

TO: City Plan Board

Item Number: 4

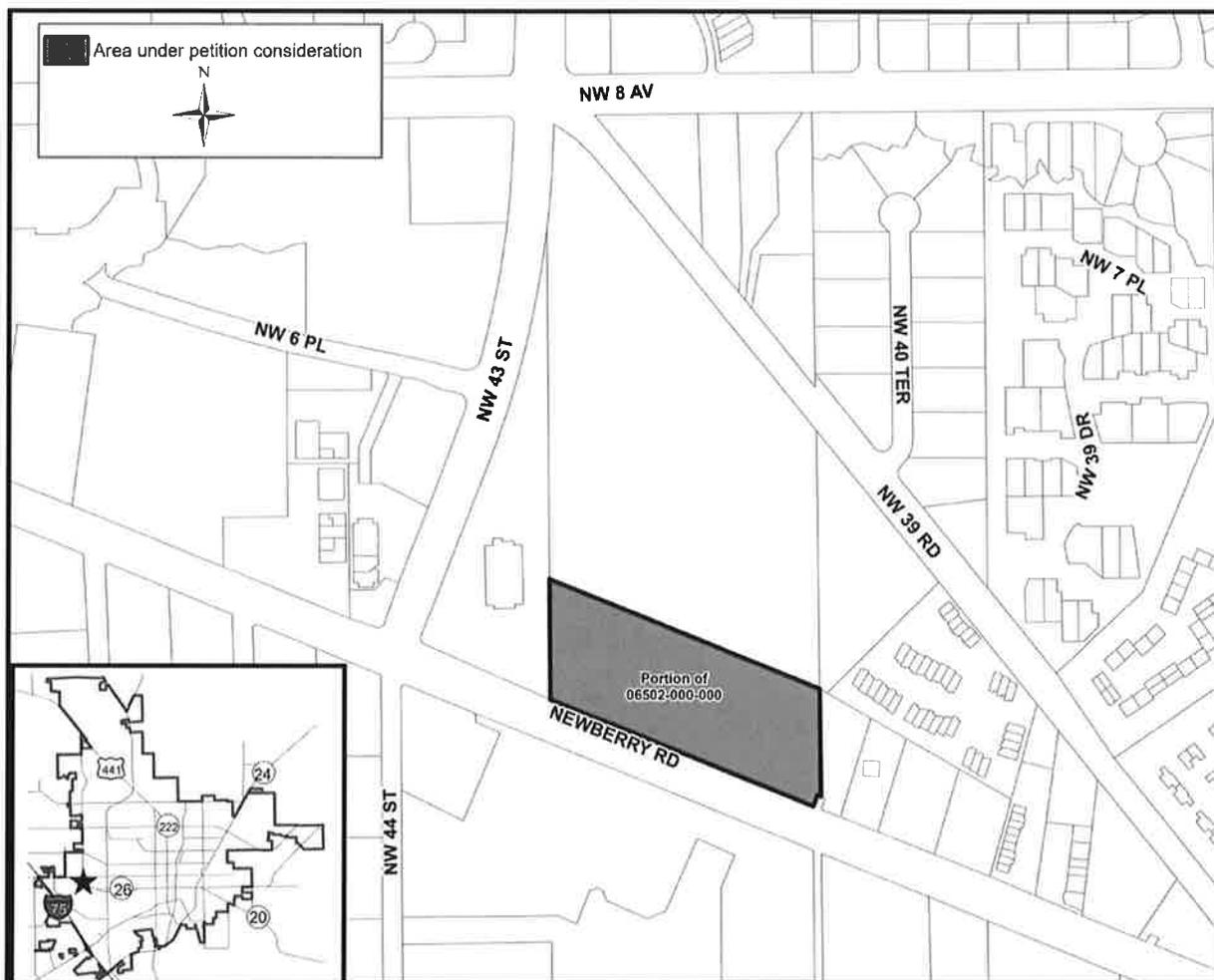
FROM: Planning & Development Services Department
 Staff

DATE: September 25,
 2014

SUBJECT: Petition PB-14-52 ZON. Causseaux, Hewett & Walpole, Inc., agent for Bishop of Diocese of St. Augustine. Rezone property from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 units/acre mixed use low intensity. Located at 700 NW 39th Road & 747 NW 43rd Street. Related to PB-14-51 LUC.

Recommendation

Staff recommends denial of Petition PB-14-52 ZON.



Description

This petition requests a rezoning from RSF-4: 8 units/acre single-family residential district to MU-1: 8-30 units/acre mixed use low intensity district for an approximately 5-acre southern portion of a parcel on the north side of Newberry Road west of NW 39th Road and east of SW 43rd Street (see the locator map on page 1 and Exhibit B-1). The parent parcel is owned by Holy Faith Catholic Church. The church sanctuary and ancillary buildings are located north of the portion proposed for the land use change. The current land use designation for the property is Residential Low. Exhibit B includes the full map series.

