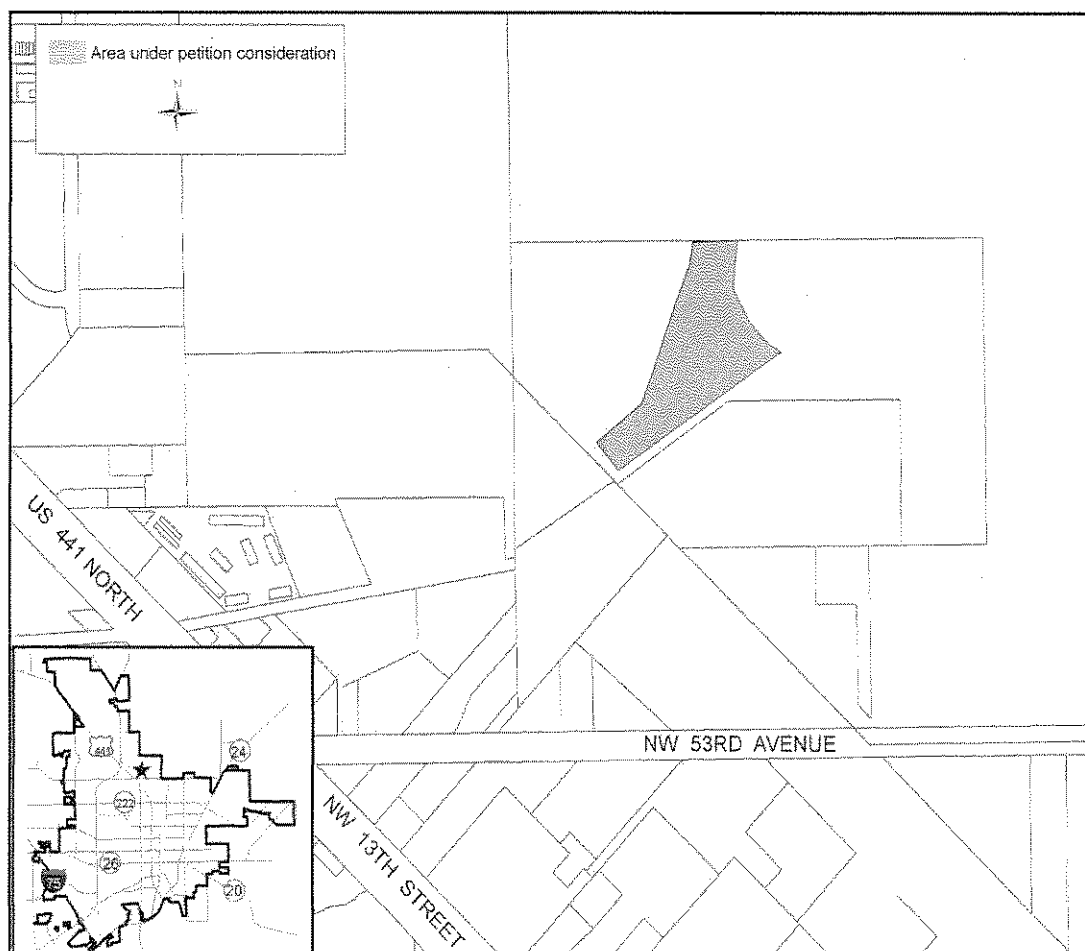




## PLANNING &amp; DEVELOPMENT SERVICES DEPARTMENT

PO Box 490, STATION 11  
GAINESVILLE, FL 32627-0490306 N.E. 6<sup>TH</sup> AVENUE  
P: (352) 334-5022  
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F: (352) 334-2648**TO: City Plan Board****Item Number: 4****FROM: Planning & Development Services Department Staff****DATE: October 24, 2013****SUBJECT: Petition PB-13-92 ZON. City of Gainesville, agent for ADC Development & Investment Group, LLC. Rezone a portion of tax parcel 07877-001-004 from Planned Development District (PD) to General industrial district (I-2). Located in the vicinity of 820 NW 53<sup>rd</sup> Avenue.****Recommendation**

Staff recommends approval of Petition PB-13-92 ZON.



