

TO: City Plan Board

Item Number: 1

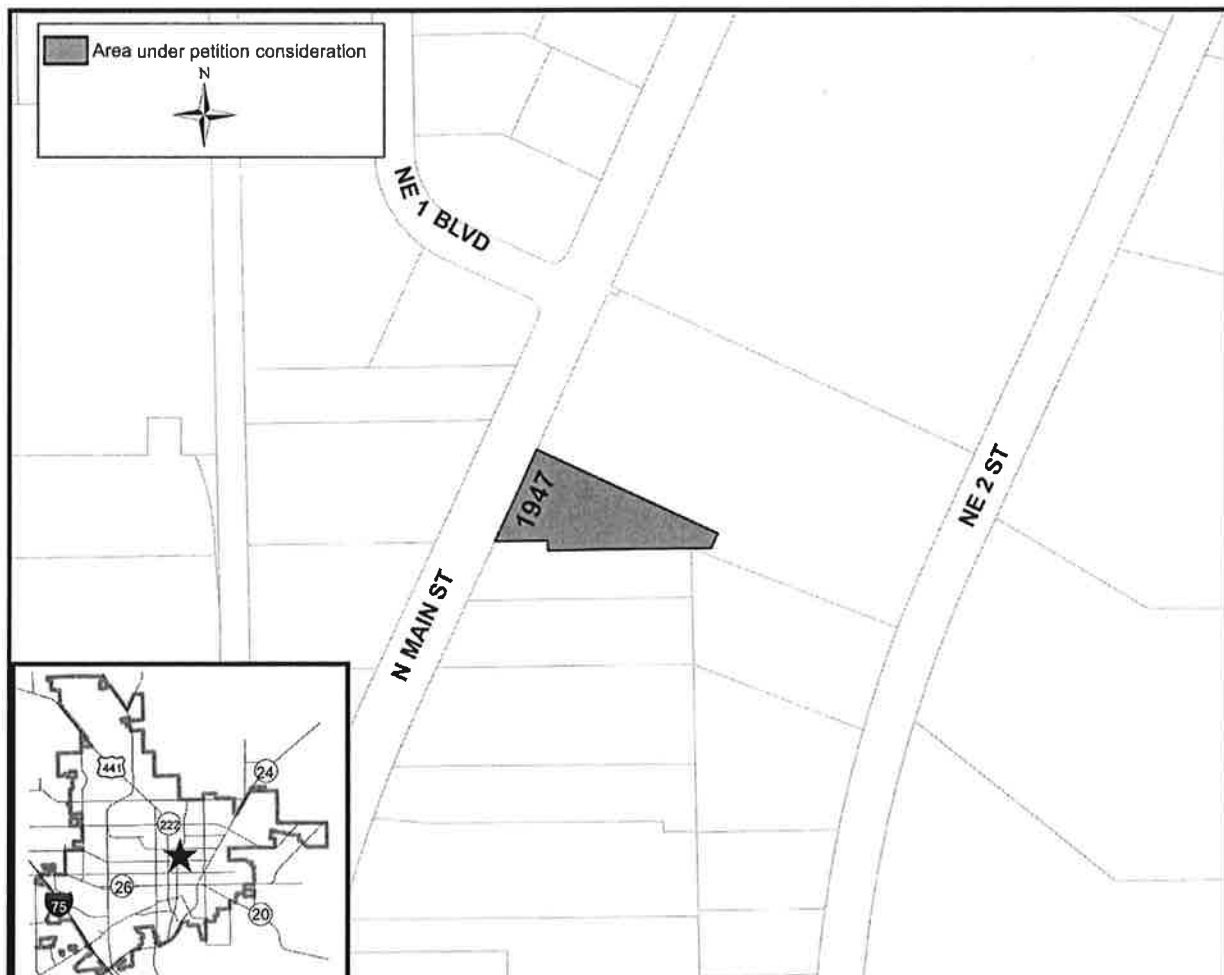
FROM: Planning & Development Services Department
 Staff

DATE: Feb. 25, 2016

SUBJECT: Petition PB-15-155 ZON. Warren Mack, agent for Helika Properties.
 Rezone property from **BUS: General business district** to **BA: Automotive-oriented business district**. Located at 1947 N. Main Street.

Recommendation

Staff recommends approval of Petition PB-15-155 ZON.