The entire parcel is approximately 18 acres in size. The 5-acre portion that is the subject of this application is currently undeveloped.

The surrounding properties west and east of the proposed site are developed with office uses such as medical offices, a bank, and general offices, including an insurance office. The area immediately to the south across Newberry Road is developed with medical offices. See Table 1 for a more complete listing of uses.

The land use controls adjacent to the property are illustrated in Table 1. To the east is property with General Office (OF) zoning and an Office land use designation. To the south (across Newberry Road), the property has PD (Planned Development) zoning with a Planned Use District (PUD) land use category. To the west, the property has Corporate Park (CP) zoning with a Mixed Use-Medium land use designation. The property to the west also falls within the Triangle Special Area Plan associated with the CP zoning. Other areas to the southwest have single-family zoning designations and to the southeast Office zonings.

The existing zoning of RSF-4 allows single-family dwellings with a density of up to 8 units per acre. The associated Residential Low density land use category (up to 12 dwelling units per acre) would allow units in the form of single-family, duplexes, triplexes, quadruplexes, or townhouse/rowhouse attached units with a zoning change to RMF-5.

The requested Mixed use low intensity (MU-1) zoning district allows a mixture of residential and non-residential uses, including convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods. The allowable density for residential uses is set at 8-30 units per acre (in accordance with the RMF-6, RMF-7, or RMF-8 zoning districts). The maximum building height in the district is 5 stories. A full description of the MU-1 zoning district is in Exhibit D-1. Exhibit D-1 also contains the Triangle Special Area Plan, which is placed on the properties to the west of the proposed site.

The MU-1 zoning district allows a variety of commercial/retail uses such as food stores, auto and home supply stores, gas stations, home furnishings, and apparel stores. In addition, alcoholic beverage establishments and hotels and motels would be allowed by Special Use Permit.

Key Issues

- The proposed MU-1 zoning district could allow an extension of strip development on the Newberry Road corridor.
- The proposed MU-1 zoning district for this area is not consistent with Comprehensive Plan policies.
- The proposed MU-1 zoning is not compatible with the surrounding land use and zoning designations and would allow uses of higher intensity than those of surrounding properties.

Basis for Recommendation

The staff recommendation is based on the following five 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 MU-1 zoning does not conform to policies in the City's Comprehensive Plan. It would potentially allow the extension of strip commercial development and the proposal does not transition with the surrounding land use categories and zoning districts.

The Mixed Use Low land use category specifically states,

“This category shall not be used to extend strip commercial development along a street.”

Given the configuration of the proposed area for the zoning change and the small size of the resulting parcel (approximately 5 acres), it is likely that the development would not be in a mixed use format and would be in the form of a commercial strip development along the Newberry Road corridor.

The following policies are the most pertinent to this petition.

Future Land Use Element

Objective 4.1 The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that 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 4.1.4 The City will consider amending land use designations in the City to discourage strip commercial uses and encourage a mix of residential and non-residential uses.
- 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 topograph, natural features and tree canopy.
- Policy 4.2.3 The existence of non-residential uses on one or more corners of an intersection will not justify approval of the development of all corners with the same or similar use, nor does the existence of non-residential uses on a major arterial street dictate that all frontage must be similarly used.

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

2. Conformance with the Land Development Code

The proposed rezoning is not in conformance with the Land Development Code. The MU-1 zoning district purpose clause states, “The MU-1 district may be located in areas where analysis of residential characteristics demonstrates that such facilities are required.”

The applicant has not provided substantial analysis for why additional MU-1 acreage is needed in this area or citywide. There are currently 97.5 acres of vacant, developable land that have the MU-1 zoning. These sites are spread across the Gainesville area.

In addition, the non-residential needs for retail/commercial are adequately served by commercial/mixed use developments to the east and west of the site:

Plaza Royale Planned Development: approximately ¼ mile from site
Westgate/Creekside mall area: 0.68 miles from site
Oaks Mall commercial area: approximately 1.09 miles from site

In addition, the Objectives portion of the MU-1 zoning district regulations state that the provisions of the district are intended to: “Coordinate the location and size of mixed-use developments commensurate with the character and density of the areas to be served.”

The entire text (including allowable uses) of the MU-1 zoning district is included in Exhibit D-1.

3. Changed Conditions

There have been no significant changed conditions in this area recently. The only change is the request by the applicant for a rezoning to MU-1.

