

TO: City Plan Board

Item Number: 1

FROM: Planning & Development Services Department Staff

DATE: April 23, 2015

SUBJECT: Petition PB-15-20 LUC, John Wernery, Owner. Amend the City of Gainesville Future Land Use Map from Office (O) to Mixed-use Low-Intensity (8-30 units per acre) (MUL). Located at 1220 N.W. 39th Avenue. Related to PB-15-21 ZON.

Recommendation

Staff recommends approval of Petition PB-15-20 LUC.



Description

This petition pertains to a developed, 0.33-acre property located on the north side of NW 39th Avenue approximately 360 feet east of N.W. 13th Street, and on the west side of NW 12th Terrace (see map on page 1). The proposed small-scale land use change from Office to Mixed-Use Low-Intensity (8-30 units per acre) will allow a mix of non-residential and residential uses, and will increase the allowable residential density by 10 units per acre (the Office land use category allows up to 20 units per acre). The applicant has requested the land use change in order to open a retail toy store (see last page of Exhibit C-1, Application), which is not allowed under the current land use and zoning. The Office land use category allows professional and service uses, medical uses, compound and residential uses, and appropriate ancillary uses, but it does not allow retail stores. The proposed Mixed-Use Low-Intensity (8-30 units per acre) land use category (MUL) (see Future Land Use Policy 4.1.1 on page 4 of this report) allows a broad range of residential and non-residential uses, including offices and retail scaled to serve the surrounding neighborhood. A retail toy store is a use that is allowable in the MUL land use category. This petition is related to Petition PB-15-21 ZON, which proposes a zoning change from OR: 20 units/acre office residential district to MU-1: 8-30 units/acre mixed use low intensity district.

This developed property contains a single-story, 1,092 square-foot, single-family house that was built in 1963. The property is the westernmost property with the Office land use category (and OR zoning district) that fronts the north side of NW 39th Avenue west of NW 7th Street. This five-block segment contains a place of religious assembly, apartments, one duplex, several single-family houses, vacant parcels, and a hair salon (west side of NW 12th Street). Across NW 39th Avenue to the south are apartment buildings on property in the Residential Medium-Density (8-30 units per acre) land use category (and RMF-7 (8-21 units per acre) multi-family residential district zoning).

The property to the north has Residential Low-Density (up to 12 units per acre) land use (and RMF-5 (residential low density district, up to 12 units per acre) zoning and contains a single-family house. To the east across NW 12th Terrace (a local street that dead ends approximately 170 feet north of the subject property and 300 feet to the north of NW 39th Avenue) are two vacant lots, the northernmost of which has the Residential Medium-Density (8-30 units per acre) land use category (and RMF-6 (8-15 units per acre) multi-family residential district zoning). The southernmost vacant lot has the Office land use category (and OR zoning district). The property to the west has the Mixed-Use Low-Intensity (MUL) land use category (and MU-1 zoning district), and is the site of the retention pond for the Walgreens drug store (MUL land use category and MU-1 zoning district) located on the northeast corner of NW 39th Avenue and NW 13th Street.

See Table 1 on Page 9 for a tabular summary of adjacent existing uses and adjacent zoning and land use categories.

See Exhibit B-1 for an aerial photograph of the property and surrounding area. Exhibits B-2 and B-3 are maps that show the existing and proposed land use categories.

Key Issues

- The proposed small-scale amendment to Mixed-Use Low-Intensity (8-30 units per acre) (MUL) is consistent with the City's Comprehensive Plan and supports infill and redevelopment.
- This proposed land use change will broaden the range of permitted uses for this property and is supportive of economic development.
- The proposed MUL land use is consistent with the MUL land use that is adjacent to the west.

Basis for Recommendation

The staff recommendation is based on the factors stated in the Future Land Use Element and on State statute criteria, which are discussed below: Consistency with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Support for urban infill and redevelopment; Impacts on affordable housing; Impacts on the transportation system; An analysis of the availability of facilities and services; Need for the additional acreage in the proposed future land use category; Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a)9, F.S.; Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and, Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.