## Description

This request is to change the zoning from Planned Development District (PD) to General industrial district (I-2) on the subject property, located in the vicinity of 820 NW 53<sup>rd</sup> Avenue. The property is approximately 9.78 acres in size and has a land use designation of Industrial. The parcel is a portion of tax parcel 07877-001-004, which has Industrial land use and I-2 zoning. The entire parcel is currently vacant. The property is not located within any special area plan overlay districts; however the property does lie within the Wellfield district.

The City of Gainesville is bringing forth this petition for a zoning change because the plans for the subject property have changed over the last several months. The current PD zoning was put in place to allow for the types of uses associated with the GRACE Marketplace One-Stop Homeless Assessment Center. However, because of several issues with the site, as well as the possibility of locating a homeless assistance center at another location in the City, it has been determined that the City will not proceed with the purchase of this property. As seen on the map on page 1, the property is located on the north side of NW 53<sup>rd</sup> Avenue. Access to the property is from a private easement that is paved from NW 53<sup>rd</sup> Avenue up to the cement plant, which is located on property to the south of the subject parcel. From that point the access is unpaved into the subject property. All of the property on the east, west and south of the subject parcel is zoned I-2, with Industrial land use. The property to the north is zoned AGR, with Agricultural land use.

The existing PD zoning was crafted to allow a specific type of development, a One-Stop Homeless Assessment Center (The GRACE Marketplace). This proposal involved multiple services that no single zoning district could accommodate, including residences for destitute people, social service homes, food distribution, camping facilities, laundry facilities, workforce development, and health care facilities. Development intensity was also limited by the location of wetland areas and wetland buffer areas from wetlands located on adjacent properties. Ordinance 090763 which amended the zoning on the property from I-2 to PD, allowed up to 50,000 square feet of building area for the entire One-Stop Center project. The center would also include 200 beds, 100 tent pads, and serve up to 500 meals to non-residents. The maximum building coverage was 40 percent of the total PD zoned area. The proposed use was considered less intense than what is permitted in the I-2 district.

The I-2 zoning district has a 5 story height limit. Other than this, development is not limited by maximum lot coverage. Intensity of development will also be limited by the environmental characteristics of the property. A significant portion of the property would likely not be developed because of wetlands and wetland buffer areas. Despite the potential limitations, if only 1 acre was available for development, with a 5 story maximum height, there could theoretically be up to 217,800 square feet of development (1.0 acre x 43,560 square feet per acre = 43,560 square feet x 5 = 217,800 square feet). The proposed I-2 zoning allows for more intense use than the existing PD zoning.

The area surrounding the subject property is generally vacant with the exception of the property to the south, which is developed with a cement plant. The area in general has an industrial character, and is one of the relatively few areas in the City where larger scale industrial uses may

be able to develop. Please see the map on page 1 for the location of the subject property, and Appendix C for the full map series.

### **Key Issues**

- The proposed rezoning is consistent with the Comprehensive Plan, as discussed below in “1. Conformance with the Comprehensive Plan.”
- The current PD zoning designation would be replaced by I-2, the previous zoning designation on the property.
- The proposed zoning change will help to promote the marketing of the entire tax parcel with one zoning designation. Currently, the parcel is split in two with I-2 zoned land on either side of the PD portion of the property.
- The current PD zoning was tailored to a very specific project, the One-Stop Homeless Assessment Center. As a result of the City no longer having an interest in this property for the One-Stop use, the PD provisions are no longer applicable and would serve to restrict potential future industrial development on the overall parcel.
- The I-2 zoning is consistent with the surrounding zoning in the area except to the north, which is zoned for Agriculture but is currently vacant.

### **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 zoning change is consistent with Gainesville’s Comprehensive Plan. The subject property has a land use designation of Industrial. The I-2 zoning category is one of the implementing districts for the Industrial land use category.

