

TO: City Plan Board

Item Number: 2

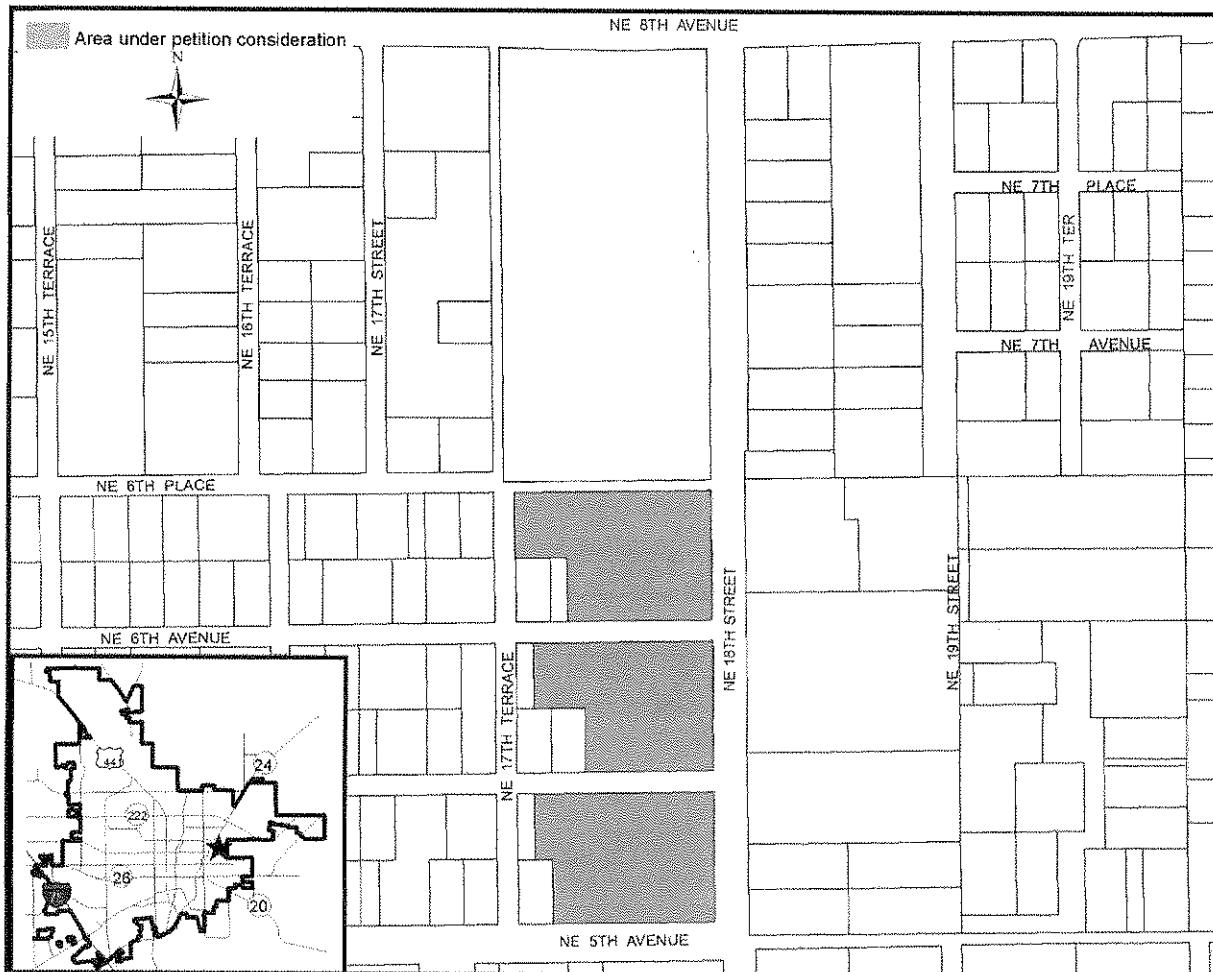
FROM: Planning & Development Services Department
Staff

DATE: April 25, 2013
Revised: June 20, 2013

SUBJECT: Petition PB-13-27 ZON Causseaux, Hewett, Walpole, agent for Gardenia Garden Apartments Limited Partnership. Rezone property from RMF-5: 12 units/acre single-family/multiple-family residential district to RMF-7: 8-21 units/acre multiple-family residential district. Located in the vicinity of NE 18th Street, south of NE 6th Place, east of NE 17th Terrace, and north of NE 5th Avenue. Related to PB-13-26 LUC.

