

090200C

Petition PZ-09-43 LUC Howard K. Wallace, agent for Villas at 39th, LLC. Amend the City of Gainesville Future Land Use Map from Residential Low-Density (up to 12 units per acre) to COM (Commercial). Located at 39 Northwest 39th Ave. Tax parcel number 08247-000-00. Related to PZ-09-44 ZON.

Jason Simmons, Planner gave the staff presentation and stated that this parcel is 71/2 acres and is part of the Villas at 39th development that has been subdivided for the placement of manufactured homes. The subject property is located along a State maintained arterial roadway. Mr. Simmons further stated that because of the mix of uses in the area staff believes that the uses and BUS zoning would be compatible and would support urban infill. Mr. Simmons added that there is a minimum 50 foot buffer requirement adjacent to the residential area and the proposed development is within the Wellfield district. The property is within the 100 year flood plain, with a drainage ditch on the west side of the property treated as a regulated creek. The property is also located within Zone A of the Transportation Concurrency Exception Area. Staff recommends approval of this petition.

Chris Dawson stated that if staff believes this site is appropriate for large scale, highway oriented commercial uses, and given that there is no definition for it in the Comprehensive Plan, inquired how staff interprets large scale, highway oriented commercial uses. Mr. Simmons stated that NW 39th Avenue is part of a State road, the Gainesville Metropolitan Area truck route system and the Strategic Intra-modal System (SIS) and staff believes that this is a highway. Mr. Simmons further stated that he does not know if there are any determining factors of what is a large scale vs. small scale use; however the 50 foot buffer and the creek setback would limit commercial uses on this site. Mr. Dawson stated that in the business district there are purposes and objectives and inquired if staff feels that the uses allowed by right are compatible with the surrounding existing residential properties to the south and across 39th Avenue to the north. Mr. Simmons stated that in the staff report it states that the BA (Automotive-oriented business district) zoning category is not appropriate for this property and this petition is not a green light for business automotive to continue on further west. Mr. Dawson stated that given this proposed development's proximity to the existing residential development and the lack of other community-type neighborhood retail in the area, this particular piece of land could have a better purpose, even though it is located on a SIS and an Intrastate Highway.

Mr. Wells inquired if any other zoning was considered for this proposed development. Howard Wallace, applicant, stated that they did look at other zoning categories but they would need to have a residential component; and the Business category has a broad range of uses. Mr. Wallace further stated that they have turned the front of the proposed development several hundred feet to make it more like a neighborhood use facility and because of the stormwater and the setbacks it will be a fairly restrained site. Mr. Wallace added that he envisions a Dollar General Store, a bank or a service type of industry to be situated in this proposed location.

Chair Cohen stated that the issue is if commercial zoning is compatible with what is existing at this location as well as this being a Comprehensive Plan change. Chair Cohen further stated that knowing the area it seems like it would be a reasonable place for commercial development and even though mixed use would require a residential component, the restrictions on the land would not allow for it. Chair Cohen added that a Special Use permit (SUP) would be required for any development at this site.

Mr. Wells stated that something is missing if a mixed use zoning does not attract a property owner in this location and would be more inclined to say no to Commercial and yes to a Mixed Use.

Motion By: Randy Wells	Seconded By: Chris Dawson
Moved To: Deny	Upon Vote: None.

Ed Jennings, co-partner with the applicant, stated that there will be 104 affordable housing units to the south of the proposed development and that the Commercial land use and subsequent BUS zoning on this property is very compatible for this proposed development.

Motion By: Randy Wells	Seconded By: Chris Dawson
Moved To: Deny.	Upon Vote: 2 – 4. (Nays: B. Ackerman, B. Cohen, A. Taylor, J. Walls)

Bob Ackerman stated that he agrees that the zoning change to commercial does give a list of horrors that could be; however, it is a small piece of property and there is a certain limitation based on what is already there that will prevent incompatibility.

Motion By: Bob Ackerman	Seconded By: Adrian Taylor
Moved To: Approve.	Upon Vote: 4 – 2. (Nays: R. Wells, C. Dawson)