1. Consistency with the Comprehensive Plan

The proposed land use change to Mixed-use low-intensity (8-30 units per acre) is consistent with FLUE Policy 1.2.3, which is included below. This petition is also consistent with the City's infill and redevelopment policies (see Exhibit A-1, Comprehensive Plan GOPs) which include, but are not limited to, promoting a healthy economy and discouraging urban sprawl. The proposed MUL land use category for this location is consistent with Transportation Mobility Element Policy 10.2.5 (in Exhibit A-1). Policy 10.2.5 encourages redevelopment within one-quarter mile (1,320 feet) of designated Transit-Supportive Areas. The property is within 600 feet of the Exchange Center (shopping center that comprises the northwest quadrant of the intersection of NW 13th ST and NW 39th Avenue), which is a designated Transit-Supportive Area (see Exhibit B-4 for map).

The allowance of low-intensity non-residential uses scaled to serve the surrounding neighborhood will allow for a greater range of redevelopment opportunities for this site. The requested Mixed-use low-intensity (8-30 units per acre) land use category will be implemented by the MU-1 (8-30 units/acre mixed use low intensity) zoning district proposed by related Petition PB-15-21 ZON.

Future Land Use Element

Policy 1.2.3 The City should encourage mixed-use development, where appropriate.

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Mixed-Use Low-Intensity (8-30 units per acre)

This category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses, and traditional neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood Development (TND) ordinance. Residential development shall be limited to 8 to 30 units per acres. Lots that existed on November 13, 1991 and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements. Intensity will be controlled, in part, by adopting land development regulations that establish height limits of 5 stories or less; however, height may be increased to a maximum of 8 stories by special use permit. Land development regulations shall establish the thresholds for the percentage of mixed uses for new development or redevelopment of sites 10 acres or larger. At a minimum, the land development regulations shall encourage that: at least 10 percent of the floor area of new development or redevelopment of such sites be residential; or, that the surrounding area of equal or greater size than the development or redevelopment site, and within 1/4 mile of the site, have a residential density of at least 6 units per acre. Residential use shall not be a required development component for public and private schools, institutions of higher learning, places of religious assembly and other community civic uses. Buildings in this category shall face the street and have modest (or no) front setbacks.

This category shall not be used to extend strip commercial development along a street. Land development regulations shall ensure a compact, pedestrian-friendly environment for these areas, and provide guidelines or standards for the compatibility of permitted uses.

2. Compatibility and Surrounding Land Uses

The proposed Mixed-Use Low-Intensity (8-30 units per acre) land use (MUL) category is compatible with the adjacent properties to the east (Office land use category, OR zoning district) and west (MUL land use category, MU-1 zoning district) along NW 39th Avenue, and with the surrounding area. The introduction of non-residential uses for this property will allow for a greater range of redevelopment opportunities at this location near (approximately 360 feet to the east) the intersection of two, four-lane arterial roadways. The MUL land use category (and MU-1 zoning district) is on three of the four corners of the intersection of NW 39th Avenue and NW 13th Street, which has a CVS drug store with the PUD (Planned Use District) land use category (and PD zoning (Planned development district)) at its northwest corner. The northeast corner is the site of a Walgreen's drug store. A gas station with a convenience store is at the southeast corner, and a shopping center (the Exchange Center) is at the southwest corner of this major intersection.

Compatibility with the low-density residential property (RL land use category, RMF-5 zoning district) to the north, and with the multiple family medium-density residential property to the east (RM land use category, RMF-6 zoning district) will be assured by meeting all applicable

requirements of the Land Development Code. The Mixed-Use Low-Intensity (8-30 units per acre) land use category in Policy 4.1.1 of the Future Land Use Element requires that “land development regulations shall ensure a compact, pedestrian-friendly environment for these areas, and provide guidelines or standards for the compatibility of permitted uses.” Note that the MU-1 zoning district, as stated in Sec. 30-64 (a) of the Land Development Code, “is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other.”

See Table 1 on Page 9 of this document for a tabular summary of adjacent existing uses and adjacent land use categories and zoning districts.

3. Environmental Impacts and Constraints

This petition is limited to changing the land use category of property that is currently developed. It is located in FEMA Flood Zone X (outside of the 100-500 year floodplain).