Recommendation

Staff recommends approval of Petition PB-13-27 ZON.



Description

This petition proposes to rezone a portion of one parcel (± 3.47 acres of a 7.41-acre parcel) (Tax Parcel No. 10970-000-000) from RMF-5: 12 units/acre single-family/multiple-family residential district to RMF-7: 8-21 units/acre multiple-family residential district.

The subject property consists of the southern portion of the Gardenia Gardens Apartments multi-family complex that was originally developed in 1968. Gardenia Garden Apartments is located on the south side of NE 8th Avenue and the west side of NE 18th Street. The location of this 3.47-acre portion of the referenced parcel is shown on page 1 of this report.

The property currently has a split zoning between RMF-7: 8-21 units/acre multiple-family residential district (northern portion) and RMF-5: 12 units/acre single-family/multiple-family residential district (southern portion). Rezoning the 3.47-acre portion of the property to RMF-7 will create a single unified zoning district classification across the entire site that is consistent with the current developed density of the property.

The developed density of the 3.47-acre southern portion of the property currently exceeds the density limit of 12 units per acre within the RMF-5 zoning district. This fact renders the existing apartment buildings on the property non-conforming and therefore subject to the nonconforming lots, uses, or structures requirements of the Land Development Code (Sec. 30-346).

However, prior to the adoption of the 1991 City of Gainesville Comprehensive Plan, the entire property was zoned RMF-7 zoning. Under the RMF-7 zoning in place at the time, the developed density of the property conformed to the 30 units per acre maximum density of the zoning. The nonconformity status arose when the property was split into its current land use and zoning arrangement as part of the citywide land use and zoning changes in 1991 and 1992. There are no records regarding why this change occurred at that time.

This petition seeks to remove the southern portion of the property's nonconforming status by rezoning the 3.47-acre RMF-5 zoned portion to match the existing RMF-7 zoning district on the remainder of the parcel. The proposed RMF-7 zoning will limit the density by right for the entire parcel to 103 units thereby increasing the total allowable density by approximately 3 units above the current developed density (100 units). Additionally, the current site is fully developed and any increase in density would require significant modifications to the structures and land which would require site plan review per the development review process requirements of the Land Development Code.

The entire complex currently contains 100 U.S. Department of Housing and Urban Development (HUD) Project-Based Section 8 subsidized multi-family dwelling units. Amending the zoning for the 3.47-acre portion of the property from RMF-5 to RMF-7 will remove the nonconformity status, which will assist in any future modifications to the property and enhance the ability of the development to obtain financing to provide affordable housing to Gainesville residents.

Key Issues

- The existing density of the 3.47-acre southern portion of the property exceeds the maximum density of the RMF-5 zoning as a result of citywide zoning changes which occurred in 1992.
- Amending the zoning district on the southern portion of the property from RMF-5 to RMF-7 is necessary to remove the nonconforming status of the property. The amendment will implement the related small-scale land use change (PB-13-26 LUC).
- The proposed RMF-7 zoning will limit the density by right for the entire parcel to 103 units thereby increasing the total allowable density by approximately 3 units above the current developed density (100 units).

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

Amending the zoning for the southern portion of the site to RMF-7 will reflect the developed density on the property that has been in place since 1968 and will bring the density into compliance with the Comprehensive Plan. Removing the property's nonconforming status supports the provision of affordable housing which encourages the development of neighborhoods that contain a diversity of housing types (Future Land Use Element Policy 1.1.3) and densities for low- income, very low-income, extremely low-income and moderate-income people (Housing Element Objective 1.2).

