

TO: City Plan Board

Item Number: 4

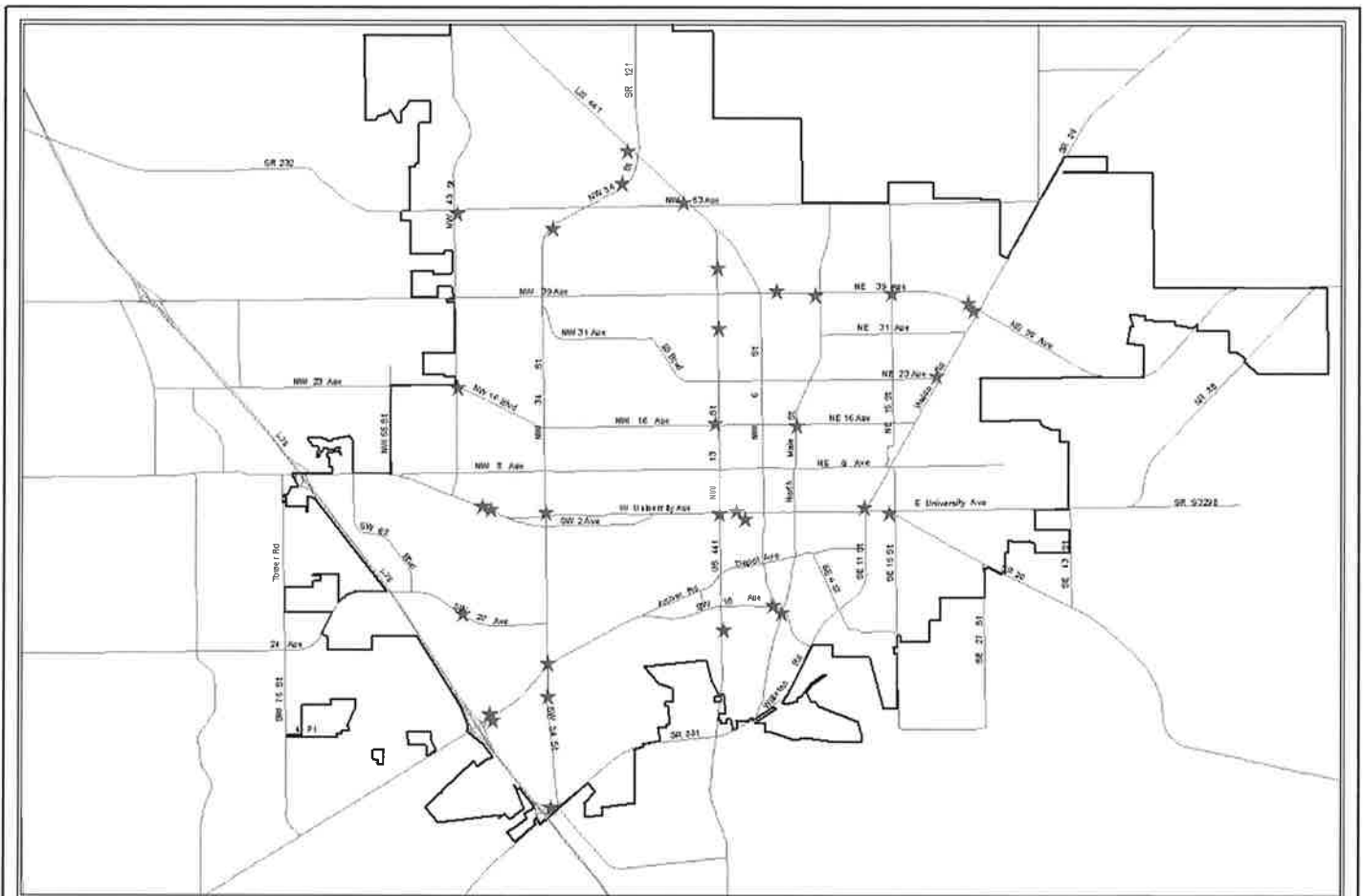
FROM: Planning & Development Services Department

DATE: October 27, 2016

SUBJECT: **Petition PB-16-144 TCH.** City Plan Board. Amend the City of Gainesville Land Development Code Section 30-93 Gasoline and alternative fuel service stations (GN-554) and food stores (MG-54) with accessory gasoline and alternative fuel pumps to prohibit such facilities when adjacent to property designated for single-family residential on the Future Land Use Map.

Recommendation

Staff recommends approval of Petition PB-16-144 TCH.