Description

This petition pertains to a developed, 0.63-acre property located on the east side of North Main Street Avenue in the automotive business corridor north of North 16th Avenue. See map on page 1. This corridor is increasingly used for automotive business purposes, as envisioned by the Gainesville Comprehensive Plan. The proposed rezoning from General business district (BUS) to Automotive-oriented business district (BA) will eliminate one of the few properties fronting North Main Street between North 16th and NE 23rd Avenues that do not have BA zoning. This property contains a single-story, 4,331 square-foot, concrete block building that was built in 1975. It was the site of a retail futon and bedding store until several years ago, and the building is currently vacant.

The applicant has received several inquiries about use of the property for automotive uses that are not allowed by the property's current BUS zoning. Unlike the BUS district, the BA zoning district allows: Automotive dealers (MG 55); the wholesale distribution of Motor vehicles, parts and supplies (IN 501); and Automotive repair, services and parking (MG-75). See Exhibit C-1 – Application. The surrounding properties have BA zoning as does most of the North Main Street corridor between NE 16th Avenue and NE 39th Avenue.

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 zoning categories.

Key Issues

- The proposed rezoning to BA is consistent with the City's Comprehensive Plan and its policy of continuing to restrict auto sales and relatively intense auto service to North Main Street north of North 16th Avenue.
- The proposed BA zoning is consistent with the surrounding BA zoning and with the North Main Street automotive business corridor north of North 16th Avenue.

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

The proposed rezoning to the Automotive-oriented business district is consistent with Future Land Use Element Policy 4.2.4, below. This petition is also consistent with City 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 BA zoning for this location is consistent with Transportation Mobility Element Policy 10.2.5, which encourages redevelopment within one-quarter mile (1,320 feet) of designated Transit-Supportive Areas. The subject property of this petition is within 1,300 of the feet of the Winn-Dixie/Big Lots/Greyhound Station area that is proximate to the intersection of North Main Street and North 23rd Avenue), which is a designated Transit-Supportive Area (see Exhibit B-4 for map of

Existing Transit Hubs & Transit-Supportive Areas). The proposed rezoning is consistent with the Comprehensive Plan.

Future Land Use Element

Policy 4.2.4 The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16th Avenue.

2. Conformance with the Land Development Code

The proposed rezoning to from BUS (General business district) to BA (Automotive-oriented business district) is a non-residential zoning district that is consistent with the existing Commercial land use category. The purpose of the BA zoning district is to identify and delineate those commercial land uses involved in automotive sales, services and related activities as well as other large scale commercial uses with similar locational needs. An additional purpose is to provide suitable locations for activities that are compatible with and mutually supportive of those uses. See Exhibit B-5 (Sec. 30-62 – Automotive-oriented business district (BA)).

Any proposed development or redevelopment, at the time of development plan review, will be required to meet all applicable Land Development Code requirements.

3. Changed Conditions

The North Main Street corridor north of North 16th Avenue has been transitioning from non-automotive to automotive business uses for many years. The commercial building on the property has been vacant for more than two years. The application states that there have been several inquiries about use of the property for automotive-oriented business use. The application further states that in order to be more competitive with nearby properties this rezoning is requested to accommodate the potential for automotive uses.

4. Compatibility

The proposed Automotive-oriented business district (BA) zoning is compatible with all of the surrounding properties, each of which has BA zoning and Commercial land use. See Table 1 on Page 6 of this document for a tabular summary of adjacent existing uses and adjacent land use and zoning categories.

5. Impacts on Affordable Housing

The proposed rezoning from one non-residential zoning district to another will have no impact on the supply of potential affordable housing in the City.

Transportation

There are no major transportation issues associated with the proposed rezoning of this developed property from one business zoning district to another. The site is located within Zone A of the Gainesville Transportation Mobility Program Area (TMPA) and is within one-quarter mile of a

transit-supportive area specified by the Transportation Mobility Element. See Policy 10.2.5 in Exhibit A-1 (Comprehensive Plan GOPs), and see Exhibit B-4 for map of Existing Transit Hubs & Transit-Supportive Areas.

At the time of development plan review, this 0.63-acre property will be subject to the Zone A requirements of Policy 10.1.3 and 10.1.4 of the Transportation Mobility Element (see Exhibit A-1). The property is served by North Main Street, which is a 4-lane, County arterial roadway with bike lanes and sidewalks on both sides. This section (between NW 8th AVE and North 23rd AVE) of North Main Street has an adopted LOS (Level of Service) of E and is operating at an LOS of C.

