the inclusion of a definition for both a service bay and a service bay door. The current Land Development Code does not contain a definition for either. EC&D proposes that the following definitions be added to Section 30-23 (c) as noted.

Chapter 30, Article II - Definitions and Rules of Construction, Sec. 30-23 (c)

Service Bay means an area capable of accommodating one (1) motor vehicle. A service bay is designed and constructed for the repair, servicing, or maintenance of motor vehicles.

Service Bay Door means an external door opening into a space designed and constructed for the repair, servicing, or maintenance of motor vehicles containing one (1) or more service bays.

3.0 Reason for Amendment

EC&D was retained by Kauffman Tire to apply for the text amendment described above to allow for the construction of a Kauffman Tire store in a location along a Central Corridor in Gainesville. Kauffman Tire was founded in 1936 and is a family operation, with three generations of the Kauffman family. The company operates forty-eight retail stores in Georgia and Florida; thirteen wholesale distribution centers in six states; four commercial tire centers and one retreading facility in northeast Ohio. The company has been researching the Gainesville market and would like to open one to three stores within the City, if the market allows.

Company representatives have completed economic analyses related to store sizes, markets and number of service bays. According to these analyses, tire sales, maintenance, and oil change facilities, similar to Kauffman Tire, are not economically feasible with less than six service bays. Based on discussions with City of Gainesville Development Services Staff, the company's architects have designed a new type of store, which would be the first of its kind and constructed in Gainesville. The design for the store includes two service bay doors that would access six internal service bays. The internal service bays would not be visible from the exterior of the building and all work would be performed internal to the building. This would aid in the attenuation of sound. Amending the Central Corridors SAP would allow flexibility for businesses and landowners to provide creative designs for sites that promote the intent of the Central Corridor Special Area Plan while also providing economically feasible developments and redevelopments.

4.0 Consistency with Comprehensive Plan and Land Development Code





The requested amendment to the Special Area Plan for the Central Corridors and the definitions are consistent with the goals, objectives and policies of the Comprehensive Plan and Land Development Codes. Neither the Comprehensive Plan nor other sections of the Land Development Code limit the number of service bays, only the location of service bays to be oriented to the side or rear of buildings.

5.0 Conclusion

The proposed amendments to the Land Development Code are consistent with the intent of the Special Area Plan for the Central Corridors, the Comprehensive Plan, and the Land Development Code. The requested amendments would allow for flexibility in design for commercial establishments that require service bays along the Central Corridors. Pursuant to the SAP for the Central Corridors, the purpose of the Central Corridors district is to improve the environment for businesses and support a healthy economy while also balancing the needs of pedestrians and automobiles. These revisions would accomplish this purpose while allowing for neighborhood automobile service centers that do not contribute to visual blight, noise or light pollution by minimizing service bays that are visible on the exterior of buildings.

FIGURE 1:
CENTRAL CORRIDORS
AND SPECIAL AREA PLANS
CITY OF GAINESVILLE
ALACHUA COUNTY, FLORIDA
 1 INCH EQUALS 1.0 MILES
 0 0.5 1
 MILES
 MAP SCALE IS SET FOR MAPS PRINTED ON 2-SHEET PAPER