4. Compatibility

The proposed MU-1 zoning is incompatible with the surrounding existing zoning districts and uses. Surrounding uses are office type uses and areas to the west and south of the property have additional controls (Planned Development (PD) zoning with Planned Use District (PUD) land use or the Triangle Special Area Plan associated with the Corporate Park area) because of the proximity of residentially zoned properties.

Parcels to the east have OF zoning with a land use designation of Office and are in use for professional office such as insurance offices.

The area south of the site has Planned Development (PD) zoning with a land use designation of Planned Use District (PUD). It is developed with medical offices immediately south of the site and a bank to the west (within the PD). Planning and development of this site was carefully designed to recognize the surrounding single-family residential areas to the south and west and for consistency and compatibility with the Office zoning to the east.

The area immediately to the west of the site contains the Millenium Center, which is a mixed use center with medical offices and a bank. Parcels to the west are designated Mixed Use Medium, but fall within the Triangle Special Area Plan with Corporate Park zoning. The Triangle Special Area Plan (as established in 1989) recognized the need for sensitive planning in an area surrounded by residential properties and provided planning tools for the transition of that former single-family area to corporate park type development.

As stated in the Triangle Special Area Plan, “The rezoning of the “Triangle Area” to Corporate Park will permit significant non-residential development in an area generally surrounded by single-family subdivisions...To aid in the orderly transition from single-family to the desired office-oriented mixed use category, restrictions are needed to protect the privacy of existing single-family dwellings. Commercial land uses appropriate to mixed use developments require more careful scrutiny because this site is outside an activity center...”

The Corporate Park zoning district states that the purpose of this district is: “The CP corporate park district is established for the purpose of creating a district of at least three and one-half acres which provides appropriate locations for corporate facilities and mixed use office-oriented development.”

The area north of the proposed site would remain with RSF-4 zoning and the Residential Low land use category, and the 5-acre MU-1 area would abut it. Under these circumstances, residential development of the 5-acre site would be limited to that allowed by the RMF-6 (maximum density of 15 units per acre) zoning district in the area within 100 feet of the property line.

5. Impacts on affordable housing

This proposed MU-1 zoning would remove 5 acres of land from the RSF-4 zoning district, which allows for a density of up to 8 single-family units per acre. The proposed change would allow residential use (if developed that way) up to 30 units per acre with a limitation on the northern area of the proposed site to 15 units per acre under current zoning regulations. It is unknown whether the proposed change would increase the supply of affordable housing because if it was developed in single-use non-residential, there would be a reduction in the total number of dwelling units for the site. Residential use of the site seems unlikely given the remarks provided below from the applicant's justification report.

"Level of Service (LOS) standards were calculated based on the intensity increases that may result from a non-residential development of office and retail since this is more likely to occur at this location rather than a multi-family residential project."

Transportation

The properties are located within Zone B of the City's Transportation Mobility Program Area (TMPA). Any development on the property would have to meet the requirements of Transportation Mobility Element Policy 10.1 6 and any other applicable TMPA policies.

The applicant has provided a transportation analysis that indicates the relative differences in trip generation for the existing land use category versus General Office development or Shopping Center development. The land use change would result in a net increase in trips at the site compared to what is allowed under the existing RL land use category (with RSF-4 zoning).

The average daily trip generation rates based on the latest edition of the ITE Trip Generation Manual are summarized below.

Single-family residential	9.52 average daily trips	.77 a.m. peak hour trips	1.02 p.m. peak hour trips
General Office	11.03	1.56	1.49
Shopping Center	42.7	.96	3.71

The applicant's trip generation analysis did not consider other uses that are allowed either by right or special use permit in the MUL land use category that generate at higher rates. These include gas stations, restaurants, and fast food drive-through facilities.

Environmental impacts and constraints

The applicant provided an environmental report: “Natural Resource Assessment Holy Faith Catholic Church Parcel 06502-000-000” dated September 1, 2014 (see Exhibit C-1). The City’s Environmental Coordinator, John Hendrix, reviewed the environmental report and provided the information below in a report dated September 16, 2014.

“The subject application for land use and rezoning has been reviewed for considerations relating to environmental resources which may be present on or immediately adjacent to the subject five (5) acre part of an 18 acre parcel located on the north side of West University Avenue, east of NW 43rd Street. The application proposes amendment of the City of Gainesville Future Land Use Map from Residential Low (RL) to Mixed Use-Low Intensity (8-30 units per acre) (MUL), and rezoning from RSF-4 (8 units per acre single-family residential district) to MU-1 (8-30 units per acre mixed use low intensity). The parcel is surrounded by office (including corporate park office uses, and medical offices in a Planned Development) and residential land uses.