The City’s Environmental Coordinator reviewed the subject parcel located at 1220 NW 39th Avenue for any natural resource characteristics or environmental issues which would be regulated pursuant to Land Development Code Sections 30-300 and 30-310. No regulated surface waters/wetlands or natural and archaeological resources are present on or immediately adjacent to the subject parcel. The parcel falls within the tertiary zone of the Murphree Wellfield and would be subject to applicable regulations under the Alachua County Murphree Wellfield Protection Code, administered by the Alachua County Environmental Protection Department. The types of uses or facilities regulated in the tertiary zone which might occur on the subject property are existing or new wells, or non-residential septic tanks. The City data base shows no records of wells or septic tanks, but the permitting agencies for these types of facilities which would have official records are the Florida Department of Environmental Protection and the Alachua County Health Department. Because City water and sewer are available to the property, no new wells or non-residential septic tanks would be expected to be proposed. Otherwise, the proposed use of the property would not be expected to be affected by the wellfield protection regulations. If redeveloped, this property will be subject to review by environmental staff at the time of development plan review.

4. Support for Urban Infill and/or Redevelopment

This proposed small-scale land use amendment is consistent with the City’s infill and redevelopment goals (See Exhibit A-1, Future Land Use Element Objectives 1.5 and 2.1, and Goal 2). The proposed change in land use from the Office category to the Mixed-Use Low-intensity (8-30 units per acre) category would provide increased infill and redevelopment opportunities by allowing for additional non-residential uses, and by increasing the current allowable density of 20 units per acre by 50 percent.

5. Impacts on Affordable Housing

The proposed small-scale land use amendment may have a minimal positive impact on the supply of potential affordable housing in the City. The maximum density of 20 units per acre allowed by the existing Office land use allows up to 6 residential units on this 0.33-acre property,

and the proposed Mixed-Use Low-Intensity land use allows up to 30 units/per acre, or 9 residential units, for a net increase of 3 residential units.

6. Impacts on the Transportation System

There are no major transportation issues associated with the proposed land use change for this developed site. The site is located within Zone B of the Gainesville Transportation Mobility Program Area (TMPA) and is proximate to (within 600 feet) The Exchange Center (located at the northwest corner of the intersection of NW 13th ST and NW 39th AVE), which is designated as a transit-supportive area by the Transportation Mobility Element (see Policy 10.2.5 in Exhibit A-1, and see Exhibit B-4 for a map of Existing Transit Hubs & Transit-Supportive Areas).

The net increase in trip generation for the toy store use anticipated by the applicant is 12 average daily trips (ADT) and one PM peak hour trip in comparison to the trip generation of the existing single-family house. At the time of development plan review, this 0.33-acre property will be subject to the Zone B requirements of Policy 10.1.5 and 10.1.6 (See Exhibit A-1) of the Transportation Mobility Element. The property is served by NW 39th Avenue (State Road 222, a 4-lane arterial roadway that is part of the Strategic Intermodal System (SIS)), which has bike lanes and sidewalks on both sides.

The site is currently served by RTS (Regional Transit System) Routes 15 and 39. Route 15 (Downtown Station to NW 13th ST (at NW 23rd Ave)) provides service along NW 39th Avenue between NE 15th ST and NW 13th ST every 30-60 minutes on weekdays and every 60 minutes on weekends. Route 39 (Santa Fe College to Airport) provides service along NW 39th Avenue every 60 minutes on weekdays and no service on weekends.

RTS Route 41 (Beaty Towers to N. Walmart Supercenter) provides service along nearby NW 13th ST (approximately 360 ft. to the west of the site) every 32-72 minutes on weekdays and no service on weekends.

7. Availability of Facilities and Services

This property is in a developed, urbanized area that is served by public utilities and other public services. In an April 1, 2015 e-mail, Alice Rankeillor, GRU Utility Engineer stated that “Future development on this property will require water and wastewater capacity evaluations that will determine if off-site upgrades will be required. If system improvements are needed, the developer of the property will be responsible for the cost of the necessary improvements. An allowance to provide water supply capacity for future population growth is included in the Consumptive Use Permit. No issues with providing sufficient water supply capacity are anticipated at this time, but this statement does not constitute a reservation or guarantee of water supply to the property.”