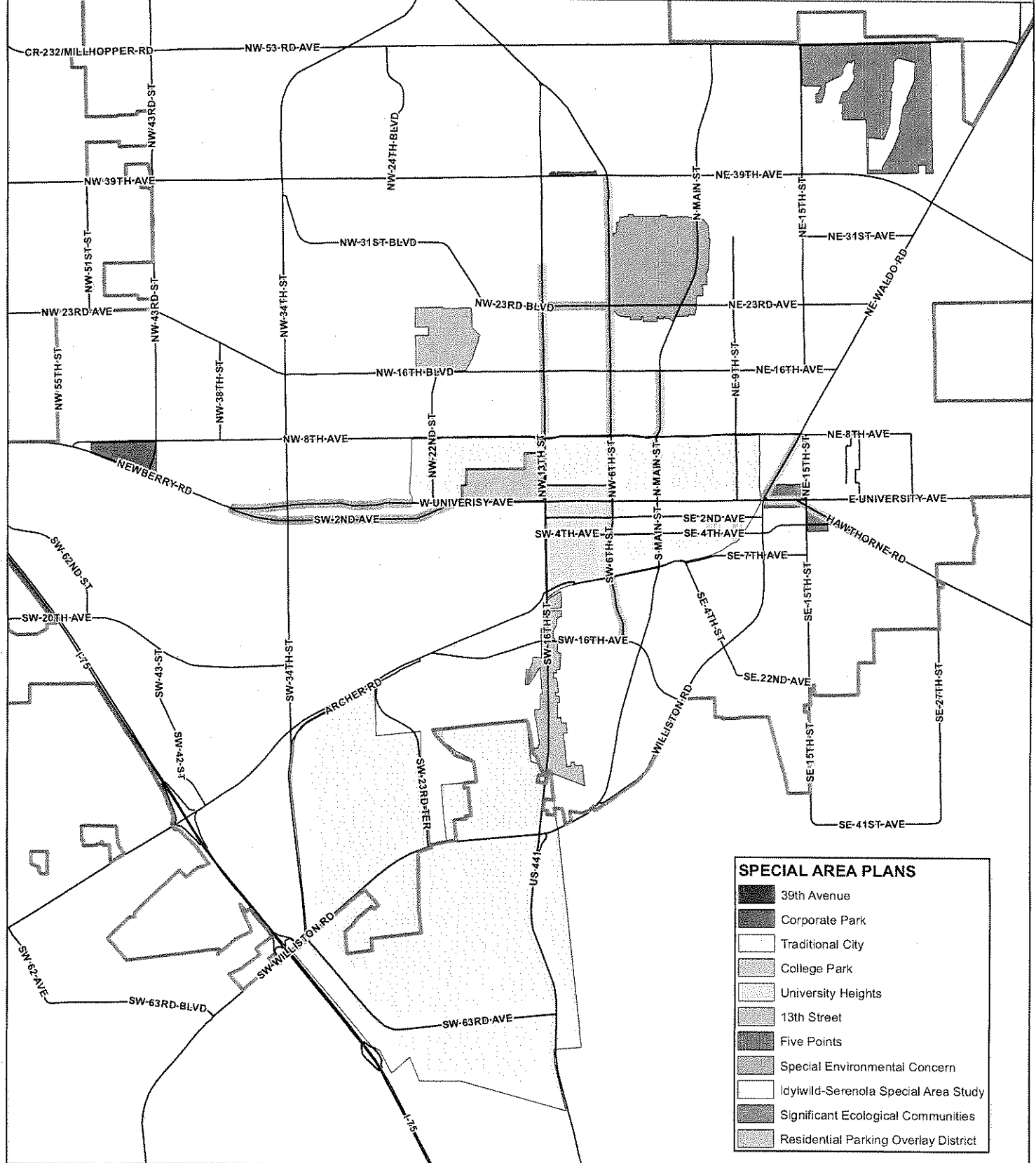
LEGEND

-  CENTRAL CORRIDORS
-  MAJOR ROADS
-  CITY OF GAINESVILLE BOUNDARY
-  ALACHUA COUNTY














www.ecand.com
 NOT AN EPC Visual, Safe & Sound
 Copyright © 2008
 110247C
 6/20/2011

DATA SOURCES:
 CITY OF GAINESVILLE, FL, DOT AND EC&D.
 DATA IS PROVIDED AS IS. ACRESAGES
 ARE APPROXIMATE & GIS DERIVED.



SPECIAL AREA PLANS

-  39th Avenue
-  Corporate Park
-  Traditional City
-  College Park
-  University Heights
-  13th Street
-  Five Points
-  Special Environmental Concern
-  Idylwild-Serenola Special Area Study
-  Significant Ecological Communities
-  Residential Parking Overlay District