2. Conformance with the Land Development Code

The proposed RMF-7 zoning district will implement the small-scale future land use map amendment for the 3.47-acre southern portion of Tax Parcel No. 10970-000-000 from Residential Low-Density (up to 12 units per acre) to Residential Medium Density (8-30 units per acre) proposed by related Petition PB-13-26 LUC. As previously stated, the proposed zoning will bring the current developed density on the property into conformance with the Land Development Code.

3. Changed Conditions

As previously stated, the developed density on the property is not in conformance with the Comprehensive Plan or the Land Development Code due to citywide land use and zoning changes which occurred in 1991 and 1992, respectively. The proposed rezoning will remove the existing non-conforming status from the southern portion of the property.

4. **Compatibility**

The property is currently developed as an apartment complex. The proposed RMF-7 zoning will limit the density by right for the entire parcel to 103 units thereby increasing the total allowable density by approximately 3 units above the current developed density (100 units). Any increase in developed density would require significant modifications to the structures and land which would require site plan review per the development review process requirements of the Land Development Code. The property is bordered by the adjacent portion of Gardenia Gardens Apartments to the north. The remainder of the site is bordered by single family residences to the east and west and vacant land and a church to the south. Because this petition involves an existing condition where the added density already exists at the site, staff does not anticipate any compatibility issues as a result of the proposed rezoning.

5. **Impacts on Affordable Housing**

As previously stated, the apartment complex is a HUD Section-8 tenant based facility offering approximately 100 units eligible for housing choice vouchers. The proposed rezoning will have a positive impact on affordable housing by removing the nonconformity status which will assist in any future modifications to the property and enhance the ability of the development to obtain financing to provide affordable housing to Gainesville residents.

Transportation

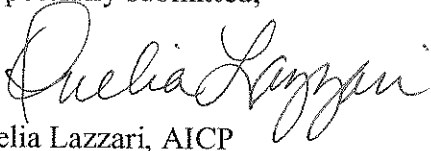
The site is located within the City's TCEA Zone A, which was established to encourage redevelopment and infill near the University Context Area, the urban core, and the eastern part of Gainesville. Developers within TCEA Zone A are responsible for providing transportation improvements that are required due to safety and/or operational conditions.

The site currently has one driveway connection on NE 8th Avenue and four driveway connections along NE 18th Street. Sidewalks run along both NE 8th Avenue and NE 18th Street and throughout the development. The site is located less than one-quarter (1/4) mile from Regional Transit System's (RTS's) bus routes 24 and 25, which run along NE Waldo Road/SR 24.

Environmental Impacts and Constraints

There are no environmental impacts anticipated as a result of the proposed rezoning. The proposed rezoning received an exemption from Land Development Code (LDC) Section 30-300 and 30-310 regarding regulated surface waters and wetlands (LDC Sec. 30-300) and regulated natural and archeological resources (LDC Sec. 30-310). The exemption was approved due to the absence of regulated surface waters or wetlands on or adjacent to the property and it was determined that the proposed rezoning will have a *de minimis* impact on any applicable regulated natural and archeological resources.

Respectfully submitted,



Onelia Lazzari, AICP
Principal Planner

Prepared by:



Andrew Persons, LEED GA

Table 1

Adjacent Existing Uses

North	Gardenia Gardens Apartments
South	Vacant land, church
East	Single family residences
West	Single family residences

Adjacent Zoning and Land Use

	Zoning Category	Land Use Category
North	RMF-7: 8—21 units/acre multiple-family residential district	Residential Medium Density
South	RC: 12 units/acre residential conservation district	Residential Medium Density
East	RSF-3: 5.8 units/acre single-family residential district	Single Family
West	RC: 12 units/acre residential conservation district	Residential Low Density

Exhibits

- A-1 Aerial Map of the subject property
- A-2 Existing Zoning map
- A-3 Proposed Zoning map
- A-4 Comprehensive Plan Goals, Objectives, and Policies

- B-1 Causseaux, Hewett, and Walpole, Inc. Justification Report
- B-2 Petition application