The parent parcel of the subject property is a roughly north-south oriented rectangular property, fronting on NW 43rd Street and NW 39th Road on the north, and West University Avenue on the south. The 5 acre part, which is the area of the proposed land use change and rezoning, is the southernmost part of the tax parcel identified above. This 5 acre area is heavily wooded and fronts on West University Avenue. The southeast corner of this area is the lowest elevation of the entire parent parcel and receives an ephemeral/intermittent flow of surface water from the higher areas of the north and northwest sides of the parent parcel, a drop of over 40 feet of elevation. The local drainage features and scoured watercourses within this prominent sloping valley are poorly defined, with lower areas subject to ephemeral ponding during periods of rainfall. The higher, northerly part of this drainage area is a broad forested man-made basin with a culverted road crossing and a berm and weir structure, created as a part of the original site development and stormwater management infrastructure constructed in the early 1970’s. The southern part, which extends downslope from the old forest covered stormwater basin to Newberry Road, is natural in character and typical of the small closed basin recharge depressions of this active karst zone of the west side of the city. This ephemerally ponding valley and its watercourses may be regulated surface waters/wetlands pursuant to LDC 30-300, and must be more closely evaluated in conjunction with the St. Johns River Water Management District to verify jurisdictional status. The petition includes a *Natural Resources Assessment* report performed by Ecosystem Research Corporation (ERC), dated September 1, 2014. This report describes and delineates the wetland and surface water areas referenced above and will serve as a basis for making final regulatory decisions regarding extent of jurisdiction during the development review process for any proposed project on the site.

The ERC report also includes results of a Basic Level resources assessment for the entire planning parcel, which is the same area as the 18 acre parent parcel described above. This assessment study was provided in fulfillment of the requirements of Division 4. Regulated Natural and Archaeological Resources, due to the possible presence of regulated resources such as sinkholes, significant natural communities, and listed species. The southern half of the parent parcel under consideration is heavily wooded with a cover of pine and mixed hardwood forest. The lower elevations of the southeast corner of the parcel support a mature, diverse hardwood forest comprising a natural community type described by the Florida Natural Areas Inventory as

mesic hammock. The ERC report describes this hardwood forest area, which is closely associated with the watercourse/wetland features mentioned above, as a mix of low to moderate quality mesic hammock, and concludes that it is not determined to be a significant natural community regulated pursuant to LDC 30-310, and would not be of sufficient size and in a suitable location/context for long term protection and management through the Conservation Management Area (CMA) mechanism provided by LDC 30-310. No other regulated resource areas were identified in the study. A sinkhole which was found was not determined to be a significant geological feature, and no listed species which were evaluated in the Basic Review were found or would be expected to occur on the site.

Any application for development approval on the subject properties that would be proposed subsequent to the proposed land use and zoning change would be reviewed for compliance with the City environmental and natural resource regulations pursuant to LDC 30-300 and LDC 30-310 at that time. Staff concurs with the results of the petitioner's natural resources assessment and agrees that no resources regulated pursuant to LDC 30-310 exist on or immediately adjacent to the planning parcel, and that unless a listed species is found on the property at a later time, no regulation under that code section would be required. Development of the property under the proposed land use and zoning will be subject to avoidance and buffering of surface waters and wetlands, with minimization and mitigation of unavoidable impacts to those areas.

Otherwise, no other issues relating to regulated surface waters/wetlands or natural and archaeological resources are known to exist which might present a constraint or otherwise adversely affect the proposed land use and rezoning proposals.”

Respectfully submitted,



Onelia Lazzari, AICP
Principal Planner

Table 1**Adjacent Existing Uses**

North	Place of religious assembly (Holy Faith Catholic Church)
South	Newberry Road; medical offices across from the site
East	General office uses
West	Bank and medical offices

Adjacent Zoning and Land Use

	Land Use Category	Zoning Category
North	Residential Low	RSF-4
South	Right-of-Way, Planned Use District (PUD) across street	Right-of-Way, Planned Development (PD) across street
East	Office	General Office (OF)
West	Mixed Use-Medium	Corporate Park (CP)

List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Relevant Future Land Use Element GOPs

Appendix B Maps

Exhibit B-1 Aerial Map

Exhibit B-2 Existing Zoning Map

Exhibit B-3 Proposed Zoning Map

Appendix C Environmental Report

Please see Exhibit C-1 in Petition PB-14-51 LUC for this document

Appendix D Land Development Code

Exhibit D-1 Mixed-Use 1 zoning district regulations & Triangle Special Area Plan

Appendix E Application and Neighborhood Workshop information

Exhibit E-1 Applicant's Application and Neighborhood Workshop Notes and information

Exhibit E-2 Applicant's Rezoning Justification Report