



City of Gainesville
Department of Sustainable Development
Planning Division

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CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: March 25, 2021

ITEM NO: 1.

PROJECT NUMBER AND NAME: **Petition PB-21-13 TCH.** David Coffey, Agent for South Main, LLC.
Proposed text amendment to the Land Development code, Sec. 30-3.14.J.4., Rezoning Criteria, to delete the 10-acre minimum parcel size requirement for a parcel, not adjacent to a Transect Zone, to file an application for rezoning to Transect.

APPLICATION TYPE: Legislative, Land Use change.

CITY PROJECT CONTACT: Lawrence Calderon, Planner III

APPLICATION INFORMATION:

Agent/Applicant: David Coffey, South Main, LLC.

Property Owner(s): David Coffey, South Main, LLC.

Related Petition(s): Related to PB-21-14 LUC and PB-21-15 ZON.

Legislative History: None

Neighborhood Workshop: January 22, 2020 and October 15, 2020. Virtual Meetings on Zoom.

SITE INFORMATION:

City-wide Impact.

Special Feature(s): The requirement for a parcel to have a minimum size of 10 acres to file for a rezoning to Transect (write about the history of zoning changes within the last three years) located immediately south of the active Depot Park which is a highly active pedestrian area. It is in the City's Enterprise and Opportunity Zones and adjacent to South Main Street which have been recently improved with a variety of Pedestrian Oriented facilities. The surrounding industrial areas have not experienced meaningful opportunities for developments with the drive to initiate the urban design patterns and desirable growth trends.

BACKGROUND AND EXPLANATION:

Background:

This petition is submitted in association with a proposal to improve four tax parcels, currently zoned I-2 (Industrial) which are not contiguous to any property zoned Transect. The applicant states that the four tax parcels are controlled by the Stringfellow family and have been part of the Gainesville community since before the early 1800's. During much of the last century, the properties have been the site of *Stringfellow Supply Company*, providing building materials and tools to the Gainesville area. The property remains today the site of a building construction supply company (Graybar) supporting new construction with a focus on "maintaining the energy footprint of commercial buildings, consistent with design standards of the general area.

Although the subject properties have an I-2 zoning, they are physically isolated from surrounding industrial zoned lands and are at the center of an area that is undergoing significant transformation into a pedestrian and transit-oriented mixed use urban development, consistent with the evolution of South Main Street, Depot Park, Cade Museum, South Main Street Improvements, the GRU Catalyst Building improvement and the Heartwood development off South Main Street.

The above properties are referenced here only to establish that they are less than ten (10) acres and that they possess the characteristics of a Transect zone and have the potential to expand the T-zone characteristics to surrounding areas and to further enhance the growth trends exhibited by the South Main Depot Park development initiatives.

The application is appropriately filed in accordance with the procedures established in Sec. 30-3.12. It is scheduled for review by the City Plan Board and The City Commission at the earliest possible opportunity.

In considering this request, staff identifies nine (9) main factors essential to a decision on modifying the ten-acre parcel size necessary to initiate a rezoning to Transect.

1. Initial application of the Transect was not based on size
2. Gainesville's current application of Transect leaves few opportunities to find parcel of ten acres or more to initiate a Transect-type development.
3. Examples of successfully developed areas or potential areas with less than 10 acres.
4. The subject area of consideration already possesses much of the characteristics of a Transect zone or has the potential to successfully implement Transect design principles.
5. The standard is not clear and may lead to confusion because it does not applicable to Land Use Changes.
6. The criterion seems contrary to many goals, objectives and policies of the Comprehensive Plan
7. The conventional zoning principle of Spot Zoning already addresses rezoning of isolated properties; it is not necessary to apply an unsubstantiated size limit.

8. Zoning regulations based on lot or parcel size do not facilitate Affordable Housing, or for that matter sustainable developments.
9. The planning profession and associated literature do not specifically advocate size as a criterion for rezoning to Transect.

1. Initial application of the Transect was not based on size

The Gainesville's Transect zones were established with the following intent," ... **Sec. 30-4.11.** -

Generally.