The site is currently served by RTS Route 27 (Rosa Parks RTS Downtown Station to NE Walmart Supercenter). Weekday service is provided every 60 minutes, and there is no weekend service.

Environmental Impacts and Constraints

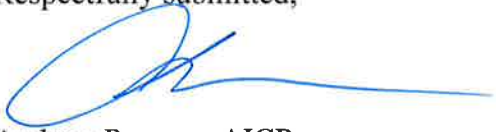
The City's Environmental Coordinator in a memorandum dated December 29, 2015 stated that this "petition for a proposed change in zoning for a 0.63-acre parcel (10072-002-002), has been reviewed for considerations relating to any environmental resources present on or immediately adjacent which might be regulated by City Land Development Code 30-300 *Regulated Surface Waters and Wetlands*, or 30-310 *Regulated Natural and Archaeological Resources*. The petition proposes a zoning change from Business (BUS) district to Business Automotive (BA) district. The parcel is located on the east side of North Main Street, on the site of a former retail furniture sales business.

No environmental resources regulated by City code sections referenced above have been identified on or adjacent to the property. The parcel does fall within the tertiary wellfield protection zone of the Murphree Wellfield. As such, redevelopment and use of the site is subject to any applicable provisions of the Murphree Wellfield Protection Code, Chapter 355 Alachua County Code."

This petition is limited to rezoning a developed property in which the western half is located in FEMA Flood Zone X (outside of the 100-500 year floodplain). (See Exhibit B-6 for map showing FEMA flood zones.) Although the eastern half is located in FEMA Flood Zone A (100-year - corresponds to a 1% chance per year that flood waters will inundate the area), a flood study (FEMA Case #07-04-4739A) was done zone in 2007, which showed the 100 year Base Flood Elevation (BFE) to be 183.16 feet, NGVD 1929 datum. (182.3 NAVD 1988. This would effectively put the entire parcel above the BFE. However, the FIRM is legally binding, so any construction in Zone A would have to follow proper permitting for a flood zone (construction of structures above BFE, or 1' above grade). (Source: January 25, 2016 e-mail from Andy Renshaw, flood plain manager in the City's Public Works Department).

Petition PB-15-155 ZON
February 25, 2016

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andrew Persons", with a long horizontal flourish extending to the right.

Andrew Persons, AICP
Interim Principal Planner

A handwritten signature in blue ink, appearing to read "Dean Mimms", with a large loop at the end.

Prepared by: Dean Mimms, AICP
Lead Planner

Table 1

Adjacent Existing Uses

North	Medical office building
South	Automotive audio and wheels store
East	Wooded, undeveloped portion of property to north
West	Automotive dealership site

Adjacent Zoning and Land Use and Zoning

	Land Use Category	Zoning Category
North	COM - Commercial	BA (Automotive-oriented business)
South	COM - Commercial	BA (Automotive-oriented business)
East	COM - Commercial	BA (Automotive-oriented business)
West	North Main ST (across from which is COM – Commercial)	North Main ST (Across from which is BA (Automotive-oriented business))

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 Zoning

Exhibit B-3 Map: Proposed Zoning

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

Exhibit B-5 Sec. 30-62 – Automotive-oriented business district (BA)

Exhibit B-6 Map: FEMA Special Flood Hazard Area (SFHA) and Contour Data

Appendix C Application Package

Exhibit C-1 Rezoning Application

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Future Land Use Element

GOAL 2 Redevelop areas within the City, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.

Objective 2.1 Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

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

Commercial

The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses, and, when designed sensitively, residential uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

Transportation Mobility Element

Policy 10.1.3 Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

Policy 10.1.4 For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

- a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
- b. Cross-access connections/easements or joint driveways, where available and economically feasible;

- c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;
- d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in the Access Management portion of the Land Development Code; and
- e. Safe and convenient on-site pedestrian circulation, such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

Policy 10.2.5

In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any redevelopment project or any project that expands or converts a building to a new use. The City shall reduce by 40% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.