Gasoline Service Stations and Convenience Stores with Fueling Pumps

City of Gainesville
Planning and Development Services
October 2016

Description

This petition is proposing to amend Land Development Code Section 30-93. - *Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps* to prohibit the siting of these facilities when abutting property designated with Single-Family (SF) or Residential Low (RL) land use as depicted on the Future Land Use Map.

Background

This petition was initiated at the direction of the City Commission at their August 18th hearing by a unanimous vote (6-0 Chase absent) (see Exhibit C). The Commission directed Planning staff to prepare amendments to the Land Development Code to prohibit the placement of gasoline stations when abutting single family neighborhoods and to amend the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties (Petition PB-16-143 CPA). The Commission direction to staff was initiated as a result of the discussions related to a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood (Petition PB-16-34 SUP) by Murphy USA, a national gas station and convenience store chain. At the August 18th hearing, the Commission heard testimony from adjacent property owners and residents. The citizens present at the meeting expressed concern regarding the proposed gas station and its proximity to the nearby single family residential neighborhood. Concerns raised at the meeting included impacts from lighting, noise, hours of operation, proximity to residences, and environmental considerations.

The proposed amendment would prohibit new gasoline service stations from locating on property abutting Single Family or Residential Low designated property on the Future Land Use Map. This would include property zoned for single family and other similar low density residential uses. Any property abutting the following zoning districts would be subject to the proposed prohibition:

Future Land Use Category	Zoning Districts
Single-family (SF)	RSF-1, RSF-2, RSF-3, RSF-4, RSF-R
Residential—Low (RL)	RMF-5, MH (Mobile Home), RC (Residential Conservation)

Planning staff has analyzed the existing operational gasoline service stations within the City limits and have determined that approximately 3 stores are located adjacent to the land use categories referenced in the table above (see Exhibit B). All three of these stations were built prior to the City implementing regulations within the Transportation Mobility Element requiring gasoline stations and convenience store facilities with fuel pumps to obtain a Special Use Permit and to place fueling stations behind the service station building. As a result, the stations are currently considered legal non-conforming uses. If the proposed amendment was adopted by the City Commission, these stations could continue to operate indefinitely, change ownership, and

make minor decorative, functional or safety improvements to existing structures as legal non-conforming uses under the City's Land Development Code provisions.

Respectfully submitted,



Andrew Persons
Interim Principal Planner

List of Exhibits

- Exhibit A Application**
- Exhibit B List of operational gas stations or convenience stores with fuel pumps**
- Exhibit C Map: Operational gas stations or convenience stores with fuel pumps**
- Exhibit D Legislative matter 160134 (City Commission referral)**
- Exhibit E Relevant Goals, Objectives, and Policies from the Comprehensive Plan**
- Exhibit F Amended: Sec. 30-93. - Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps.**



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



OFFICE USE ONLY

Petition No. PB-16-144TCH Fee: \$ _____
 1st Step Mtg Date: _____ EZ Fee: \$ _____
 Tax Map No. _____ Receipt No. _____

Account No. 001-660-6680-3401 []
 Account No. 001-660-6680-1124 (Enterprise Zone) []
 Account No. 001-660-6680-1125 (Enterprise Zone Credit) []

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name: <u>City Plan Board</u>	
Applicant/Agent Address: _____	
City: _____	
State: _____	Zip: _____
Applicant/Agent Phone: _____	Applicant/Agent Fax: _____

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 <input type="checkbox"/>	Other <input type="checkbox"/>
Section/Appendix No.: <u>30-93</u>	Element & Goal, Objective or Policy No.: _____	Specify: _____

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

Amend Section the City of Gainesville Land Development Code Section 30-93 Gasoline and alternative fuel service stations (GN-514) and Gasstops (MG-54) with accessory gasoline and alternative fuel pumps to prohibit such facilities when adjacent to property designated for single-family residential on the future land use map.

Certified Cashiers Receipt:

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted herewith.

Signature of applicant/agent: 