**Special Area Plan for the Central Corridors
Minimum Development Standards**

- (a) *Purpose.* The Central Corridors are established to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity; reduce crime by encouraging a 24-hour mix of uses and a significant number of pedestrians; strike a balance between the needs of the car and pedestrian by creating a pleasant ambiance and interesting people-scaled features, and make the pedestrian feel safe and inconvenienced; increase transit viability; and improve independence of people without access to a car. The standards are designed to make Gainesville a more vibrant, livable place, and increase citizen pride in its development. The standards are designed to establish an important engine in job creation, a strengthened tax base, and an incubator for new, entrepreneurial, locally-owned businesses and entry-level job opportunities. The standards are also intended to protect the property values of nearby residential areas.
- (b) *Effect of classification.* The Central Corridors standards are an overlay zoning district. They shall operate in conjunction with any underlying zoning district in the subject area. The regulations of the underlying zoning district, and all other applicable regulations, remain in effect and are further regulated by the Central Corridors standards. If provisions of the Central Corridors standards conflict with the underlying zoning, the provisions of the Central Corridors standards shall prevail.
- (c) *Annual evaluation.* The City Plan Board shall conduct an evaluation of these standards on an annual basis.
- (d) *Exceptions.* Exceptions to these standards can be granted by the appropriate reviewing board, city manager or designee, upon a finding that either of the following criteria are met:
- (1) The proposed construction is consistent with the overall intent of the Central Corridors standards; or
 - (2) The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.
 - (3) In addition to the exceptions that may be granted above, exceptions to the build-to line may be granted if the proposed construction includes an existing structure which has been designated as a historic property or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a viewshed of the existing historic structure is in the public interest.
- (e) *Right to appeal.*
- (1) Any person aggrieved by a decision rendered by the appropriate reviewing board, city manager or designee may appeal the decision to the City Commission within 14 days from the date that the decision by the appropriate reviewing board, city manager or designee is reduced to writing and served by certified or registered mail, return receipt requested, to such person. The appeal shall be made by filing a written notice of appeal within the above-proscribed time period with the clerk of the city commission. The notice shall set forth concisely the decision under appeal and the reasons or grounds for the appeal.
 - (2) The Planning and Development Services Department shall prepare the appeal for the City Commission. The appeal shall be de novo and shall be heard by the City Commission at its next regular meeting, provided at least 14 days have intervened between the time of the filing of the notice of appeal and the date of such meeting. The City Commission shall hear and consider all evidence and testimony placed before it, and shall render its decision promptly, based on competent, substantial evidence. The City Commission may affirm, amend or reverse the decision of the appropriate reviewing board, city manager or designee. The decision by the City Commission shall be reduced to writing and shall constitute final administrative review. Appeals from decisions of the City Commission may be made to the courts as provided by law.
- (f) *Definitions.* Defined terms are as defined in the Traditional City standards, section 4 of this Appendix, and are italicized in the text. Drawings are illustrative only. They do not represent required designs.
- (g) *Delineation of Central Corridors Overlay District.* The Central Corridors overlay district shall apply to all lands adjacent to the streets shown on the map of the Central Corridors. Distances from the Central Corridors

overlay district to structures outside the Central Corridors overlay district shall be measured from the nearest curb or edge of pavement.

- (h) *Required compliance.* All new commercial, office, civic and multi-family buildings and developments shall be required to comply with the sections of the text labeled "standards." Automotive dealers (both new and used vehicles) located on N. Main Street north of N. 16th Avenue and south of N. 53rd Avenue are exempt from standards of this special area plan as applied through the Transportation Concurrency Exception Area.
- (i) *Presumptive vested rights.* Developments shall be presumptively vested for the purposes of consistency with this overlay if they have filed a valid application for a preliminary development order issued by the city, as specified by Article VII, Division 1, prior to the effective date.
- (j) *Non-conforming uses and buildings.*
 - (1) Continuation of use. A nonconforming use may be continued as provided in section 30-23, Non-Conforming Use, and section 30-346, Non-conforming Lots, Uses or Structures.
 - (2) Expanding existing non-conforming uses.
 - a. A special use permit may be issued for expansion of uses made non-conforming by the Central Corridors standards when the City Plan Board makes findings that the proposed expansion is in compliance with Article VII, Division 4, Special Use Permit.
 - b. In addition, no permit for expansion of a non-conforming use shall be issued unless the City Plan Board makes the following findings concerning the proposed expansion:
 1. The expansion complies with the Central Corridors standards, as applicable;
 2. Auto Dealers, Auto Service and Limited Auto Services, and Gas Service Stations shall comply with sections 30-93 and 30-94;
 3. Carwashes shall comply with section 30-95;
 4. Outdoor Storage shall comply with section 30-97;
 5. Parking Lots, as the principal use other than structured parking or the use of existing parking lots shall comply with section 30-114;
 6. The expansion shall not reduce pedestrian safety by increasing driveway widths, adding a new driveway crossing to a sidewalk or crosswalk, or increasing the number of driveway lanes;
 7. The expansion shall not increase the size of signs on the site;
 8. The non-conforming use shall not be changed (except to a conforming use) as a result of the expansion;
 9. The expansion shall not result in a conversion of the non-conforming use from a seasonal to a year-round operation, nor shall it result in the use expanding its hours of operation;
 10. Outdoor storage areas shall not be expanded or located any closer to residential development as a result of the expansion; and
 11. The proposed expansion shall not add more than 25 percent of new floor area to existing buildings on the site.
 - (3) Change of use. A non-conforming use may only be changed to a conforming use.
 - (4) Development, enlargement, or modification of a non-conforming building. A non-conforming building may be developed, enlarged, or modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the standards in this overlay.
- (k) *Build-to line.*
 - (1) Intent. The intent of the build-to line is to pull the building facade close to the street and streetside sidewalk. Because of the transitional nature of these corridors, the build-to line is more flexible than in the Traditional City. The build-to line allows new buildings to be aligned with existing buildings, or, in the future, allows a building to be built in front of the building and allows this future building to abut the streetside sidewalk. Over time, building facades along a block face should be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk, and

