



# City of Gainesville

Department of Sustainable  
Development

## CITY PLAN BOARD STAFF REPORT

**PUBLIC HEARING DATE:** October 22, 2020  
**PROJECT NAME AND NUMBER:** PB-19-00112 SUP – Circle K at 441  
**APPLICATION TYPE:** Special Use Permit  
**RECOMMENDATION:** Staff recommends approval of Petition PB-19-0112 SUP  
**CITY PROJECT CONTACT:** Juan Castillo



Figure 1: Location Map

### APPLICATION INFORMATION:

**Agent/Applicant:** CHW  
**Property Owner(s):** W.R.J. Sales Inc.  
**Related Petition(s):** PB-20-00092 SUP

### Legislative History:

PB-20-00092 WSUP. CHW, agent for W.R.J. Sales, Inc. A Wellfield Special Use Permit to allow underground storage of petroleum in property located within the tertiary wellfield zone.

PB-19-00112 SUP. CHW, agent for W.R.J. Sales, Inc.

A Special Use Permit to allow for a fueling station with 12 fueling positions, car wash and convenience store.

**Neighborhood Workshop:**

July 17, 2019

**SITE INFORMATION:**

**Address:** 4545 NW 13<sup>th</sup> St. Gainesville, FL 32609.

**Parcel Number(s):** 08002-000-000

**Acreage:** 8.24 acres +/-

**Existing Use(s):** Trailer Park Sales

**Land Use Designation(s):** C (Commercial)

**Zoning Designation(s):** BA (Business Automotive)

**Overlay District(s):** Tertiary Wellfield Zone

**Transportation Mobility Program**

**Area (TMPA):** Zone B

**Water Management District:** St. John's River Water Management District

**Special Feature(s):** Part of Murphree's Tertiary Wellfield Water Management Zone. Hogtown Creek located on the southern portion of the property.

**ADJACENT PROPERTY CHARACTERISTICS:**

	EXISTING USE(S)	LAND USE DESIGNATION(S)	ZONING DESIGNATION(S)
North	ROW NW 6 <sup>th</sup> St, NW 13 <sup>th</sup> St, UHAUL Warehouse, Club Union Hall	Industrial (IND)	General Industrial (I-2), Limited Industrial (I-1)
South	Commercial Store, Multi- family Apartment Complex, Office/Commercial Store	Commercial (COM) Residential Medium (RM)	Automotive Oriented Business (BA), Multiple- Family Residential (RMF-7)
East	ROW NW 6 <sup>th</sup> St, NW 13 <sup>th</sup> St, UHAUL Warehouse, Club Union Hall	Industrial (IND)	Limited Industrial (I-1)
West	ROW NW 13 <sup>th</sup> St, Store, Warehouse, Office	Commercial (COM)	Automotive Oriented Business (BA)

**PURPOSE AND DESCRIPTION:**

The subject property is zoned Automotive Oriented Business (BA) which allows for Gasoline / Alternative fuel stations and carwashes. The proposed special use permit is to allow for the development of an automotive fueling station with an additional six (6) fueling positions for a total of 12 fueling positions.

The site is approximately 8.24 acres in size and is located at 4545 NW 13<sup>th</sup> Street on the southeast corner of the NW 13<sup>th</sup> Street / NW 6<sup>th</sup> Street intersection. The property currently houses a manufactured home retail business and is surrounded by industrial uses to the north and east of the property; stores, warehouse, and office uses to the west of the property; and multi-family residential units south of the property.

The special use permit request is to allow for the development of an automotive fueling station with an additional six (6) fueling positions, a convenience store and an associated car wash. If approved, this will allow for the relocation of a gas station and its associated store currently located at the corner of US 441 and NW 53<sup>rd</sup> Ave and currently within the tertiary wellfield zone to the subject property.

This special use permit has been submitted concurrently with a Wellfield Special Use Permit for the gas station to allow for underground petroleum storage in the tertiary wellfield zone, lot split, and a development plan for a fueling station with 12 fueling positions and convenience store.