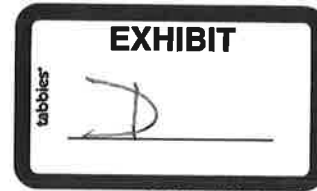
Date: 10-3-16

TL—djw
8/99

List of Gas Stations or Convenience Stores with Pumps



Business Name	Site Address	Parcel Number	Property Zoning	Adjacent to Single Family	Adjacent Multiple Family	Pump Location
Kangaroo - Mobil	5708 NW 34th Blvd	06014-001-080	MU-2	Yes	No	front
Murphy Express	6323 NW 23rd St	06014-032-002 06014-032-003	MU-2	No	No	
Chevron	5221 NW 43rd St	06070-010-001	MU-1	No	No	
Texaco	4909 NW 34th Blvd	06083-007-000	MU-1	Yes	No	
Kangaroo - Shell	4221 NW 16th Blvd	06392-002-000	MU-2	No	No	front
Chevron	3328 W Newberry Rd	06472-001-000	MU-1	No	No	
Shell	3850 W Newberry Rd	06501-010-000	BA	No	Yes (PD zoning)	front
Marathon	3936 W Newberry Rd	06503-004-000	BA	No	No	
Circle K - Mobil	4234 SW 20th Ave	06745-002-002	UMU-2	No	No	
Shell	3330 SW Archer Rd	06784-003-000	BUS	No	No	
Kangaroo	3901 SW Archer Rd	06801-004-001	BUS	No	No	
Exxon	3960 SW Archer Rd	06810-003-005	PD	No	No	
Circle K	3525 SW 34th St	07240-001-005 07240-001-016	BUS	No	Yes	front
Mobil	3424 SW Williston Rd	07240-017-000	BUS	No	No	
Kangaroo - BP	5310 NW 13th St	07882-012-001	BA	No	No	
Sean Express	220 NW 39th Ave	07998-002-000	BA	No	No	
Sunoco	4207 NW 13th St	08120-000-000	MU-1	Yes	No	front
Citgo	3845 NE 15th St	08197-002-005	MU-1	No	No	
Short Stop	2610 NE 39th Ave	08198-007-001	I1	No	No	
Mobil	3520 NE Waldo Rd	08198-016-002	BUS	No	No	
Circle K	3838 N Main St	08210-001-011	BA	No	No	
Shell	3831 NW 13th St	08270-000-000	MU-1	No	No	
Gate	3001 NW 13th St	08300-001-000	MU-1	No	No	
Marathon	1606 NW 13th St	09012-001-000	MU-1	No	Yes	front
Citgo	809 N Main St	09929-003-000	MU-1	No	No	
Texaco	1600 NE Waldo Rd	10766-009-000	MU-1	No	No	
Chevron	1445 SE Hawthorne Rd	11741-000-000	MU-1	No	No	
Shell	20 NE Waldo Rd	12002-000-000	BUS	No	No	
BP	931 W University Ave	13205-000-000	UMU-2	No	No	
Kangaroo	1255 W University Ave	13231-000-000	UMU-2	No	No	
Chevron	1024 W University Ave	13988-000-000	UMU-2	No	No	
Texaco	2109 SW 13th St	15544-000-000	BT	No	No	
Citgo	1720 S Main St	15699-057-000 15699-057-001	MU-1	No	Yes	front
BP	334 SW 16th Ave	15702-001-005	MU-2	No	No	



200 East University Avenue
Gainesville, Florida
32601

City of Gainesville

Master

File Number: 160134.

File ID: 160134.	Type: Petition	Status: Failed
Version: 1	Reference:	In Control: City Manager
		File Created: 06/15/2016
File Name:		Final Action: 08/18/2016

Title: Special Use Permit Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store (B)

Petition PB-16-34 SUP. Greenberg Farrow (John Vecchio, P.E.) agent for Walmart Stores East, owner. A special use permit with an intermediate development plan to allow construction of a gas station with a convenience store. Zoned: MU-2 (12-30 units/acre mixed use medium intensity). Located at 1800 NE 12th Avenue.

Estimated presentation time 15 minutes

Notes: Lawrence Calderon, Lead Planner ext 8680

Agenda Date: 08/18/2016

Sponsors:

Enactment Date:

Attachments: 160314_Staff report and Attachments A-C_20160623, 160134A_Staff report and Attachments A-C_20160818, 160134B_CPB minutes draft_20160818, 160134C_Staff ppt_20160818, 160134_QJ Form_20160818.pdf, 160134_MOD_petiton form_20160818.pdf, 160134_MOD Greater Duval Neighborhood Assoc_20160818.pdf

Enactment Number:

Contact Name:

Hearing Date:

Drafter Name:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Plan Board	06/23/2016					
1	City Commission	08/18/2016	Denied (Petition)				Pass

Notes: *Motion by Commissioner Hayes-Santos, seconded by Commissioner Carter: 1) staff to look into the Comprehensive Plan to allow for a switch of the gas pumps adjacent to a single-family neighborhood to the front; 2) staff look into the Land Development Code to remove gas stations that are adjacent to single-family neighborhoods; and 3) change the notification process to notify residences of address and property owners . Motion passed 6-0. Commissioner Chase absent.*

Lawrence Calderon and Wayne Gibson made presentations.