sufficient space to provide a formal landscape created by street trees. Over time, the intent is to pull building facades close to the street and streetside sidewalk, frame a comfortable public realm, and prevent overly large setbacks.

Overly large setbacks are inconvenient and unpleasant for pedestrians. They can significantly increase walking distances from the public sidewalk. They prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. Similarly, overly large setbacks contribute to sign proliferation and visual blight because a building set back a large distance often needs to "shout," with signs, at passing motorists, transit users, bicyclists and pedestrians in order to be noticed. Buildings pulled up to the street sidewalk have more of a human scale and allow for the construction of canopies which shield the pedestrian from wet weather.

- (2) Standard. The build-to line shall be that which achieves the above-stated intent, as determined by the appropriate reviewing board, city manager or designee, and shall apply even if the facade faces a street outside of the overlay affected area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Build-to Line standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard. In most instances, the build-to line shall be 80 feet from the curb or edge of pavement for at least 70 percent of the building facade. Factors to be considered for variations to this build-to line shall be as follows:

- When considering a closer build-to line, the building facade shall, in most instances, be no closer than 14 feet from the curb or edge of pavement along an arterial, 12 feet along a collector, and 11 feet along a local street, in order to leave space for adequate sidewalks and tree strips (see Map A).
- When the proposed building is adjacent to existing buildings on an abutting property the facade shall, in most instances, be built at the facade of the adjacent building closest to the street, or the 80-foot build-to line, whichever is closer to the street.
- The appropriate reviewing board, city manager or designee can approve a facade closer to the curb or edge of pavement than the previously listed distances so that a consistent street edge of adjacent buildings can be maintained.
- Buildings on corner lots or buildings on more than one street frontage shall, in most instances, have the 80-foot build-to line requirement on the more primary street frontage area.
- The appropriate reviewing board, city manager or designee may approve a greater build-to line (farther from the street) than the required build-to line when site constraints such as significant tree features or significant design features warrant it. If such approval by the appropriate reviewing board, city manager or designee is granted, the front yard area must be landscaped to provide shade for pedestrians with tree plantings and to establish the street edge articulation.
- The standards described in this subsection shall supersede any landscape buffer width requirements found in Article VIII of the Land Development Code for frontage areas, except in front of surface parking lots.
- Stoops, stairs, chimneys, and bay windows are allowed to extend beyond the build-to line as long as they do not exceed more than 25 percent of the front facade. Open porches, projecting signs, balconies, arcades, awnings and outdoor cafes may also extend beyond the build-to line. However, at least 5 feet of unobstructed sidewalk width and room for any required tree strip must be retained.

(I) *Parking.*

- (1) Intent. Parking is one component of the successful commercial area, but should not dominate the streetscape or degrade the public realm. Parking areas located in front of buildings are inconvenient and unpleasant for pedestrians. They significantly increase walking distances from the public sidewalk. They create hot expanses of asphalt, and prevent the pedestrian on the public sidewalk

from enjoying building details and activity within the building. In addition, they prevent the building from contributing to an intimate, comfortable street edge. Buildings pulled up to the street without intervening motor vehicle parking have more of a human scale. A larger curb turning radius at a parking area ingress and egress point allows vehicles to negotiate a turn rapidly, whereas a smaller radius forces a vehicle to slow down.