Appendix B Supplemental Documents

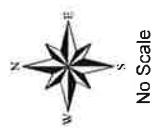


tabbies
EXHIBIT
 B-1

150749B

AERIAL PHOTOGRAPH

Name	Petition Request	Petition Number
Warren Mack, agent for Helika Properties	Rezone from BUS, General business district to BA, Automotive-oriented business district	PB-15-155 ZON



City of Gainesville Zoning Districts

- RMF5 12 units/acre Residential Low Density
- RMF6 8-15 units/acre Multiple-Family Medium Density Residential
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- MU1 8-30 units/acre Mixed Use Low Intensity
- W Warehousing and Wholesaling
- I1 Limited Industrial
- CON Conservation

Area
under petition
consideration



Division line between two zoning districts



EXHIBIT
B-2
tabbles

150749B
EXISTING ZONING
Petition Number

Petition Request

Rezone from BUS, General business district
to BA, Automotive-oriented business district

Name
Warren Mackm agent for
Helika Properties


PB-15-155 ZON



City of Gainesville Zoning Districts

- RMF5 12 units/acre Residential Low Density
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- W Warehousing and Wholesaling
- I1 Limited Industrial
- CON Conservation

Area under petition consideration



Division line between two zoning districts



EXHIBIT
B-3

PROPOSED ZONING 50749B

Petition Request **Petition Number**

Rezone from BUS, General business district to BA, Automotive-oriented business district

PB-15-155 ZON

Name

Warren Mackm agent for
Helika Properties



No Scale

**TRANSPORTATION
MOBILITY ELEMENT**

**Existing Transit Hubs &
Transit-Supportive Areas**

Existing Hubs

1. NW 13th Street Mixed Use Area
2. Oaks Mall/North Florida Regional Medical Center
3. University of Florida/ShandsVA Hospital
4. Rosa Parks Downtown Transfer Station
5. Butler Plaza/Archer Road

Transit-Supportive Areas

6. Northwood Shopping Area/Walmart/Senior Recreation Center
7. Exchange Center
8. Winn Dixie/Big Lots/Greyhound Station
9. Millhopper/Thornebrook Village
10. Main Street Shopping Center
11. Waldo Road Walmart
12. Corporate Park
13. Westgate/Plaza Royale
14. Downtown MU-H Area/Santa Fe College Downtown Campus
15. Five Points
16. Health Department/Tiger Bay/Mixed-Use Area
17. South Main Street & South 16th Avenue
18. Innovation Square
19. Urban Village
20. Magnolia Park
21. Shoppes of Williston Road
22. Airport/Plan East Gainesville Employment Center

