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**TO:** City Plan Board

**Item Number:** 2

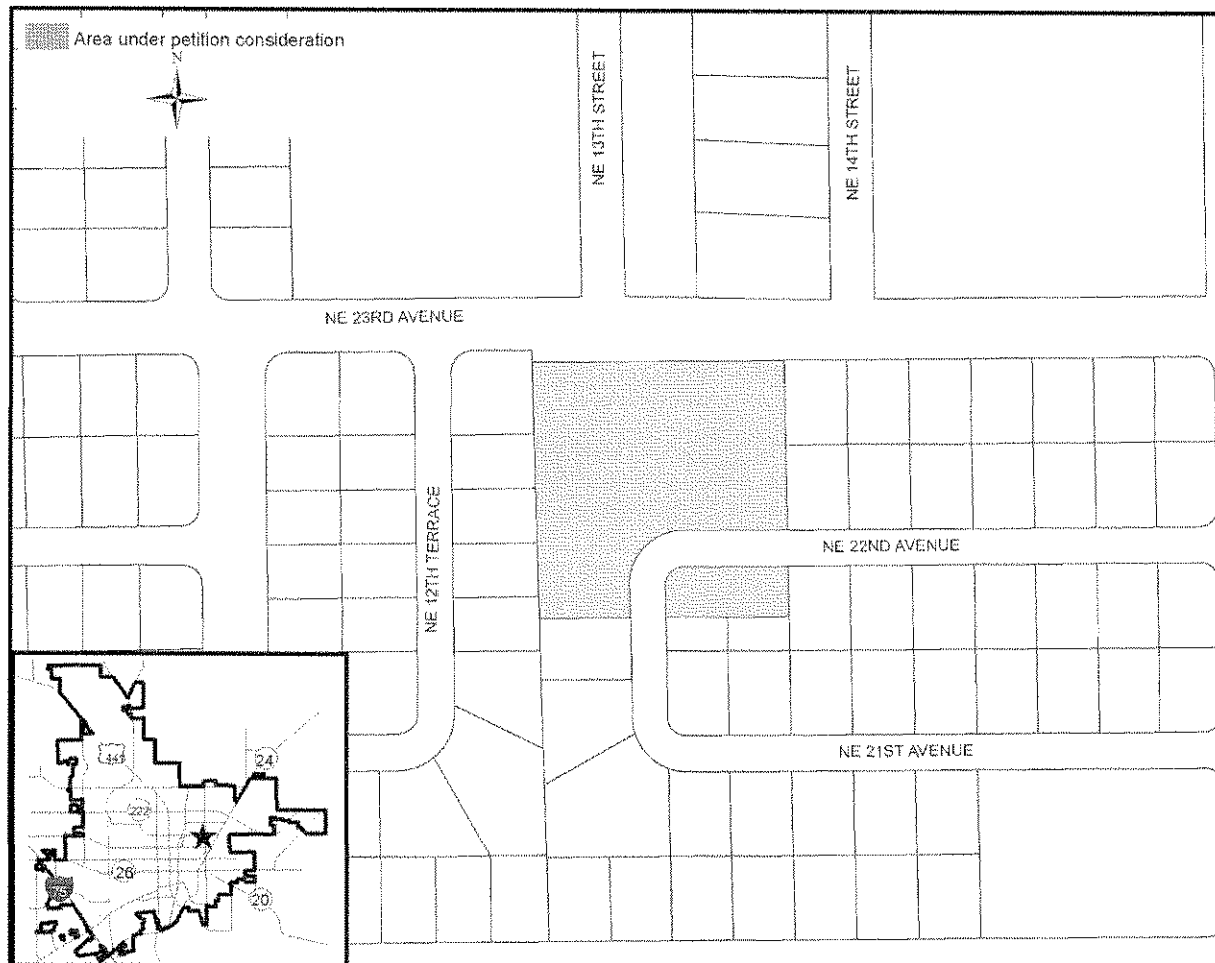
**FROM:** Planning & Development Services Department  
 Staff

**DATE:** February 28,  
 2013

**SUBJECT:** Petition PB-13-008 ZON. Eng, Denman & Associates, agent for ABC  
 Appletree Inc. Rezone property from Public services and operations district  
 (PS) to Educational services district (ED). Located at 1303 NE 23<sup>rd</sup> Avenue.  
 Related to PB-13-007 LUC.