Intent. The intent of this division is to establish development standards that will encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact, pedestrian-friendly environment ..." Transect zones have been applied to the following areas:

1. Areas of the City displaying the characteristics anticipated by the Transect;
2. Areas with the potential to be developed in accordance with the Transect standards, and;
3. Areas undergoing growth trends leading to a compact urban area.

In 2017 when the Transect zones were applied in Gainesville they were not based on acreage but on merits as true Transect zone areas. Some existing isolated transect zone areas than can be considered as isolated are:

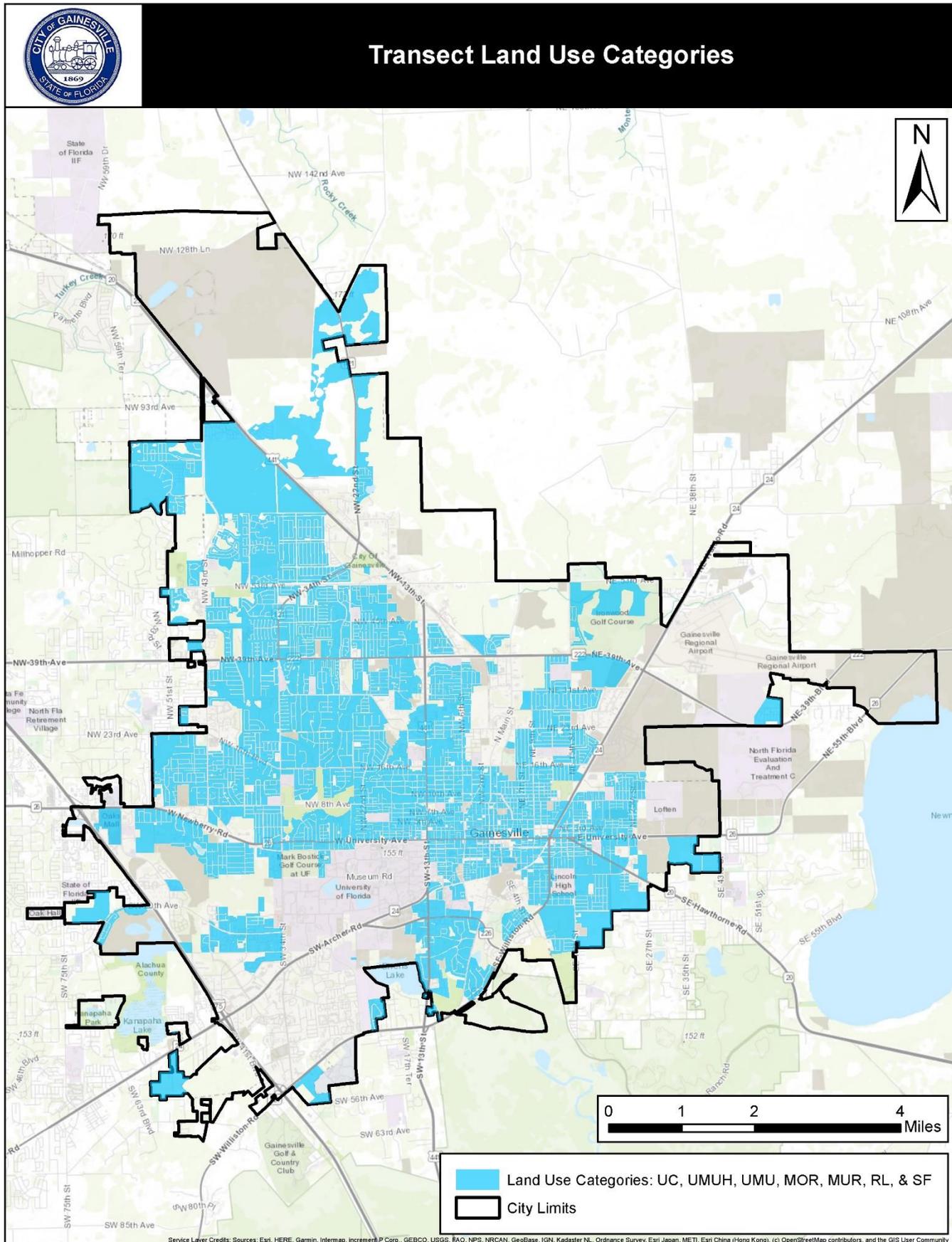
1. U2, located north of University Avenue, between NW 20th Drive and NW 22nd Street. 2.13 Acres
2. U6, located at the northeast corner of NW 7th Ave. and NW 13th Street. 0.28 Acres
3. U4 and U6, located at the southwest corner of NE 8th Ave. and NE Waldo Road, 3.13 Acres
4. U7, located at 3500 SW 13th Street, 1.60 acres.

