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CITY
OF
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 6

TO: City Plan Board DATE: June 25, 2009

FROM: Planning Division Staff

SUBJECT: Petition PZ-09-60 ZON, City of Gainesville Parks, Recreation, and Cultural Affairs, agent for City of Gainesville. Rezone property from BUS (General business district), RSF-1 (3-5 units/acre single-family residential district), RMF-5 (12 units/acre single-family/multiple-family residential district) and RMF-6 (8-15 units/acre multiple-family residential district) to CON (Conservation district). Located at 1500 Northwest 45th Ave. Tax parcel number 07883-010-004, 07883-010-005. Related to PZ-09-59 LUC.

Recommendation

Planning Division staff recommends approval of Petition PZ-09-60 ZON.

Explanation

This petition is related to land use petition PZ-09-59 LUC. The subject property is approximately 61.6 acres, located at 1500 Northwest 45th Avenue. The request of this petition is to rezone the property from BUS (General business district), RSF-1 (3-5 units/acre single-family residential district), RMF-5 (12 units/acre single-family/multiple-family residential district) and RMF-6 (8-15 units/acre multiple-family residential district) to CON (Conservation). This petition includes two tax parcels. Tax parcel 07883-010-005 is approximately 61.6 acres in size, but only 52.8 acres are part of this petition. The remaining acreage is part of two related petitions (PZ-09-61 LUC and PZ-09-62 ZON) to change land use and zoning to Recreation and PS (Public services and operations district). The vacant parcel of approximately 52.8 acres is located roughly north of N.W. 45th Avenue, east of N.W. 19th Street, south of N.W. 53rd Avenue and the Home Depot store at 5150 N.W. 13th Street, and west of the commercial parcels that front on N.W. 13th Street. The second parcel of approximately 9 acres lies southeast of the Home Depot store on N.W. 13th Street. It is currently vacant but was once part of a mobile home dealership.

The City of Gainesville purchased the subject property in 2008 with the help of the Florida Communities Trust, a division of the Department of

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Community Affairs (DCA). In accordance with the grant award agreement between the City and the DCA, the City has agreed to develop the property as the Hogtown Creek Headwaters Nature Park. The area will contain nature trails and boardwalks and will be managed to protect and restore the natural resources on the site, including three branches of the Hogtown Creek that flow through the subject property. (This petition for Conservation zoning will have no impact on the provision of affordable housing).

The Home Depot store is located north of the subject property. The store itself is on property with Commercial land use and BUS (General business district) zoning. The parcel of land that provides access to the store from N.W. 53rd Avenue has Residential Medium-Density land use and RMF-6 (8-15 units/acre multiple-family residential district) zoning. Across N.W. 13th Street are warehouse facilities and the 84 Lumber store, with Industrial land use and I-2 (General industrial district) zoning. East of the subject property are a variety of uses including a vacant lot associated with the mobile home dealership, with Commercial land use and BUS zoning; a motorcycle dealership with Commercial land use and BA (Automotive-oriented business district) zoning; a plumbing supply store and modular building sales with Commercial and Conservation land use and BA and Conservation zoning; a window installer, a nightclub, and the Paradise Trailer Court, with Commercial and Residential Medium-Density land use and BA and RMF-7 (8-21 units/acre multiple-family residential district) zoning; and a single-family residential use with Residential Medium-Density land use and RMF-7 zoning.

To the south of the subject property are single-family residential properties and a place of religious assembly, with Single Family (up to 8 units per acre) land use and RSF-1 (3.5 units/acre single-family residential district) zoning. There is also a small parcel that serves as drainage right-of-way that has PF (Public Facilities) land use and PS (Public services and operations district) zoning. To the west of the subject property are single-family residential properties with Single-Family land use and RSF-1 and RSF-2 (4.6 units/acre single-family residential district) zoning. There are also properties with single-family residential use with Residential Low-Density land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. There is limited access to the homes in this area because N.W. 19th Street is an unimproved private road from N.W. 45th Avenue north to N.W. 53rd Avenue. Finally, the subject property surrounds the Paradise Pond Stormwater Park, a City of Gainesville owned parcel along N.W. 45th Avenue. This property has Conservation, Single-Family and Residential Low-Density land use with Conservation, RSF-1 and RMF-5 zoning.

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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. Generally, the nature of the proposed use will not generate a large volume of trips during peak hour. However, the property is located within Zone B 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 the use that is proposed for the site has yet to be determined. This property is within the Gainesville Regional Transit System main bus service area, but does not have a direct connection with a bus route. However, bus route number 8 runs along N.W. 53rd Avenue and is within walking distance to the subject property and the proposed trail head location. Bus route number 6 runs along N.W. 13th Street from N.W. 45th Avenue, and could provide walking distance access to the proposed main entrance to the park on N.W. 45th Avenue. The area is also served by the demand-responsive service administered by MV Transportation.