### Recommendation

Staff recommends approval of Petition PB-13-008 ZON.



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## **Description**

This request is to change the zoning from Public services and operations district (PS) to Educational services district (ED) on an approximately 2.8 acre parcel located at 1303 NE 23<sup>rd</sup> Avenue. The current zoning is PS while the existing land use designation is Recreation (REC). The site is the former location of the McGurn Family YMCA. The property includes a large main building, smaller accessory structures, roofed and fenced basketball courts, a swimming pool, a wading pool and open space. The property is not located within any special area plan area, or other overlay district. This petition is related to Petition PB-13-007 LUC, which proposes a small-scale amendment to the future land use map from REC to Education (E). Please see the map on page 1 for the location of the subject property, and Appendix B for the full map series.

The petitioners are bringing forth this rezoning petition because they are proposing to redevelop the unoccupied site into a charter school. A charter school is not an allowed use within the Recreation land use category or the PS zoning district. The property is located on the south side of NE 23<sup>rd</sup> Avenue. All of the property adjacent to the site has Single-Family land use with RSF-2: 4.6 units/acre single-family residential district (RSF-2) zoning. On the east and west side of the property are single-family homes. To the south of the property is vacant land with environmental features that has never been developed. This land was part of the YMCA development site. North of the subject property across NE 23<sup>rd</sup> Avenue is a place of religious assembly and single-family homes. Both the existing Recreation land use category and the proposed Education land use category identify appropriate areas for either recreational or educational activities. The PS zoning district identifies suitable locations for the necessary public and private utility and recreation activities that serve and are used directly by the public. The ED zoning district identifies appropriate locations for educational facilities throughout the community. Traditionally, recreational facilities and schools have been located in or very near to residential areas to serve the public that will utilize the services offered at these locations.

The purpose of the proposed rezoning petition (and related land use amendment) is to enable the applicant to facilitate redevelopment of the property into a charter school.

## **Key Issues**

- The proposed rezoning is consistent with the Comprehensive Plan, as discussed below in "1. Consistency with the Comprehensive Plan."
- The subject property was a private recreation facility (YMCA) which is now proposed to be a charter school that will renovate the buildings and update the site conditions.
- Charter school is not an allowed use with the existing Recreation land use and PS zoning.
- The Educational services zoning district identifies appropriate areas for public and private schools and institutions of higher learning when located outside of neighborhood centers (activity centers).

## **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 ED rezoning is consistent with the City's Comprehensive Plan. The following objective and policies are the most pertinent to this petition. Objective 4.2 and Policy 4.2.1 can be adequately met by this petition because a land use category that identifies appropriate areas for public and private schools and institutions of higher learning would replace a land use category that identifies appropriate areas for public and private leisure activities. Land development regulations for both categories address compatibility, scale and intensity of the use compared with surrounding uses to ensure that these uses will be scaled to fit into the character of the area. This proposed rezoning will not increase intensity of use in the area.

## **Future Land Use Element**

**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:

### **Education**

This category identifies appropriate areas for public and private schools and institutions of higher learning when located outside of neighborhood centers (activity centers). Land development regulations shall address compatibility with surrounding uses and infrastructure needs, except in a special area plan, where there shall be no floor area ratio maximum. The intensity of development on property covered by a special area plan shall be regulated by the Urban Design Standards that include building height, build-to lines, setback requirements and building coverage to determine intensity of use instead of a maximum floor area ratio.

The list of other applicable comprehensive plan policies is located in Appendix A. This proposal is consistent with the redevelopment objectives of the City as listed in Objective 2.1 of the Future Land Use Element (see Appendix A).

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The petition site is located within Zone A of the City's Transportation Concurrency Exception Area (TCEA), which is intended to promote redevelopment and infill in the eastern portion of the city and the area near the University of Florida. At the time of any type of development plan review, the proposal will be required to meet the standards of Policy 1.1.4 of the Concurrency Management Element because of the Zone A location.

## **2. Conformance with the Land Development Code**

The proposed rezoning is consistent with the Land Development Code. The objective of the ED zoning district is to locate public educational facilities at appropriate locations throughout the community and provide easy accessibility and convenience to the users. The subject property is located on NE 23<sup>rd</sup> Avenue, which is an arterial road that can provide convenient access to and from the site. This proposed zoning change promotes infill development. The property is located within the core area of the City, and will assist with the redevelopment of a previously developed property. Please see the ED purpose and objectives in Appendix B.