In designating Transect zones, the code assigned transects that are tailored to the unique character of the specific geographic area of the City. The allowable uses, dimensional standards, and development requirements for these zones are described within each transect type. Acreage was not a significant factor.

2. Gainesville's current application of Transect leaves few opportunities to find parcel of ten acres or more to initiate a Transect-type development.

If one examines the transect land uses, Map 1, one sees that it covers a significant proportion of the City but the predominant acreages covered are in residential and office type land uses. Thus the 10-acre limit is impacting only a very small area with the potential for accommodating isolated T-zones. All other areas would be faced with compatible co-existence with single-family districts, which would determine the merit of an isolated request to rezone to transect. On the other hand, the potential to have non-residential transect with isolated transect land uses and transect zoning is very small (See Maps 2 and 3). The ten-acre size standard appears to be focused primarily on non-residential transect zoning and is thus very limited in what can be gain from having a 10-acre limit

Map 1. All Transect Land Use Categories



Given the current boundaries of the City, two main areas exist where a 10-acre, or greater sized parcel can be identified for implementation of a successful unified Transect-type development. Those areas are the southeast quadrant and a portion of the northeast quadrant (see Map 1). In all other areas of the City, unless through aggregation of parcels, it would be difficult to find suitable 10-acre parcels for T-Zone developments having the drive to stimulate T-Zone types of development that will have major urban design impact within the City.

Therefore, the 10-acre limit creates limitations for developments of the type envisioned within an urban area. Removing that limitation would be a positive step in opening up areas for appropriate development, consistent with goals, policies and objectives of the Comprehensive Plan, some examples are:

Objective 1.4 Adopt land development regulations that promote mixed-use development.