### **Future Land Use Element**

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

#### **Industrial**

The Industrial land use category identifies those areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling and other ancillary uses. Other uses may be allowed in this land use category as specified in an adopted ordinance rezoning property to Planned Development District (PD). Land development regulations shall determine the appropriate scale of uses and consider the externalities of such uses. Intensity will be controlled by

adopting land development regulations that establish height limits of 5 stories or less.

The list of other applicable comprehensive plan policies is located in Appendix A. This proposal is consistent with the land use objectives of the City to provide sufficient acreage for various uses at appropriate locations, as listed in Objective 4.1 of the Future Land Use Element (see Appendix A).

The petition site is located within Zone B of the City's Transportation Mobility Program Area (TMPA). At the time of any type of development plan review, the proposal will be required to meet the applicable standards of Policy 10.1.4 and 10.1.6 of the Transportation Mobility Element because of the Zone B location.

In the case of any future development or redevelopment proposal, the proposed zoning change will not adversely impact adopted levels of service for potable water, wastewater, solid waste, and recreation. Stormwater management will have to be addressed at the time of development plan review.

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

The proposed rezoning is consistent with the Land Development Code. One of the objectives of the I-2 zoning district is to provide areas in appropriate locations where various heavy and extensive industrial operations can be conducted without creating hazard or property devaluation to surrounding land uses. Please see the I-2 purpose and objectives in Appendix B.

This proposed zoning change promotes the marketing of the entire tax parcel with one zoning designation as opposed to a parcel that is basically split in two with I-2 zoned land on either side of the PD portion of the property.

## **3. Changed Conditions**

The City of Gainesville is no longer interested in purchasing the subject property for the purpose of establishing a One-Stop Homeless Assessment Center. As a result, the provisions and conditions of the PD on the subject property are no longer applicable or appropriate. This petition is an opportunity to rezone the property back to its original I-2 zoning designation.

## **4. Compatibility**

The subject parcel is not accessible from a public or approved right-of-way, but is accessible from an unpaved roadway easement from NW 53<sup>rd</sup> Avenue. To the north of the property is vacant land designated Agriculture that is planted pine. To the east and west is vacant land with wetlands and planted pine with Industrial land use and I-2 zoning. To the south of the subject property is property with Industrial land use and I-2 zoning that is the home of a cement plant. The proposed I-2 zoning for the subject property is implemented by the existing Industrial land

use on the subject property and should offer no compatibility issues with the surrounding Industrial and Agriculture land uses (See Table 1).

## **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 B of the City's TMPA. Any future development or redevelopment would have to comply with the provisions of Policy 10.1.4 and 10.1.6 of the Transportation Mobility Element. Because the site is not in a specific special area or overlay district, development of the site will be regulated in accordance with the provisions within the I-2 zoning district. The number of new average daily trips that might be generated by the uses that may be proposed for this site will be determined if a development proposal is brought forth. This property is not within the Gainesville Regional Transit System (RTS) main bus service area. There is no direct access to a bus route along this section of NW 53<sup>rd</sup> Avenue. The closest bus route is route 41 which runs along NW 53<sup>rd</sup> Avenue and then south on NW 13<sup>th</sup> Street (U.S. 441).

## **Environmental Impacts and Constraints**

This property is an undeveloped parcel, located within the Secondary and Tertiary Wellfield Protection Zones 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. Stormwater management associated with development of the site will be required to meet current standards at the time of development review.

The Environmental Coordinator of the City of Gainesville, John Hendrix, has conducted a Basic Environmental Review of the subject property. His findings are reported below:

The property and its surrounding parcel and adjacent areas have been reviewed to determine if any environmental resources are present on or immediately adjacent which would be regulated by City Land Development Code 30-300 Surface Waters and Wetlands, or 30-310 Natural and Archaeological Resources. Past site visits were performed in 2011 and 2012, and currently on October 1, 2013, to inspect surface waters, wetlands, and natural habitats which have been previously identified and described in environmental inventories, assessments, and jurisdictional determinations performed by project consultants and City staff. The subject property is an undeveloped, wooded tract which is located approximately 1900 feet north of NW 53<sup>rd</sup> Avenue, beyond the existing Cemex building materials/cement plant. The entire property is situated in a poorly drained pine flatwoods area which borders Plum Creek timberlands to the north and east, and the City of Gainesville Fleet Maintenance Facility to the northwest. The slightly higher and better drained parts of the site have been managed for silviculture and currently support slash

pine plantation. A large forested wetland (Potato Patch Bay) extends into the west side of the parent parcel and borders the subject portion on the west side. This swamp and other similar depressions and wet hardpan flats extend across the parent parcel, forming a mosaic of basin hardwood swamps, in combination with poorly defined herbaceous wetlands under the planted pine canopy.

As described above, regulated surface waters/wetlands of the Hatchet Creek drainage basin are present on and adjacent to the subject property. The areas of surface waters/wetlands which meet current State and City jurisdictional determination criteria, and are regulated pursuant to City of Gainesville Land Development Code (LDC) Section 30-300, *Regulated Surface Waters and Wetlands*, have been defined through professional field delineation and verified through regulatory agency review. Thus, the exact location and extent of these areas, which represent a significant part of the property, have been established, and are documented in St. Johns River Water Management District Permit No. 40-001-127828-1, issued to ADC Development & Investment Group, LLC, on February 8, 2012. The permit contains boundary survey drawings with approved jurisdictional wetland boundaries for the parent parcel, including the portion under consideration in this petition. Wetlands as delineated in this permit are more extensive within and adjacent to the petition area than shown on Map 2 of the GRACE Marketplace Planned Development (PD) Report dated November 4, 2009, and revised December 23, 2009.

Future development on the property will be required to avoid impacts to surface waters and wetlands to the maximum extent practicable. Where impacts are unavoidable, development must minimize loss of wetland functions through design and construction measures, and finally, mitigation must be provided to compensate for the loss of wetland structure and functions due to impacts which are unavoidable. Upland buffers of wetlands (35 feet minimum, 50 feet average) are included in the provisions required under this section.

Neither the subject parcel portion, nor its parent parcel, fall within or contains areas of natural resources regulated by the City pursuant to LDC 30-310 *Natural and Archaeological Resources*. Adjacent land to the north and east fall within a regulated Strategic Ecosystem natural resource area, but this resource area does not extend into the subject parcel area. No other resource areas regulated by this code section are known to be present on the parent parcel or the subject 9.78 acre portion.

Development plans for general industrial land uses allowed under the proposed zoning for the property must meet the requirements for wetland avoidance, minimization, buffering, and mitigation, if applicable, provided under City code section LDC 30-300. A verified surface water/wetland jurisdictional determination exists and clearly defines the extent of the regulated areas on and adjacent to the property. Separate requirements by the State of Florida or federal government for permitting and mitigation relating to surface waters, wetlands, or the conservation and management of listed species and habitats, may result in additional regulatory restrictions or conservation measures on this property that exceed City requirements.

Petition PB-13-92 ZON  
October 24, 2013

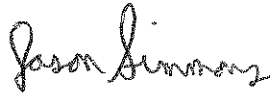
Respectfully submitted,



Onelia Lazzari  
Principal Planner

Prepared by:

Jason Simmons  
Planner



**Table 1**

**Adjacent Existing Uses**

<b>North</b>	Agriculture (Silviculture)
<b>South</b>	Cement plant
<b>East</b>	Agriculture (Silviculture)
<b>West</b>	Agriculture (Silviculture)

**Adjacent Zoning and Land Use**

	<b>Zoning Category</b>	<b>Land Use Category</b>
<b>North</b>	AGR	Agriculture
<b>South</b>	I-2	Industrial
<b>East</b>	I-2	Industrial
<b>West</b>	I-2	Industrial

## **List of Appendices**

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

Exhibit A-1 Future Land Use Element

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

Exhibit B-1 Section 30-70 General industrial district (I-2)

### **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 and Neighborhood Workshop Notes and information