The proposed land use will not impact the adopted levels of service for potable water and wastewater, water supply, solid waste, recreation or public school facilities. Stormwater level of service requirements will have to be met when a development plan for the site is submitted.

8. Need for the Additional Acreage in the Proposed Future Land Use Category.

The proposed small-scale land use amendment will add 0.33 acres to the Mixed-use low-intensity (8-30 units per acre) land use category. There are approximately 611.3 acres of land with the MUL land use category. Of that total, approximately 473.7 acres are developed and approximately 137.6 acres are undeveloped. The Mixed-use low-intensity category will promote redevelopment and expand the possibilities for future mixed-use development in close proximity to a major intersection (NW 39th Avenue and NW 13th Street) and to the designated Transit-Supportive Area (the Exchange Center) at its northwest corner.

9. Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a) 9, F.S.

Sub-section 163.3164 (51), F.S. states that “Urban sprawl” means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. Sub-section 163.3177(6) (a) 9 requires that the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

This amendment to the future land use element discourages the proliferation of urban sprawl because it meets the following criteria of Sub-section 163.3177(6) (a) 9 b.:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Yes. The proposed land use amendment will allow for mixed-use infill development within a developed area of the city. As previously stated, there are no significant environmental constraints on the subject property.

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Yes. Existing potable water and wastewater lines provide service to this developed property. The property is served by adjacent roadways (NW 39th Avenue and NW 12th Terrace) and is located in the Transportation Mobility Program Area Zone B.

- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Yes. The proposed land use amendment will encourage compact development by allowing development of both residential and non-residential uses on the same site. The proposed Mixed-Use Low-Intensity (8-30 units per acre) land use will allow up to 9 residential units, which is an increase of three over what is allowed under the current Office land use on this 3.28-acre property. The proposed land use allows retail and other non-residential uses

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that the existing Office land use does not. The property is currently served by two separate RTS bus routes along NW 39th Avenue, and by another RTS route on nearby NW 13th Street. The property is adjacent to a sidewalk and bike lane along NW 39th Avenue. There are connecting sidewalks along NW 13th Street.

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

Yes. The proposed Mixed-Use Low-Intensity land use allows for nonresidential uses in addition to the office uses allowed by the existing Office land use. The proposed mixed-use land use category for this property will help meet the nonresidential needs of the residents of this area.

- 10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and,**

Yes. The proposed land use amendment will increase the potential for mixed-use development on the property. Mixed-use development coincides with the City's economic development goals to encourage infill redevelopment within developed areas of the City. The proposed MUL land use is supportive of development and redevelopment within the adjacent NW 39th Avenue corridor and the nearby NW 13th ST corridor, each of which has had very little economic development activity over the past decade, and each of which could benefit from new development and redevelopment.

- 11. Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.**

This is not applicable because the property does not contain a subdivision.

Respectfully submitted,



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Table 1

Adjacent Existing Uses

North	Single-family residence
South	Multi-family residential across NW 39 th AVE
East	Vacant land
West	Stormwater pond

Adjacent Zoning and Land Use and Zoning

	Land Use Category	Zoning Category
North	RL - Residential Low-Density (up to 12 units per acre)	RMF-5 (Residential low density, 12 units per acre)
South	NW 39th Avenue (State Road 222, arterial roadway), then RM - Residential Medium-Density (8-30 units per acre)	RMF-7 (Multiple-family medium-density residential, 14-21 units per acre)
East	NW 12 th Drive, RM - Residential Medium-Density (8-30 units per acre) & O – Office	NW 12th Terrace (local street), then RMF-6 (Multiple-family medium-density residential, 8-15 units per acre) and OR (20 units/acre office residential district)
West	MUL - Mixed-Use Low-Intensity (8-30 units per acre)	MU-1 (8-30 units/acre mixed use low intensity district)

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List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Land Use

Exhibit B-3 Map: Proposed Land Use

Exhibit B-4 Map: Existing Transit Hubs & Transit-Supportive Areas

Appendix C Application

Exhibit C-1 Application