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GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 4

TO: City Plan Board DATE: May 28, 2009

FROM: Planning Division Staff

SUBJECT: Petition PZ-09-44 ZON, Howard K. Wallace, agent for Villas at 39<sup>th</sup>, LLC. Rezone property from MH (12 units/acre mobile home district) to BUS (General business district). Located at 39 Northwest 39<sup>th</sup> Ave. Tax parcel no. 08247-000-00. Related to PZ-09-43 LUC.

Recommendation

Planning Division staff recommends approval of Petition PZ-09-44 ZON.

Explanation

This petition is related to land use petition PZ-09-43 LUC. The subject property is approximately 7.5 acres, located at 39 Northwest 39<sup>th</sup> Avenue. The request of this petition is to rezone the property from MH (12 units/acre mobile home district) to BUS (General business district). The property currently has a land use designation of Residential Low-Density (up to 12 units per acre). The property is part of the Villas at 39<sup>th</sup> development, which has residential lots that are available for the placement of manufactured homes that lie to the south of the subject property. (This petition for Commercial land use will have no impact on the provision of affordable housing. The lots for the placement of manufactured housing in the Villas at 39<sup>th</sup> development are to the south of the subject property).

The subject property is located along Northwest 39<sup>th</sup> Avenue, which is a State-maintained, arterial roadway (State Road 222) and part of the Gainesville Metropolitan Area Truck Route System. The properties to the south are residential lots for the placement of manufactured housing. These properties have Residential Low-Density land use and MH zoning. To the east of the subject property is a motor scooter store and used car dealership, with Commercial land use and BA (Automotive-oriented business district) zoning. There are also warehouse and storage facilities east of the subject property, with Industrial land use and I-1 (Limited industrial district) zoning. To the west is the City of Gainesville Public

Works Center, with PF (Public Facilities) land use and PS (Public services and operations district) zoning.

North of the subject property across N.W. 39<sup>th</sup> Avenue is the Pine Forest Homes residential area consisting of duplex units directly across from the subject property. This area has Residential Low-Density land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. There is also the Meadowcrest Apartments mobile home community, with MH zoning and Residential Low-Density land use.

### **Potential Impact on Adopted LOS standards**

In reviewing this petition, the potential impact of the proposed zoning change on adopted level of service standards must be evaluated. The property is located within Zone A of the Gainesville Transportation Concurrency Exception Area (TCEA) and is excepted from transportation concurrency for roadway level of service standards. Any use proposed for the area will have to meet policy requirements to address transportation needs. The number of new average daily trips that will be generated by any use that may be proposed for the site has yet to be determined. This property is within the Gainesville Regional Transit System main bus service area, with Route 15 running along N.W. 39<sup>th</sup> Avenue. There is also a bus stop on the subject property. The area is also served by the demand-responsive service administered by MV Transportation.

Water and sanitary sewer service are available at the site. Stormwater management will be addressed at the time of development plan approval. Zoning changes are not required to meet concurrency requirements, and do not vest for concurrency, which will be determined at the time of any future development plan approval.

### **Character of the District and Suitability**

A variety of uses are in the general vicinity of the subject property. The City's Public Works Center has a public facilities and industrial character because of the fleet maintenance operations. On the east side of the subject property, there are motor scooter sales, automobile sales and warehouse/storage uses. The warehouse/storage uses continue to the south, adjacent to the manufactured home lots that are part of the Villas at 39<sup>th</sup> development. These uses include a wholesale grocery distribution facility with significant truck traffic. To the north of the subject property across 39<sup>th</sup> Avenue, is residential development, in the form of another mobile home community and a subdivision composed mainly of duplexes. On either side of these residential developments along N.W. 39<sup>th</sup> Avenue

are properties with BA zoning and Commercial land use. The proposed commercial land use and general business zoning would be compatible with the surrounding land uses. The proposed land use and subsequent zoning change will facilitate development of this property and will promote urban infill.

### **Conservation of the Value of Buildings and Encouraging Appropriate Uses**

The subject property is currently vacant. The proposed zoning change would allow for compatible commercial, office and service developments in an appropriate location that is near to other commercial activities. The BUS zoning category is consistent with and will implement the proposed Commercial land use category.

The Wellfield District maps indicate that the subject property falls within the Wellfield District, with part of the property within the secondary zone and part of the property within the tertiary zone. New development would require a Wellfield Protection Permit or a Wellfield Protection Special Use Permit from the City Commission, unless the proposal is exempt. The property is also within the 100-year floodplain. There is a drainage ditch that runs through the western portion of the parcel that is listed as a regulated creek on the Surface Waters and Wetlands District map. The requirements for creek setbacks and buffers will be applicable to the subject property.

### **Applicable Portions of Current City Plans**

Currently, there are no city plans in the area applicable to the subject property.

### **Needs of the City for Land Areas to Serve Purposes, Populations, and Economic Activities**

The purpose of the rezoning is to provide the opportunity for the development of a vacant parcel of land with shops and services that may be needed in the surrounding area. The BUS zoning district is intended to provide for a wide range of commercial, business and office uses located along major transportation arteries.

### **Substantial Changes in Character or Development in the Area**

There has been a significant amount of development activity in recent years on this corridor of N.W. 39<sup>th</sup> Avenue from N. Main Street to N.W.

6<sup>th</sup> Street. The activity includes the construction of a new car wash; site improvements for two existing used car dealers to the east of the subject property; a new service station/convenience store at the southwest corner of Main Street and 39<sup>th</sup> Avenue; a proposed new automobile dealer on the northwest corner of Main Street and 39<sup>th</sup> Avenue; an addition to an existing service station/convenience store to the west of Meadowbrook Apartments; and potential development within the City of Gainesville Public Works Center. The subject property sits roughly in the middle of this activity between N. Main Street and N.W. 6<sup>th</sup> Street.

The following Comprehensive Plan Goals, Objectives and Policies of the Future Land Use Element are met by this proposal:

#### **Objective 4.1**

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

#### **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.

#### **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.

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**Policy 4.2.3**

Prior to a final development order during the Development Review Process, the intensity of use appropriate to any parcel shall be determined based upon the availability of public services and facilities to meet urban needs; the capacity of such facilities and services to serve the proposed land use without degrading LOS standards (as determined through LOS standards); and the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site.

**Applicant Information**

Howard K. Wallace,  
agent for Villas at  
39<sup>th</sup>, LLC

**Request**

Rezone property from  
MH to BUS

**Land Use Plan Classification**

R-L

**Existing Zoning**

MH

**Proposed Land Use**

Commercial

**Proposed Zoning**

BUS

**Purpose of Request**

To rezone property to  
allow for the future  
development of  
commercial uses

**Location**

39 Northwest 39<sup>th</sup>  
Avenue

**Size**

Approximately 7.5  
acres

**Surrounding Land Uses**

North

Mobile home park,  
multiple-family  
residential

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East	Used car and scooter dealer, warehouses
West	Public works compound
South	Mobile home park

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	MH, RMF-5	RL
East	BA, I-1	C, IND
West	PS	PF
South	MH	RL

**Conclusion**

The proposed general business zoning designation for the subject property is consistent with the City's comprehensive plan and proposed Commercial land use. The property is not appropriate for business automotive type zoning. The BUS zoning will provide a minimum 50 foot buffer adjacent to the property designated residential. Staff recommends approval of Petition PZ-09-44 ZON.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH: JS

**Attachments:**

- Aerial photograph
- Existing zoning map
- Proposed zoning map
- Land Use and Zoning application
- Legal description
- Neighborhood workshop information