The rezoning and subsequent development will utilize existing public utilities that served the previous use. The parcel is an unoccupied developed property which is being served by existing public facilities (including potable water, wastewater, transit, solid waste, and public roads). This type of redevelopment will involve renovating a vacant site and providing educational opportunities to the surrounding residential area. Stormwater management is addressed at the time of development plan review.

## **3. Changed Conditions**

The previous YMCA use at the property has been closed for some time due to financial troubles for the organization in recent years. Redevelopment of the subject property represents an opportunity for the adaptive reuse of the site from recreational to educational. The property is developed and is being served by existing public facilities (including potable water, wastewater, transit, solid waste, public roads, etc.). This type of redevelopment and reuse of the property will improve the conditions on the site and rid the neighborhood of an eyesore. A school will provide employment opportunities for teachers and associated staff members, and this location provides the opportunity for educating students who live in the surrounding neighborhoods.

## **4. Compatibility**

The character of the area of the subject property is single-family residential. To the north across NE 23<sup>rd</sup> Avenue is a place of religious assembly and single-family dwellings with Single-Family land use and RSF-2 zoning. On both the east and west sides of the subject property there are single family dwellings with Single-Family land use and RSF-2 zoning. South of the site is vacant land with Single-Family land use and RSF-2 zoning.

The previous use was a YMCA recreational facility. A charter school will have similar impacts on the surrounding area. The proposed ED zoning district identifies appropriate areas for public educational facilities at appropriate locations throughout the community. Land development regulations address compatibility with the surrounding uses as well as issues of accessibility and convenience to the users. It should be noted that the ED district allows fewer uses than the PS

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district. In addition, the Single-Family Land Use category does allow the siting of public and private schools.

## 5. Impacts on Affordable Housing

This proposed zoning change will not have an impact on affordable housing because it involves non-residential zoning districts.

## Transportation

The property is located within Zone A of the City's Transportation Concurrency Exception Area (TCEA), which is intended to promote redevelopment and infill in the eastern portion of the city and near the University of Florida. Regional Transit Service (RTS) Route 15 provides service to this site along NE 23<sup>rd</sup> Avenue. The number of new average daily trips that will be generated by the use proposed for this site has yet to be determined. The location of the property along NE 23<sup>rd</sup> Avenue will provide adequate accessibility and development plan review will ensure proper ingress/egress at the site. There is no current or proposed access to any adjacent residential streets.

## Environmental Impacts and Constraints

There are no major environmental issues concerning the subject property and the proposal for a charter school. The developed parcel is already considered urban land. There are identified wetlands on the far southern end of the site but no development activity is proposed near the area. Stormwater management will be addressed at the time of development plan review. The property is also located within the Tertiary Wellfield Protection Zone associated with the Murphree Treatment Plant and municipal wellfield. Land use constraints and environmental management requirements associated with these environmental overlay zones may be applicable depending on the potential for aquifer/groundwater contamination, but the specific regulation would be determined at the development review stage. The proposed rezoning does not increase allowable land uses of potential contamination hazard, so regulatory constraints are expected to be minimal. The City's Environmental Coordinator has reviewed the properties and determined that they are exempt from the Natural and Archaeological Resources Protection regulations.

Respectfully submitted,

  
Onelia Lazzari  
Principal Planner

Prepared by:

  
Jason Simmons

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**Table 1**

**Adjacent Existing Uses**

<b>North</b>	Church, single family residential
<b>South</b>	Vacant residential land
<b>East</b>	Single family residential
<b>West</b>	Single family residential

**Adjacent Zoning and Land Use**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	Single-Family	RSF-2
<b>South</b>	Single-Family	RSF-2
<b>East</b>	Single-Family	RSF-2
<b>West</b>	Single-Family	RSF-2

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## **List of Appendices**

### **Appendix A Comprehensive Plan GOPs**

Exhibit A-1 Future Land Use Element

### **Appendix B Land Development Code**

Exhibit B-1 ED purpose and objectives

### **Appendix C Supplemental Documents**

Exhibit C-1 Existing Zoning Map

Exhibit C-2 Proposed Zoning Map

Exhibit C-3 Aerial Map

### **Appendix D Application and Neighborhood Workshop information**

Exhibit D-1 Application – City Plan Board, Neighborhood Workshop  
information, Land Use Change & Rezoning Application Boulware  
Charter School