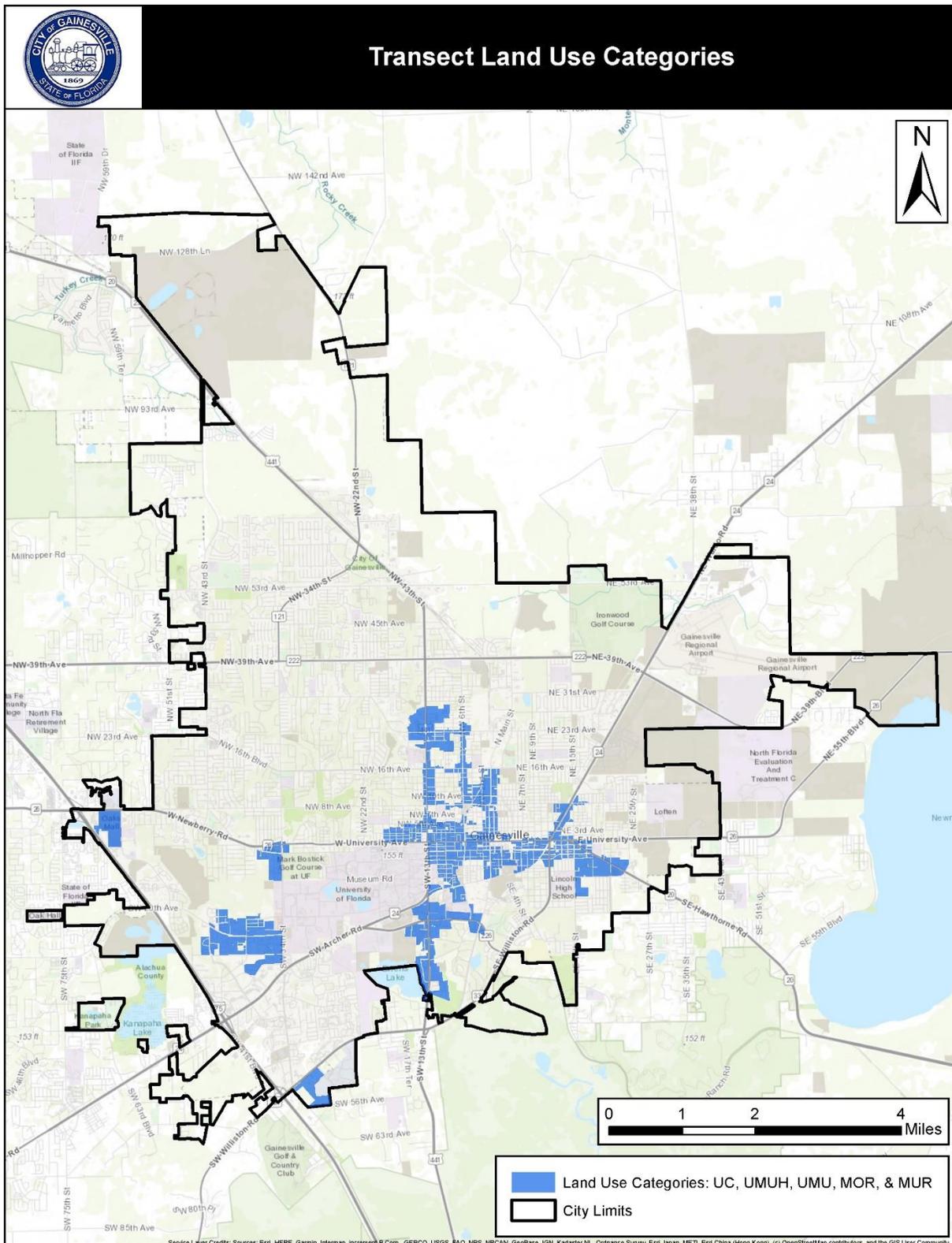
Objective 4.1 The City shall establish land use categories that allow sufficient acreage for residential, commercial, mixed-use, office, industrial, education, agricultural, recreation, conservation, public facility, and institutional uses at appropriate locations to meet the needs of the projected population and that 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. Land use categories associated with transect zones are intended to encourage a more efficient and sustainable urban form by allowing a range of housing, employment, shopping and recreation choices and opportunities in a compact area of the City.

Policy 4.1.3. 8. Need for the additional acreage in the proposed future land use category;