Telford Cartwright, Edward Earl Young, Juanita Miles-Hamilton, Gilbert Means, Helen Harris, Sheria Fernandez and Pastor Ernestine Butler spoke to the matter.

Aye: 6 Commissioner Goston, Commissioner Budd, Mayor Poe, Commissioner Hayes-Santos, Commissioner Carter, and Mayor-Commissioner Pro Tem Warren

Absent: 1 Commissioner Chase

Text of Legislative File 160134.

Title

Special Use Permit Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store (B)

Petition PB-16-34 SUP. Greenberg Farrow (John Vecchio, P.E.) agent for Walmart Stores East, owner. A special use permit with an intermediate development plan to allow construction of a gas station with a convenience store. Zoned: MU-2 (12-30 units/acre mixed use medium intensity). Located at 1800 NE 12th Avenue.

Estimated presentation time 15 minutes

Explanation

This petition is a request to grant a special use permit at the above referenced site to allow construction of a gasoline station with 12 fueling positions and a retail/convenience store. Per the Comprehensive Plan, Policy 10.4.9 of the Transportation Mobility Element, gasoline service stations with more than six fueling positions must meet a specific set of conditions with final approval by the City Commission. The development must comply with Sections 30-233 of the Land Development Code and the Concurrency Management Element, Policy 10.4.9 of the Comprehensive Plan.

The project site is located at 1800 NE 12th Avenue and includes a portion of tax parcel 10859-010-003 which is currently in the subdivision review process to create a separate lot of approximately 2.188 acres (95,316 square feet). The site has a land use designation of Mixed use Medium (MUM) and a zoning of MU-2 (Mixed use medium intensity 12-30 units per acre). The development proposal includes a free-standing building of approximately 1,200 square feet, a gas canopy, twelve fueling positions, an off-street parking area, paved access to the pumps, landscape areas, and a stormwater management system.

The petition was submitted to the City Plan Board for review on May 26, 2016 but was continued after neighbors stated that they did not receive notice of the petition or the neighborhood meeting. Staff reviewed the notice process and determined that proper notice procedures were followed; the item was presented to the City Plan Board for review on June 23rd, 2016. After considering testimony presented by staff, the applicant, neighborhood residents and the general public, the board voted unanimously to approve the development with

the conditions included in the staff report plus two conditions listed below in the City Plan Board recommendation to the City Commission.

In considering the petition, the City Commission is required to review the City Plan Board's recommendation, evidence presented in the public hearing, City staff report, the findings of Sections 30-233, the review standards of Policy 10.4.9 of the Comprehensive Plan and the development plan review process found in Article VII.

Public notices were published in the Gainesville Sun on May 10th and June 7th, 2016. The Plan Board held a public hearing on May 26, 2016 and on June 23, 2016.

Fiscal Note

None.

Recommendation

City Plan Board to City Commission- Approve Petition PB-16-34 SUP with staff conditions, Technical Review Committee (TRC) comments, the associated development plan , and two additional conditions: 1)relocate the underground tanks from the south side to the west side of the development and; 2) add an oil/water separator to the stormwater management system of the site.

Staff to City Commission - Approve the City Plan Board's recommendation.

Staff to City Plan Board - Approve Petition PB-16-34 SUP with conditions, TRC comments and the associated development plan.

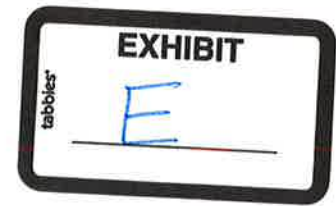


Exhibit E:

Future Land Use Element:

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 topography, natural features and tree canopy.

Policy 5.2.1 The City shall develop land development regulations that control façade articulation, building orientation, building location, automobile-oriented uses such as drive-throughs and gas stations, location and amount of parking, number of stories, outdoor lighting, compatibility with context, and quality of materials for large retail and service establishments in a manner that promotes civic pride, unique identity and land use objectives

Transportation Mobility Element:

Policy 10.3.2 New development of automotive-oriented uses within the TMPA, such as retail petroleum sales (gasoline service stations), car washes, automotive repair, and limited automotive services (as defined in the Land Development Code), shall be designed with service bays and fueling (gas) pumps located to the rear of buildings. These design standards shall not apply in industrial zoning districts. The number of fueling positions shall be regulated by TMPA policies.

Policy 10.4.1 The City may establish pedestrian, transit, and bicycle-oriented areas, through a special area plan overlay zone adopted within the Land Development Code, to prohibit or further regulate automobile-oriented developments/uses beyond the standards set by the TMPA.