Water and sanitary sewer service are also available in the area to access the site. 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, including stormwater management. The creation of a new park will improve the City's recreation level of service, including nature park acreage and linear trail miles.

Character of the District and Suitability

In accordance with Objective 1.1 (see page 5) of the Conservation Element of the City's Comprehensive Plan, this property was identified as environmentally significant, and steps were taken to acquire the property. On both the west and the south sides of the property, adjacent property can be characterized as low-density single-family residential use. On the north, the Home Depot store was built under the current wetland buffer requirements, and with the knowledge that a park would likely be developed on the subject property, thus minimizing potential compatibility problems.

The proposed Conservation land use and CON zoning are compatible with the surrounding land uses. The property is part of the headwaters for the Hogtown Creek. The proposed land use and subsequent zoning change

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will facilitate development of this property as a nature park with some active recreation and educational amenities. The acquisition and protection of this property by the City of Gainesville will help to maintain this important community asset.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The subject property is currently vacant. The proposed zoning change would allow for the restoration and protection of the natural resources on the site while providing recreational opportunities. The CON zoning category is consistent with and will implement the proposed Conservation land use category.

The Wellfield District maps indicate that the subject property falls within the tertiary zone of the Wellfield District. New development would require a Wellfield Protection Permit or a Wellfield Protection Special Use Permit from the City Commission, unless the proposal is exempt. A portion of the property that lies along one of the creeks is within the 100-year floodplain. The creeks are listed as regulated creeks on the Surface Waters and Wetlands District map. The requirements for creek setbacks and buffers will be applicable to those areas within the subject property that are adjacent to the creeks. Wetlands have also been identified on the site.

Applicable Portions of Current City Plans

This and the related petitions are the implementation of City plans to acquire, protect and manage this environmentally sensitive area, while providing recreational opportunities to the community.

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 protection and restoration of an environmentally significant property, while providing a natural recreational opportunity for the community. The CON zoning district is intended to identify areas appropriate for passive recreation and nature parks.

Substantial Changes in Character or Development in the Area

The Home Depot store was constructed in 2007. There have been improvements to N.W. 45th Avenue in recent years, including bicycle lanes

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and a roundabout. No other significant development activity has occurred in recent years in and around the subject property.

Applicable Goals, Objectives and Policies of the Comprehensive Plan

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:

Conservation

This category identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single-family densities of 1 unit per 5 acres. Land development regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

Conservation Element

Objective 1.1

Upon adoption of this Plan, the City shall protect all significant environmental lands and resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall continue to identify environmentally significant open space and recreation sites for acquisition.

Recreation Element

Objective 2.2

Acquire, design and manage parks to preserve existing natural features and their functions as described by the "Environmental Management of Public Parks & Open Spaces" portion of the Conservation, Open Space and Groundwater Recharge Element.

Park Design and Function Standards

Local Nature Parks

Moderately-sized, resource-based parks that offer physical or visual access to environmentally significant open spaces. Such parks include trails, benches, picnic facilities, boardwalks, and exhibits. Size is generally less than 100 acres. (All resource-based parks owned by the city or county are designated local nature parks, regardless of size.) Service radius is urban area-wide. Access is variable. Motorized vehicles are prohibited from pedestrian/bicycle corridors. Examples are Morningside and Bivens Arm Nature Parks. Public properties containing environmentally significant features that have not been developed to accommodate passive recreation are known as "conservation areas."

Applicant Information

City of Gainesville
Parks, Recreation and
Cultural Affairs

Request

Amend the Land Use
Map to change
designation from
Commercial, SF, R-L,
and R-M to
Conservation

Land Use Plan Classification

Commercial, SF, R-L,
R-M and
Conservation

Existing Zoning

BUS, RSF-1, RMF-5,
RMF-6 and
Conservation

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Proposed Land Use Conservation

Proposed Zoning CON

Purpose of Request To establish land use and subsequent zoning to allow for the establishment of a public nature park

Location 1500 Northwest 45th Avenue

Size Approximately 61.6 acres

Surrounding Land Uses

North Commercial, industrial

East Commercial, mobile home park, single-family residential

West Single-family residential,

South Single-family residential, vacant single-family residential, church

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	RMF-6, BUS, I-2	R-M, C, IND
East	BA, BUS, RMF-7, CON	C, R-M, CON
West	RSF-1, RSF-2, RMF-5	SF, R-L
South	RSF-1, PS	SF, PF

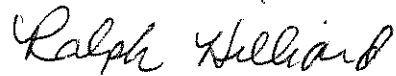
Impact on Affordable Housing

It is not anticipated that this zoning will have an impact on affordable housing. The land is currently vacant and given the nature of the property as the headwaters of Hogtown Creek, the development costs for the site would make housing on this site unaffordable.

Conclusion

The proposed Conservation zoning designation for the subject property is consistent with the City's comprehensive plan and proposed Conservation land use. Staff recommends approval of Petition PZ-09-60 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