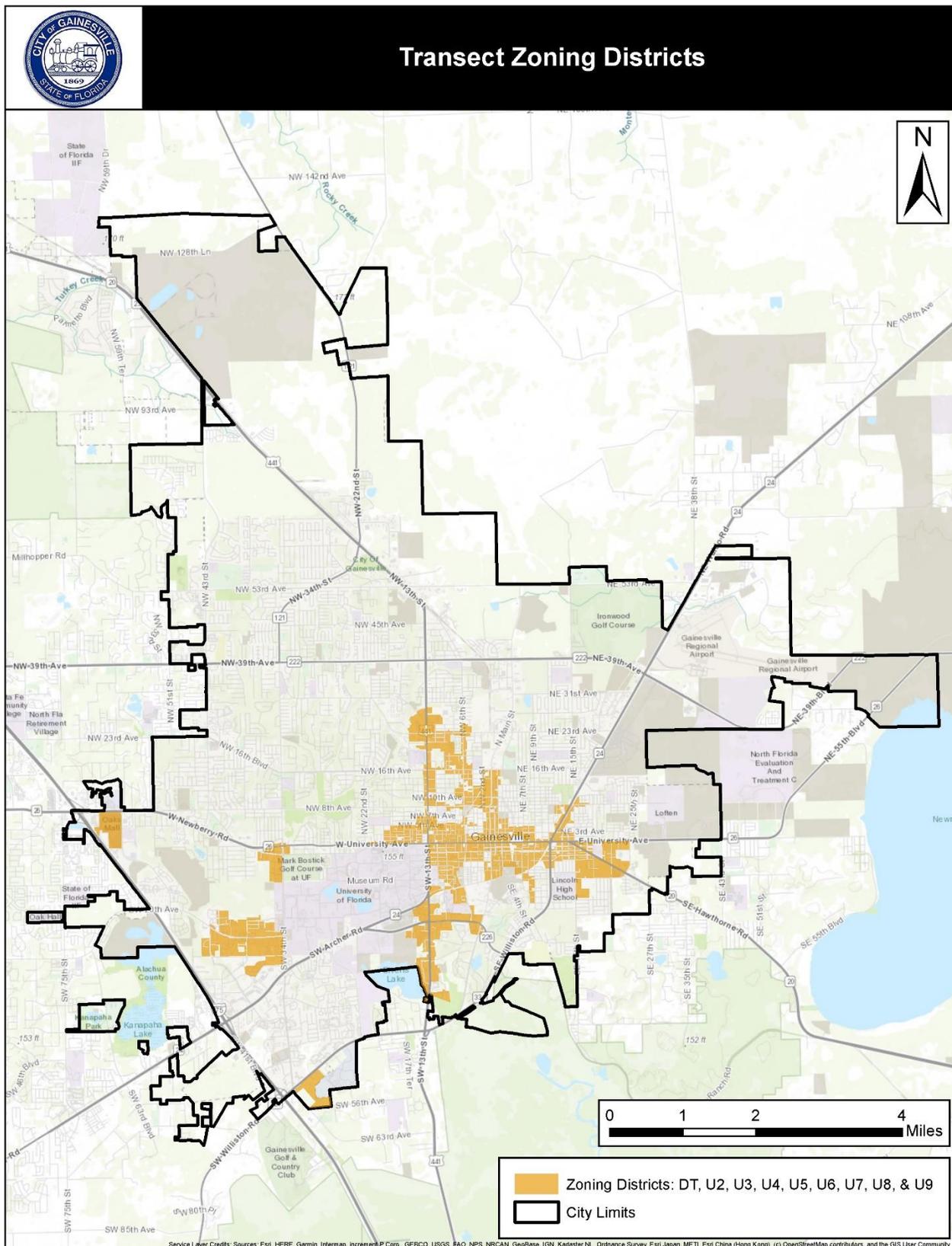
Objective 5.1 Urban design standards established in the Land Development Code shall enhance the sense of place, improve the urban form, and provide for the safety and comfort of pedestrians, bicycles, transit, and other vehicles in the City. These standards shall reflect a commitment to improve and maintain the vitality of the City and its neighborhoods.

Objective 1.3 The City shall allocate sufficient acreage in appropriate locations to meet the housing needs of the City's residents

Map 2. Non-Residential Tract Land Use Categories



Map 3 Non-Residential Transect Zoning Categories



3. Examples of successfully developed areas or potential areas with less than 10 acres.

The Gainesville experience has demonstrated that several areas within the City, contain properties of less than the 10-acres, which have been developed with successful transect-type developments. While some of them are adjacent to other transect areas, at the time development was initiated, they were isolated from improved transect type developments. They have displayed significant drive to transform surrounding areas and expand the transect design.

Some developments recently developed within Gainesville are:

1. Publix at Westgate - 5.94 Acres
2. Southwest 4th Avenue Development - 3.57 Acres
3. The Standard - 5.29 Acres
4. The Northwest 3rd Avenue and NW 13th Street Development - 4.06 Acres
5. Innovation Square - 4.06 Acres
6. The Nine – 5.37 Acres.

4. The subject area of consideration already possesses much of the characteristics of a Transect zone or has the potential to successfully implement Transect design principles.