A carwash is part of the applicant's fueling station proposal. The current site boundaries are adjacent to RMF-7 Multi-family residential zoning district. Per Sec. 30-5.14.C.12, car wash facilities and associated elements such as vacuums shall be prohibited when adjacent to any property in a residential zoning district. In order to mitigate this condition, the applicant is proposing to split the lot in order to create a property separating the existing RMF-7 residential zoning district and the proposed fueling station. The resulting lot will retain an Automotive-oriented business (BA) zoning district. Approval of this special use permit is conditional on the Lot Split of the property.

**STAFF ANALYSIS AND RECOMMENDATION:**

**ANALYSIS**

The staff analysis and review is based on its consistency with the criteria for issuing a Special Use Permit as shown in Division 5 of Article III of the Land Development Code.

**Criteria for special use permits per [section 30-3.24](#).**

***The proposed use or development is consistent with the Comprehensive Plan and the Land Development Code.***

The proposed Special Use Permit is for an additional six (6) fueling positions for a fueling station/convenient store within Commercial Land Use and Automotive-Oriented Business (BA) zoning district. The proposed use (not including the additional fueling stations) is allowed by right within BA zoning districts per Sec. 30-4.19 and is consistent with the intent of Commercial Land Use per Policy 4.1.1 Commercial (C). Per Sec. 30-5.14.B.3, up to 12 fueling positions may be allowed as part of a special use permit process.

The proposal is consistent with Future Land Use Element GOAL 1. The site provides amenities such as a convenience store which would offer a food option for nearby residential developments. Furthermore, the fueling station would offer automotive service to nearby traffic that is lacking within half a mile of the site and is consistent with the large-scale highway oriented commercial uses designated within the commercial land use.

The proposed use meets the Comprehensive Plan Transportation Mobility Element found in Policy 10.4.3 which provides for regulations dealing with fueling pump locations, driveway widths, number of fueling positions, and pedestrian safety.

The proposed use meets the Comprehensive Plan Conservation, Open Space & Groundwater Recharge Element Policy 2.2.4 which provides direction in the handling of hazardous materials in order to prevent degradation of the natural environment (See Appendix A). The subject property is located within the tertiary wellfield protection zone (see Appendix C Exhibit C-3) which has provisions to allow for underground vehicular fuel storage. Furthermore, part of the development review for this property will make sure that development complies with Alachua County Hazardous Materials Management Code as well as the Alachua County Murphree Wellfield Protection Code.

Comprehensive Plan Policy 2.3.2 gives direction to allow for "land uses and facility design within wellfield protection zones" as identified in the Environmentally Significant Land and Resources Map Series within the Future Land Use Map Series.

The associated SUP application adheres to policies regulating gas and alternative fuel stations found in Sec. 30-5.14.

***The proposed use or development is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan. Factors by which compatibility of the proposed use or development shall be reviewed include scale, height, mass and bulk, design, intensity, and character of activity.***

Proposed use is consistent with the designated Commercial Land Use on the property which allows for and encourages the development of large-scale highway oriented commercial development. The proposed use is also consistent with the BA zoning district on the property which allows by right the development of gasoline stations.

***The proposed use will not adversely affect the health, safety, and welfare of the public.***

It is not expected that the proposed development will adversely affect the health, safety, and welfare of the public. The proposed development will adhere to the Alachua County Hazardous Materials Management Code and the Alachua County Murphree Wellfield Protection Code which will mitigate any impact from the gasoline storage on the site.

***Ingress and egress to the property, proposed structures, and parking/loading/service areas is provided and allows for safe and convenient automobile, bicycle, and pedestrian mobility at the site and surrounding properties.***

Applicant's proposal includes the relocation of existing curbs in order to align them with existing curb cuts on respective roads. Right-of-way modifications are anticipated to include left turn lanes for US 441 and NW 6<sup>th</sup> Street. Proposal includes onsite sidewalks providing connections for pedestrians from Right-of-ways to the convenience store without accessing onsite vehicular circulation.

***Off-street parking, service, and loading areas, where required, will not adversely impact adjacent properties zoned for single-family residential use.***

There are no single-family residential uses adjacent to this property.