P&R Park & Ride Facility

23. Ham Museum
24. UF Conference Center
25. Walmart Northwood



**City of Gainesville
Gainesville, Florida**

Prepared by Planning
& Development Services
November 2012

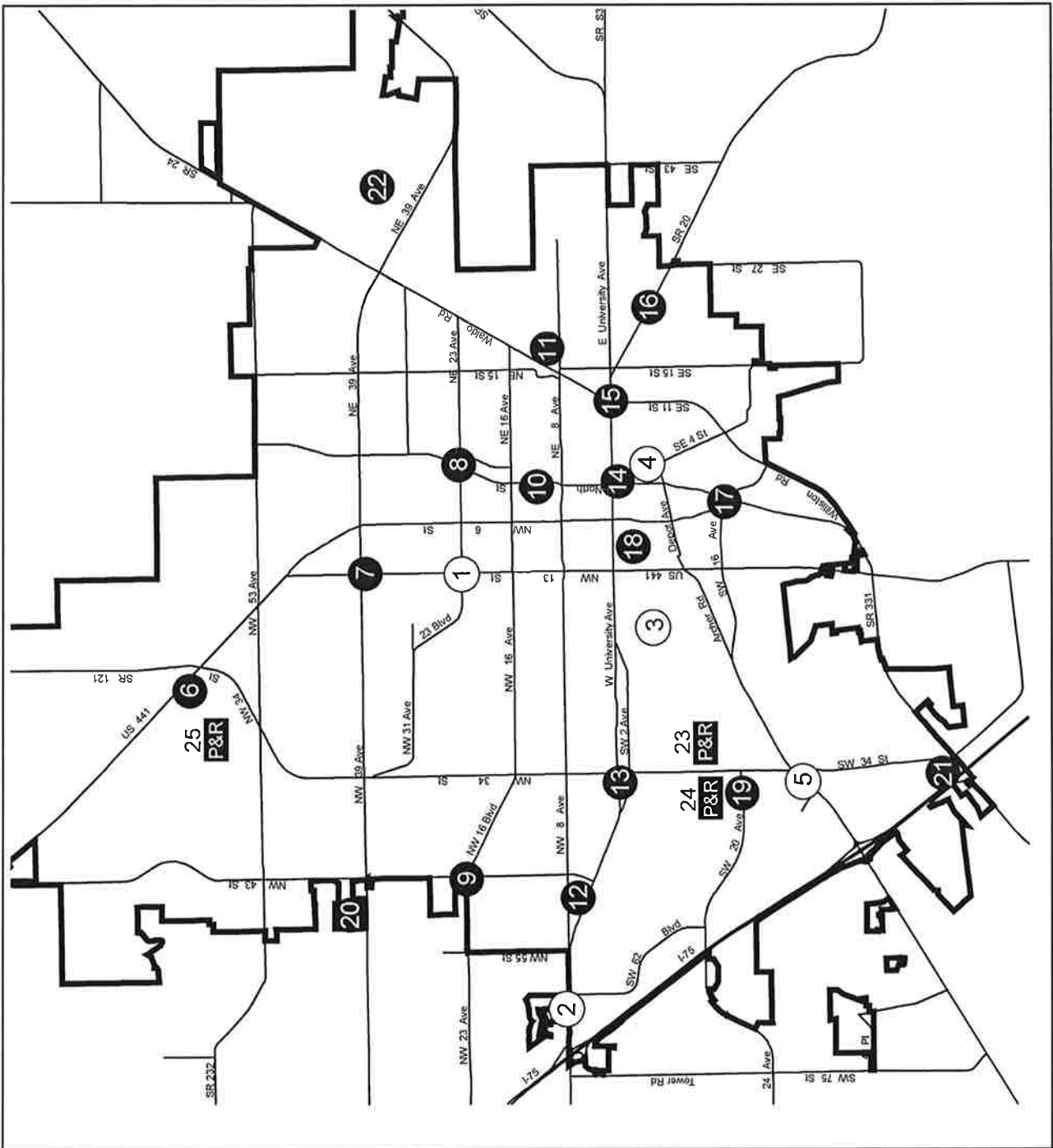


Exhibit B-5 – BA zoning district regulations

Sec. 30-62. - Automotive-oriented business district (BA).

- (a) Purpose. The BA district is established to identify and delineate those commercial land uses involved in automotive sales, services and related activities as well as other large scale commercial uses with similar locational needs. An additional purpose is to provide suitable locations for activities that are compatible with and mutually supportive of those uses.
- (b) Objectives. The provisions of this district are intended to:
 - (1) Encourage automotive-oriented business development to occur along major transportation arteries where sites are adequate for an integrated design of automotive services and where such development could most adequately serve the needs of the community's residents without resorting to excessive quantities of strip development;
 - (2) Provide for, and accommodate as efficiently as possible, those commercial land uses commonly associated with automotive business and, therefore, prevent the indiscriminate application of this district along the community's arteries;
 - (3) Minimize traffic congestion on public streets;
 - (4) Ensure, through development plan approval, that major commercial developments are designed to promote the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;
 - (5) Require appropriate buffering or screening around such development, to maintain its compatibility with adjacent and surrounding land uses;
 - (6) Discourage, as much as possible, any encroachment by industrial, residential and commercial uses generally understood to be capable of adversely affecting the basic commercial automotive characteristics of the district; and
 - (7) Permit outdoor storage and sale of retail goods.

(c) Permitted uses.

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory use customarily incidental to a permitted principal use	
	Eating places	
	Food trucks	In accordance with article VI
	Ice dealers, retail only	

MG-15	Building construction— General contractors and operative builders	
MG-17	Construction—Special trade contractors	
IN-2261	Finishers of broadwoven fabrics of cotton	
IN-2262	Finishers of broadwoven fabrics of manmade fiber and silk	
MG-27	Printing, publishing and allied industries	
MG-41	Local and suburban transit and interurban highway passenger transportation	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	
GN-501	Motor vehicles and motor vehicle parts and supplies, wholesale	Excluding motor vehicle parts, used (IN-5015)
GN-504	Professional and commercial equipment and supplies, wholesale	
GN-508	Machinery, equipment and supplies, wholesale	Excluding construction and mining (except petroleum) machinery and equipment (IN-5082), industrial machinery and equipment (IN-5084), and transportation equipment and supplies, except motor vehicles (IN-5088)