To put the subject properties into perspective, I refer to the applicant's justification report which states that until recently, the Stringfellow property was completely surrounded by warehouse and industrial uses with public infrastructure typical of heavy industrial areas. South Main Street was a four-lane section with a 45-mph speed limit and completely devoid of landscaped medians or street trees. Overhead power lines along South Main contributed to the unattractive industrial character of the area. Both Depot Avenue and South Main were, until very recently, devoid of any pedestrian or bicycle friendly qualities or character. Recently, major public investments made by the City of Gainesville have radically transformed the area. Depot Avenue was redesigned and rebuilt into a very attractive, traffic calmed two lane road with multiple roundabouts, narrow vehicular travel lanes, landscaped medians, a multi-use bicycle, and pedestrian off-road trail, and superb LED pedestrian and street lighting. The old historic train depot on Depot Avenue has been fully restored and renovated and now anchors the main gateway into the newly established Depot Park which has become one of Gainesville's most popular public amenities. As a result, the area today enjoys steady bike and pedestrian traffic throughout the day and into the evenings; a portrait of the intent of the Transect zones.

The transformation of the area initiated by the City of Gainesville through redevelopment of a brownfield industrial site into what is now the iconic and incredibly successful Depot Park as well as the radical transformations of Depot Avenue and South Main Street into what is now among the City's most attractive and people friendly transportation corridors. Strategic investments by the City of Gainesville have by design made conditions on the ground today completely different from what existed until very recently.

Against this backdrop, a text change with city-wide implications has been submitted for consideration. While application of the text change to the parcels referenced above may be appropriate and suitable for the area, one must consider its appropriateness based on impacts throughout the entire City.

5. The standard is not clear and may lead to confusion because it does not apply to Land Use Changes.

One observation is that the 10 acre limitation applies only to rezoning and not to land use changes. It is therefore conceivable that the land use of the property can be changed to a Transect type without having corresponding zoning of transect. This seems to be an inconsistent approach to managing land use and zoning designations of properties within the City. This factor is yet another basis for removing the acreage limitation in place of more defining characteristics, representative of transect types.

6. The criterion seems contrary to many goals, objectives, and policies of the Comprehensive Plan

The policies and objectives listed below are from Gainesville’s Comprehensive Plan. They are consistent with the thinking of Center for New Urbanism (CNU) and principles advocated by Strongtowns concerning minimum lot size, Form Base Code, and Transect Zoning. The CNU and Strongtowns, actively discourage policies such as minimum lot or parcel sizes that escalate the cost of housing. To the contrary, those institutions strongly advocate policies that would encourage affordable housing and advocate serious reconsideration of tools such as minimum lot or parcel size. Nolan Gray, in an article titled “Do Minimum Lot Size Rules Matter?” states the following: “...planners concerned about excessive outward growth—and the high cost of all the additional infrastructure—should critically evaluate all minimum lot size rules. Overly strict rules could be inhibiting desirable infill development where infrastructure is already built, pushing new housing development out to where land is cheap but the infrastructure is missing...” The 10-acre limit has the effect of discouraging innovative developments on parcels of less than ten acres, seeking redevelopment through the path of the transect rezoning. Retaining regulations requiring a minimum of ten acres to initiate rezoning of property seems contrary to addressing the city’s growth dynamics and guiding the transformation of major growth areas within the City. The policies listed below are already in place and should be used as the basis for considering rezoning instead of lot size.

Policy 1.1.4 The City shall review and evaluate zoning and other regulations that pertain to housing to insure that requirements continue to be reasonable and do not unduly limit opportunities for lower income groups to secure housing in desirable locations

Objective 1.5 The City shall collaborate with architects, designers and other housing professionals (providers) to encourage the innovative design of affordable housing.

Policy 1.5.1 The City shall seek innovative ways to encourage affordable housing, which could include use of alternative building materials, reduced lot size requirements, design competitions for affordable housing, and a design advisory committee to advise housing providers on the development of affordable housing designs.

Removing the criterion is therefore a positive step in streamlining the rezoning criteria.

7. The conventional zoning principle of Spot Zoning already addresses rezoning of isolated properties; it is not necessary to apply an unsubstantiated size limit.

The code criterion reads, Sec. 30-3.14.J.4. "... If not adjacent to an existing T-Zone..." Clearly, the criterion is an attempt to address isolation or spotty distribution of transect zoned without complying with the underlying principles of Form-Based, Transect zoning and the City's Comprehensive Plan.