(2) Standard.

- a. No motor vehicle parking is required. All motor vehicle parking except a double-loaded row of parking is to be located in the rear or interior side, or both, of the building, unless topography, stormwater retention, or significant trees, as determined by the appropriate reviewing board, city manager or designee, prevent such a location. In no case shall more than 50 percent of the parking be located between the front facade and the primary abutting street. However, driveway entrances and exits to parking areas shall be allowed on the front side of the building. The minimum number of motor vehicle parking spaces required by section 30-332 is the maximum allowed. However, there shall be no limit on the number of parking spaces in parking structures.
- b. Bicycle parking spaces shall be installed as called for by section 30-332. Such parking may encroach into the public right-of-way or beyond the build-to line provided that at least 5 feet of unobstructed sidewalk width and any required tree strip is retained. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use.

(m) Sidewalks.

(1) Intent. Sidewalks, when properly dimensioned and maintained, provide the pedestrian with a pleasant, safe, and convenient place to walk, and mitigate traffic impacts by making the area more walkable. Sidewalks that are too narrow are inconvenient, especially in areas with large volumes of pedestrians.

(2) Standard.

- a. All developments must provide sidewalks along all street frontage. All developments must provide pedestrian connections from the public sidewalk to the principal building. Entrance sidewalks shall be a minimum of 5 feet of clear width.
- b. Minimum sidewalk widths:

Street Classification	Multi-Family Residential/ Industrial (feet)	Commercial/ Institutional/Office/ Mixed Use (feet)
Local	6	7
Collector	7	8
Arterial	7	10

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width. Minimum width for a tree strip shall be 4 feet, or such other width as may be adequate for tree placement, unless the tree strip requirement is waived by the appropriate reviewing board, city manager or designee.

- c. In order to maintain a consistent street edge of adjacent buildings, the appropriate reviewing board, city manager or designee may modify the required sidewalk width and the tree strip width in order to achieve the above-stated intent. In areas where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, city manager or designee can allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future.

(n) Building orientation.

- (1) Intent. A successful commercial district must have vital streetfronts. Neighborhoods with lively streetfronts become the healthiest for business. Streetfront entrances provide convenience for customers and residents by minimizing walking distances from public sidewalks and nearby buildings. Rear or side entrances, or entrances oriented toward a parking lot, when no streetfront entrance is available, make travel highly inconvenient for pedestrians and transit users, cuts the building off from street life, "turns the building's back" to the public realm, and hides architectural character from public view. When a building is located at an intersection, the most convenient entrance is usually abutting the public sidewalks at the corner of the intersection.
- (2) Standard. The main entrance of buildings or units must be located on the first floor on the more primary street, even if the more primary street is outside of the overlay affected area. The Building Orientation standard applies if a portion of the wall along the more primary street outside of the overlay affected area is within 250 feet of the overlay affected area.

(o) Building wall articulation.

- (1) Intent. All buildings shall be designed to provide streetfront vitality. Long expanses of blank walls tend to be monotonous. Windows attract pedestrians, who act as a security system for the business. Buildings without such relief and interest tend to create a "massive scale," and make the public realm impersonal.
- (2) Standard. Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25 percent of their surface at pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor, even if the wall faces a street outside of the overlay affected area. Operable entrance doors shall be excluded from the calculation of total facade surface area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Building Wall Articulation standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard.

(p) Mechanical equipment.

- (1) Intent. Mechanical equipment, when improperly located on a site or improperly screened, can contribute to noise problems and create visual blight.
- (2) Standard. All mechanical equipment must be placed on the roof, in the rear, or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.

(q) Auto-oriented uses.

- (1) Intent. Auto-oriented uses tend to create visual blight, and noise and light pollution that detracts from community character and nearby neighborhoods.
- (2) Standard. Gas Stations, Car Washes, Auto Dealers, and Limited Automotive Services shall be designed to minimize interruption of pedestrian traffic. The number of gas pumps and service bays shall not exceed 4 fueling positions and 3 service bays. (see figures 1 and 2)