***Noise, glare, exterior lighting, or odor effects will not negatively impact surrounding properties.***

It is not expected that the proposed development will have a negative impact on surrounding properties due to noise, glare, exterior lighting, or odor effects. Our Land Development Code has regulations mitigating impact of noise, light, and odors which the applicant will adhere to. Furthermore, the applicant's property is located on a corner lot surrounded by two significant rights-of-way. The southern portion of the applicant's property is heavily vegetated which is anticipated to provide a significant buffer to properties located south of this property. Furthermore, the applicant is proposing a lot split, which will create a separating lot between the proposed development and the existing multi-family development and commercial properties located on the southern end.

The proposed development plan application provides mitigation for site's environmental conditions with a wetland buffer that ranges from 75' to 125' wide.

***There is adequate provision for refuse and service/loading areas, and these areas shall be reviewed for access, screening, location on the site, and pedestrian/bicycle mobility and safety. Outdoor storage or display areas, if included, will not adversely impact surrounding properties and shall be reviewed for screening and location on the site.***

Proposal includes refuse and loading area which are screened and do not restrict pedestrian mobility access.

***Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use or development.***

The site has all necessary public utilities (see Appendix C Exhibits C-4 – Exhibits C-7).

***Screening and buffers are proposed of such type, dimension, and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.***

The proposed fueling station will have a Type B perimeter buffer per Sec. 30-5.14.C.10.

***The hours of operation will not adversely impact adjacent properties zoned for single-family residential use.***

There are no single-family residential uses adjacent to the subject property.

***Any special requirements set forth in the Land Development Code for the particular use involved are met.***

Special requirements detailed below:

Sec. 30-5.13. - Gasoline and alternative fuel stations.

Gasoline and alternative fuel stations also include retail petroleum sales at service stations or car washes, either separately or in combination with the sale of food or restaurants, or gas pumps as accessory to a convenience store or restaurant.

A. *Accessory uses.* Permitted accessory uses to a gasoline or alternative fuel service station are as follows:

1. Rental of vehicles, provided they are screened in accordance with section 30-5.39.
2. Minor adjustments or repairs to automobiles, trucks, trailers or other vehicles that do not require body work, painting or removal of engines from frames or dismantling of differentials. No lift or repair facilities shall be located outside the principal structure. Additional adjustments or repairs at service stations shall only be permitted within zoning districts where major automotive repairs are a permitted principal use.
3. The retail sale of minor automobile parts and accessories, gasoline, diesel fuel, alternative fuels, kerosene, lubricating oils and greases.
4. Vending machines, provided such machines are located under the roof of the principal structure.

B. *Number of fueling positions.*

1. Within the transect zones, where allowed, up to six fueling positions are permitted by right.
2. Within all other zoning districts, where allowed, up to six fueling positions are permitted by right, except for stations located within one-fourth mile from an interchange, where there may be up to 12 fueling positions permitted by right.

**3. Up to 12 fueling positions may be allowed as part of a planned development rezoning or special use permit process.**

C. *Design requirements.*

1. 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. **- Requirement Met**
2. All gasoline and alternative fuel pumps and accessory automotive uses shall be located to the rear or side of buildings and at least 50 feet from the property line of any property zoned residential district or planned development district with predominantly residential uses. In the event the physical constraints of the site do not allow such uses to meet these requirements, the uses may be located to the front of the building in order to meet the 50 foot spacing requirement. This design requirement shall not apply in the I-1 or I-2 zoning districts. **- Requirement Met**
3. The number and width of driveways shall be minimized. **- Requirement Met**
4. Cross-access or joint use driveways shall be provided to adjacent non-residential development. **- Subject to condition. Future lot split will be connected.**
  5. A minimum of 25 percent window area or glazing at pedestrian level (between three and eight feet above grade) on all first-floor building sides with street frontage. Windows or glazing shall be at least 80 percent transparent. **- Requirement Met**
  6. A public entrance shall be provided that faces the street (a corner entrance may be provided where the building is located at the intersection of streets). **- Requirement Met**
  7. Pedestrian and bicycle access shall be provided from the public sidewalk to any retail or restaurant facilities on site. **- Requirement Met**
  8. Off-street parking shall be located to the side or rear of the building. **- Requirement Met**
  9. Canopy height: The bottom surface of a canopy shall not exceed 15 feet in height. **- Condition proposed to meet requirement.**