Policy 10.4.9 Within the TMPA, retail petroleum sales at service stations and/or car washes, either separately or in combination with the sale of food or eating places, shall be required to obtain a Special Use Permit. In addition to the review criteria in the Land Development Code for Special Use Permits, the following review standards shall apply:

a. Site design shall enhance pedestrian/bicycle access to any retail and/or restaurant facilities on site. Sidewalk connections or marked pedestrian crosswalks shall be shown on the site plan.

b. The number and width of driveways shall be minimized.

c. Except where more stringently regulated by a special area plan or overlay district, the maximum number of fueling positions shall be set as follows:

1. No limitation on fueling positions in the Industrial zoning categories;

2. Six fueling positions in the Mixed-Use Low land use category or Mixed-Use 1 zoning district;

3. Until adoption in the Land Development Code of specific architectural and design standards, six fueling positions in all other zoning categories where gasoline service stations (retail petroleum sales) or food stores with accessory gasoline and alternative fuel pumps are allowed. In the interim period before the adoption of architectural and design standards, additional fueling positions, up to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the following conditions:

a. The size of the site can safely accommodate the additional fueling positions while meeting all required landscaping, buffering, and other Land Development Code requirements;

b. Site access and traffic safety conditions on adjacent roadways and intersections are not compromised by the additional trips generated by the additional fueling positions;

c. Pedestrian/bicycle safety and comfort in the area are not compromised by the additional trips generated by the additional fueling positions;

d. The architectural and site design are of such high quality that they enhance the site area and promote the City's multi-modal and design goals. As part of a Planned Development rezoning or Special Use Permit review process, the developer shall provide a development plan, elevations and architectural renderings of the proposed site including details such as, but not limited to, façade treatment, colors, lighting, roof detail, signage, landscaping, building location relative to the street, and location of access points;

e. Cross-access or joint driveway usage is provided to other adjacent developments; and

f. Retail convenience goods sales or a restaurant are included in the development and designed such that pedestrian or bicycle use of the site is encouraged. The retail convenience goods sales or restaurant building and development shall meet all of the following requirements:

1. Building(s) shall be placed close to the public sidewalk for a substantial length of the site's linear frontage;

2. A minimum of 30% window area or glazing at pedestrian level (between 3 feet above grade and 8 feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80% transparent;

3. A pedestrian entry is provided from the public sidewalk on the property frontage or near a building corner when the building is on a corner lot;

4. Off-street parking shall be located to the side or rear of the building; and

5. The building height and façade elevation are appropriate for the site and surrounding zoned properties.

4. Until adoption in the Land Development Code of specific architectural and design standards, ten fueling positions within 1/4 mile of an I-75 interchange. In the interim period before the adoption of architectural and design standards, additional fueling positions, to a maximum of twelve, may be allowed as part of a Planned Development rezoning or Special Use Permit process, with the final approval of the City Commission, based on meeting all of the conditions shown in 3 a-f above.



Sec. 30-93. - Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps.

(a) Compatibility requirements. Gasoline and alternative fuel services stations, and food stores with accessory gasoline and alternative fuel pumps shall be prohibited where abutting property which is shown for single-family residential or residential low land use on the Future Land Use Map of the comprehensive plan.

(ab) Dimensional requirements. All principal and accessory structures for gasoline service stations shall be located and constructed in accordance with the following minimum requirements:

- (1) Minimum lot area: Twelve thousand square feet.
- (2) Minimum lot width at minimum front yard setback: One hundred feet.

(bc) Minimum pump setback. All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any right-of-way line or property line.

(cd) Accessory uses. Permitted accessory uses to a gasoline or alternative fuel service station are as follows:

- (1) Rental of vehicles is permitted, and such rental vehicles may be outside provided that they are screened in accordance with subsection 30-67(g)(2), pertaining to general provisions for business and mixed use districts.
- (2) Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles which do not require body work, painting or removal of engines from frames or dismantling of differentials shall be permitted. Additional adjustments or repairs at service stations shall only be permitted within zoning districts where major automotive repairs are a permitted principal use.
- (3) Retail sale of:
 - a. Minor automobile parts and accessories, gasoline, diesel fuel, alternative fuels, kerosene, lubricating oils and greases; and
 - b. Articles dispensed by vending machines, providing such machines are located under the roof of the principal structure.
- (4) Automated carwashes or self-carwashes in conformance with the requirements of section 30-95 shall be permitted by special use permit.

(de) Repair facilities. No lift or repair facilities shall be located outside the principal structure.

(ef) Reserved.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 000516, § 5, 2-11-02; Ord. No. 120023, § 2, 12-20-12)

Cross reference— Traffic and motor vehicles, Ch. 26.