One popular tool currently available to prevent the designation of incompatible zoning districts to isolated parcels is Spot Zoning. That tool is very familiar to the profession, is related to other relevant factors, such as isolation, and contains legal precedence that would make it a more effective tool than a single reference to parcel size. Removing and replacing the criteria with existing more relevant tools would bring the rezoning process into closer compliance and defensible position than the single 10-acre lot size requirement.

Daniel Shapiro, Esq, in an article "Understanding Spot Zoning", states "...Spot zoning must be addressed upon the facts and circumstances of each case. When considering allegation of spot zoning, the courts will closely look at factors such as the size of the parcel; the anticipated public benefit; the consistency with the community's comprehensive plan; and the consistency with surrounding zoning, and uses, to decide the validity of the rezoning.

*In the case, Hanna v. City of Chicago*⁵ the courts stated that the size of the rezoned area is only one factor to be considered. It concluded that "...spot zoning occurs when a relatively small parcel or area is rezoned to a classification out of harmony with the comprehensive plan".

A tool involving lot or parcel already exists to evaluate rezoning, there is no need for an additional isolated rule such as the minimum 10-acre.

8. Zoning regulations based on lot or parcel size do not facilitate Affordable Housing, or for that matter sustainable developments.

Concerning the required minimum 10-acre lot size as a threshold for non-contiguous parcels to rezone to transect, many properties are removed from an opportunity to implement developments that could otherwise, be economical and very successful. Within a City of infill and redevelopment, such as Gainesville, the cost of land is significantly higher, adding to the overall cost of development. Keeping the criterion is a missed opportunity to encourage affordable housing. This criteria also has the effect of forcing developments to the periphery leading to sprawl and undesirable development patterns.

In an article entitled, "Do Minimum Lot Size Rules Matter? June 20, 2019, Nolan Gray stated the following:

"...With lands as a major driver of housing costs, zoning regulations that require excessive land could be playing a large role in increasing housing costs and exacerbating shortages".

The developments listed under item 3 above are all, significantly less than 10 acres. Their success may be due partly to adjacency to other transect zones but they were somewhat isolated, individually generated sites and the first of their kind in the area. They display the potential to drive and stimulate similar developments within their respective areas. In those developments, the lot size was not the most important element, they had the foundational characteristics, location, environment, and integrated the components of urban lifestyles.

9. The planning profession and associated literature do not specifically advocate size as a criterion for rezoning to Transect.

Based on the views of the Congress for New Urbanism (CNU), the Transect zone concept expands and grows outward, building on a legal extension into adjacent areas or from certain core areas with the size and potential for transect development. The CNU, clearly recognizes that transect zones can develop from individual core areas and while “size” is mentioned as one element, a specific acreage was deliberately not referenced; the CNU, instead emphasizes character.

Robert Steuteville, in an article titled, Great idea: The rural-to-urban Transect, states the following: “To me, the Transect puts the built environment in a context of the natural environment so it's understood as a continuum and not something that's completely apart”. Again an emphasis on character, not parcel size.

The Congress for New Urbanism states the following with conviction:

“... We advocate the restructuring of public policy and development practices to support the following principles: neighborhoods should be diverse in use and population; communities should be designed for the pedestrian and transit as well as the car; cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; urban places should be framed by architecture and landscape design that celebrates local history, climate, ecology, and building practice”. There is no reference to parcel size.

The proponents of Form-Based Code and Transect zoning do not advocate a specific size for implementation of transect zones; their focus is on how the elements of the urban environment are brought together to create successful developments. Steuteville continues, “... *We make the mistake sometimes of talking about mixed-use communities, making it sound like the entire community will be mixed-use... Transect planning doesn't do this. It's much more fine-grained than that. It creates several habitats within a neighborhood*”.

Successful developments come in a variety of sizes, each unique in how they bring together the various elements of the urban environment. How they integrate into the surrounding neighborhoods, the integration of pedestrians, transit, and the automobile. How they are shaped by, and shape the physical environment. The use of architecture, and landscape designs that highlight the history, ecology, and emphasizing a sense of space. It's not about size but how we use the size available to us.