10. Perimeter buffers: Sites shall include type B buffers with a minimum four-foot tall opaque masonry wall or privet type hedge along the side and rear property boundaries to minimize the view of fueling pumps. **- Requirement Met**
11. Dumpster location: Dumpsters shall be enclosed by a masonry wall and placed as far away from existing, adjacent residential uses as practicable on the site and shall not be less than 50 feet as measured from the residential property line. **- Requirement Met**
12. Car wash facilities and associated elements such as vacuums shall be prohibited when adjacent to any property in a residential zoning district or a planned development district with predominately residential uses. **- Applicant is proposing to create a lot split which will create a separate lot between the existing RMF-7 Residential zoning district and the fueling station proposal. Approval of this special use permit is subject to the creation of this lot split.**
13. A convenience store or restaurant or combination thereof shall be present when fueling positions exceed six. **- Requirement Met**

Sec. 30-5.5. - Carwash, automated or self-service.

All principal and accessory structures used for carwash service shall be located and constructed in accordance with the following requirements:

- A. When the use is located in an accessory structure, the structure shall not exceed 25 feet in height. **- Requirement Met**
- B. All bay openings shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing, conforming residential use. **- Requirement Met**
- C. Bay openings shall be located to the side or rear of the building and shall be screened from the street. **- Requirement Met**
- D. All outdoor lighting shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing conforming residential use. **- Requirement Met (not adjacent to or near residential development)**
- E. All uses shall comply with the requirements of article VIII for buffering. **- Requirement Met**
- F. Accessory automotive detailing within enclosed parking structures may be allowed consistent with section 30-5.32. **- Requirement Met (not proposed)**

## RECOMMENDATION

Staff recommends approval with conditions of Petition PB-19-00112 SUP Special Use Permit for the proposed gas station with up to 12 fueling positions and an associated car wash on parcel 08002-000-000.

### Conditions:

1. Proposed sidewalk must connect to existing sidewalk on NW. 6<sup>th</sup> St.
2. Approval of special use permit is subject to the creation and approval of a lot split, resulting in a new lot between the RMF-7 residential zoning district located south of the subject property and the proposed development.
3. Connection must be provided to the newly created lot located south of the proposed development.
4. Height of gas station canopy will not exceed 15 feet in height.

## DRAFT MOTION FOR CONSIDERATION

Approve with conditions PB-19-00112 SUP Special Use Permit for the proposed gas station with up to 12 fueling positions and an associated car wash on parcel 08002-000-000.

**BACKGROUND:**

The applicant attended a first step meeting to discuss the proposal on 03/26/2019. A Neighborhood Workshop was held on July 17, 2019 prior to the application being submitted on August 27, 2019. During the review process, staff discovered that the proposed use was within the Murphree's Tertiary Wellfield Protection Zone which did not provide for a mechanism to allow for the underground storage of petroleum.

On October 15, 2020 the City Commission adopted the Text Change amending the Land Development Code Regulations for Wellfield Protection Special Use Permits (Ordinance No. 200067) creating a mechanism by which underground petroleum storage would be permitted subject to approval from GRU (See Appendix H).

Applicant submitted for a Wellfield Protection Special Use Permit PB-20-00092 on January 14, 2020 which is being heard concurrently with this Special Use Permit.

Applicant also has submitted for a Lot Split which staff is currently reviewing.

**LIST OF APPENDICES:**

**Appendix A Comprehensive Plan, Goals, Objectives and Policies**

**Appendix B Land Development Code Regulations**

**Appendix C Maps**

- Exhibit C-1: Existing Zoning
- Exhibit C-2: Existing Land Use
- Exhibit C-3: Subject Property in Relations to Murphree's Wellfield Protection Zones
- Exhibit C-4: GRU Water Utility Infrastructure
- Exhibit C-5: GRU Wastewater Utility Infrastructure
- Exhibit C-6: GRU Gas Utility Infrastructure
- Exhibit C-7: GRU Electric Utility Infrastructure

**Appendix D Application Documents**

**Appendix E Workshop Package Circle K**

**Appendix F Development Plan Circle K**

**Appendix G CHW Justification Report Circle K**

**Appendix H Tertiary Wellfield Text Amendment Ordinance No . 200067**