MG-52	Building materials, hardware, garden supply and mobile home dealers	
MG-54	Food stores	
MG-55	Automotive dealers and gasoline service stations	Including gasoline service stations in accordance with article VI
MG-57	Home furniture, furnishings, and equipment stores	
IN-5941	Sporting goods stores and bicycle shops	Accessory outdoor display, storage and sales in accordance with section 30-67
GN-596	Nonstore retailers	
GN-598	Fuel dealers	
IN-5999	Hot tubs, swimming pools, whirlpool baths, retail only	
Div. H	Finance, insurance and real estate	
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
MG-73	Business services	Excluding heavy construction equipment rental and leasing (IN-7353), airplane rental and leasing, oil field equipment rental and leasing and oil well drilling equipment rental and leasing and including disinfecting and pest control services (IN-7342), in accordance with article VI
MG-75	Automotive repair, services and parking	Excluding carwashes (IN-7542)
MG-76	Miscellaneous repair services	

IN-7833	Drive-in motion picture theaters	
MG-79	Amusement and recreation services	Excluding go-cart raceway operations and go-cart rentals, and simulated gambling establishments
MG-86	Membership organizations	
Places of religious assembly	In accordance with article VI	
Div. J.	Public administration	Excluding correctional institutions (IN-9223)
	USES BY SPECIAL USE PERMIT	
IN-7542	Carwashes	
	Ice manufacturing/vending machines	In accordance with article VI

- (d) Dimensional requirements. All principal and accessory structures shall be located and constructed in accordance with the following requirements:
- (1) Minimum yard setbacks:
 - a. Angle of light obstruction for all principal and accessory structures: 45 degrees.
 - b. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 25 feet or the distance created by the angle of light obstruction, whichever is greater.
 - (2) Accessory structures shall not exceed 25 feet in height.
 - (3) Maximum building height: Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the maximum building height shall be three stories.
- (e) Additional requirements for outdoor uses. Whenever a use in a BA zoning district which includes outdoor storage and display, and/or other activities outside of completely enclosed buildings is adjacent to a residential district or to land which is shown for residential use on the future land use map of the comprehensive plan, such outdoor storage, display and/or activity shall be buffered and screened from all property lines in common with the residential district or land which is shown for

residential use on the future land use map of the comprehensive plan as required for outdoor storage in article VI.

(f) General requirements.

- (1) Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, solid waste, recycling, yard trash containers (except litter containers), and grease containers, that are stored outside of the building, shall be placed at the side or the rear of the building and within ten feet of the building. The container shall be enclosed with an enclosing wall, so that it is not visible from the street or adjacent property (from ground level). The enclosing wall shall be finished and/or painted with the same material as is used on the building. The enclosing wall shall be fitted with an opaque sliding or hinged door and working latch. Loading docks shall be placed at the side or rear of the building, and shall be screened from the street and abutting residential land.
- (2) Mechanical equipment shall be located so that noise and visual impacts upon abutting residential property are minimized. For purposes of this section, mechanical equipment is defined as a heating, ventilation, or air conditioning unit placed outside of a building.
- (3) All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-67, pertaining to general provisions for business and mixed-use districts, and article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3946, § 1, 1-24-94; Ord. No. 3963, § 4, 3-14-94; Ord. No. 980273, § 2, 11-9-98; Ord. No. 981306, § 1, 6-28-99; Ord. No. 030752, § 5, 5-10-04; Ord. No. 030917, § 1, 8-9-04; Ord. No. 040662, § 1, 1-14-05; Ord. No. 070619, § 3, 3-24-08; Ord. No. 110289, § 7, 11-3-11; Ord. No. 130278, § 1, 12-5-13; Ord. No. 140130, § 3, 9-4-14; Ord. No. 140190, § 7, 4-16-15)

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**FEMA Special Flood Hazard Area (SFHA)
And Contour Data
PB-15-155 ZON**

Legend

- A-- Annual 1% chance- 100 year
- AE-- Annual 1% chance- 100 year- Elevations known
- X-- Non Risk
- X500-- Low Risk, area of minimal flooding protected by Levy

North Arrow

1 inch = 50 feet

Contour Data: NAVD 1988 Datum

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size, or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map.