The Center for New Urbanism (CNU) is not silent on the issues of Form-Based Code and Transect zones. Consider the following statements from the CNU recommending factors to be considered in allocating Transect Land use and zoning to lands within and on the edges of cities.

Clearly, parcel size does not feature prominently as a major factor of consideration.

1. Development patterns should not blur or eradicate the edges of the metropolis. Infill development within existing urban areas conserves environmental resources, economic investment, and social fabric while reclaiming marginal and abandoned areas. Metropolitan regions should develop strategies to encourage such infill development over peripheral expansion.
2. Where appropriate, new development contiguous to urban boundaries should be organized as neighborhoods and districts, and be integrated with the existing urban pattern. Noncontiguous

development should be organized as towns and villages with their own urban edges, and planned for a jobs/housing balance, not as bedroom suburbs.

3. The development and redevelopment of towns and cities should respect historical patterns, precedents, and boundaries.
4. Cities and towns should bring into proximity a broad spectrum of public and private uses to support a regional economy that benefits people of all incomes. Affordable housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
5. The physical organization of the region should be supported by a framework of transportation alternatives. Transit, pedestrian, and bicycle systems should maximize access and mobility throughout the region while reducing dependence upon the automobile.

Staff proposes the following modification to the existing rezoning criteria.

Sec. 30-3.14. Rezoning criteria.

Applications to rezone property shall be reviewed according to the following criteria:

- A. Compatibility of permitted uses and allowed intensity and density with surrounding existing development.
- B. The character of the district and its suitability for particular uses.
- C. The proposed zoning district of the property in relation to surrounding properties and other similar properties.
- D. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city.
- E. The applicable portions of any current city plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, stormwater management and housing.
- F. The needs of the city for land areas for specific purposes to serve population and economic activities.
- G. Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning.
- H. The goals, objectives, and policies of the Comprehensive Plan.
- I. The facts, testimony, and reports presented at public hearings.
- J. Applications to rezone to a transect zone shall meet the following additional criteria:

(Added Language) ~~(Language to be Removed)~~

1. The proposed T-Zone shall provide a logical extension of an existing zone, or an adequate transition between zones, which contains redevelopment characteristics and the potential to establish a desirable coherent expansion of nearby transects. Such elements must include City acceptable street system with sidewalks, pedestrian circulation, lighting systems, and utility infrastructure, among others
2. The area shall have had a change in growth and development pattern to warrant the rezoning to a more or less urban T-Zone.
3. The request shall be consistent with the overall City of Gainesville vision for growth and development as expressed in the City of Gainesville Comprehensive Plan.
- ~~4. If not adjacent to an existing T-Zone, the rezoning site shall comprise a minimum of ten acres.~~

5. The subject parcels currently display the characteristics of a T-Zone or have the potential to successfully facilitate development consistent with the intent of the T-Zone. Including the creation of a more urban form through prescriptive building placement standards, enhanced window glazing, and an emphasis on the pedestrian realm.
7. The request is clearly not considered or does not fit the concept of Urban Sprawl

This petition is a request to remove one criterion for rezoning, Sec. 30-3.14 J. 4. If not adjacent to an existing T-Zone, the rezoning site shall comprise a minimum of ten acres.

RECOMMENDATION

Staff recommends approval of Petition PB-21-13 TCH.

DRAFT MOTION FOR CONSIDERATION

Move that a recommendation be forwarded to the City Commission, approving Petition PB-21-13 TCH as presented by staff.

POST-APPROVAL REQUIREMENTS:

Requirements to be met after the vote on the rezoning include compliance with any conditions that maybe imposed by the City Plan Board.

LIST OF APPENDICES:

Appendix A Application and Supporting Documents

Appendix B Comprehensive Plan and Land Development code References.

Additional references:

<https://www.cnu.org/who-we-are/charter-new-urbanism>

[How to spot a spot zoning - MSU Extension](#)

<https://www.strongtowns.org/journal/2019/6/19/do...>