



City of Gainesville
Department of Sustainable Development
Planning Division

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: April 22, 2021

ITEM NO: Legistar #20117

APPLICATION TYPE: Non-Conforming Use Status Determination

RECOMMENDATION: Staff recommends that the City Plan Board make a determination as to the status of the non-conforming use of outdoor storage and display.

CITY PROJECT CONTACT: Brittany McMullen, AICP



Figure 1: Location and Zoning Map

SITE INFORMATION

Property Owner(s): FJD Enterprises of Florida LLC

Address: 1516 N Main St.

Parcel Number(s): 09876-001-000

Acreage: +/- .54 acres

Land Use Designation: UMU (Urban Mixed-Use)

Zoning Designation: U8 (Urban 8)

Overlay District(s): None

Water Management District: St. John's River Water Management District

Code Violations: CE-21-00829 – Major Housing Violation – Open

CE-18-01233 – Commercial Zoning Violations – Closed

CE-17-00547 – Commercial Zoning Violations, Hazardous Conditions – Closed

CE-16-01161 – Commercial Zoning Violations – Closed

CE-16-00657 – Prohibited Signs – Closed

CE-15-01369 – Commercial Zoning Violations – Closed

CE-14-01401 – Commercial Building Code – Sanitation – Closed

CE-07-07647 – Non-Operational Vehicle– Closed

CE-00-01233 – Sign Violation – Closed

SITE AND ADJACENT PROPERTY CHARACTERISTICS:

The subject property, equaling approximately .54 acres, is located south of NW 16th Avenue and East of N Main St, as indicated in Figure 1.

PURPOSE AND DESCRIPTION

Per Section 30-10.5 of the City's Land Development Code, certain nonconforming uses that have been established as a legal nonconforming use may continue indefinitely as long as the use is not abandoned. "Abandoned" means to cease the use for a continuous period equaling or exceeding nine months. City staff, after a review of relevant evidence, has determined that the use at this subject property has been inactive for a continuous period equaling or exceeding nine months and has therefore been abandoned. Consequently, this property may no longer be used for outdoor storage and display.

STAFF REVIEW

Section 30-10.5.D - Non-Conforming Uses

If a legally nonconforming use is deemed abandoned in accordance with the procedures set forth in this section, said use shall lose its legally nonconforming status and any subsequent use shall conform to all applicable requirements of this chapter.

Section 30-10.5.D.1 – Review Criteria

Abandoned means to cease the use for a continuous period equaling or exceeding nine months. evidence, including public records, utility records, property records, verified personal records, or other general research and documentation, shall demonstrate that a use or activity has not been abandoned. the intent of the owner or user shall not be relevant in determining whether the use has been abandoned. the time period of any legal proceedings related to change of ownership, including foreclosures or bankruptcies, shall not be used in any calculation of the time period for abandonment.

The burden is on the property owner/developer to establish that a use has not been abandoned (Sec. 30-10.5.D.2). Staff has not received evidence to substantiate that the use of the property for outdoor storage or display has ceased for a continuous period equaling or exceeding nine months.

The property owner provided a GRU bill dated 9/28/2020 which did not appear to substantiate that the use remained in operation for the 9 months prior. Also submitted were screenshots of social media posts which indicated that automobile sales were occurring at the property until around April 24th, 2020 (see attached Appendix A).

CONCLUSION AND RECOMMENDATION

Staff recommends that the Board make a determination of the status of the non-conforming use of outdoor storage and display based on evidence provided per Section 30-10.5.

792955 005729 005729 1 1 0.4360 0 0 0 0 1 00002171



Gainesville Regional Utilities
301 S.E. 4 Avenue
Gainesville FL 32601
www.gru.com
352-334-3434

Account:
Bill Date:

09/28/2020

GAINESVILLE AUTO RENTALS INC
1516 N MAIN ST
GAINESVILLE FL 32601

PARTNER: 1000245686
710001450675
ROUTE: 030260
NRES

Cash Security Deposit on File is \$0.00

SUMMARY OF SERVICES**UTILITIES** (See reverse for details about your utility charges.)

Electric	\$	31.00
Water	\$	19.10
Wastewater	\$	9.10
Total Utility Charge	\$	59.20

TAXES AND SURCHARGES

Florida Gross Receipts Tax	\$	0.79
City of Gainesville Utility Tax	\$	5.10
Sales Tax	\$	2.53
Total Taxes and Surcharges	\$	8.42

CITY OF GAINESVILLE

Stormwater Fee 10.30 ERU	\$	71.38
Total City Charge	\$	71.38

TOTAL CURRENT MONTH CHARGES	\$	139.00
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ADJUSTMENTS & SERVICE CHARGES

DELINQUENT TRIP CHARGE	\$	52.00
DELINQUENT TRIP CHARGE	\$	104.00
ELECTRIC DEPOSIT REFUND	\$	-1,640.00
WATER DEPOSIT REFUND	\$	-75.00
WASTEWATER DEPOSIT REFUND	\$	-40.00
EXTEND A HAND AGREEMENT	\$	259.10
EXTEND A HAND AGREEMENT	\$	259.10
EXTEND A HAND AGREEMENT	\$	259.12
TOTAL ADJUSTMENTS & SERVICE CHARGES	\$	-821.68

PREVIOUS BILL ACTIVITY

Previous Balance	\$	2,001.38
BALANCE FORWARD	\$	2,001.38

ACCOUNT SUMMARY

Current Month Charges:	\$	139.00
Adjustments & Service Charges	\$	-821.68
Balance Forward:	\$	2,001.38

FINAL BILL AMOUNT DUE \$ **1,318.70** DUE BY 10/19/2020

AVERAGE DAILY CONSUMPTION

Service	Meter	This Month	Last Month	Last Year
DEMAND	E070035973	10.00	5.00	10.00
ELECTRIC	E070035973	51.94	32.84	134.37
WATER	W79148850	0.04	0.00	0.33
WATER	W80364292	0.00	0.00	0.00
AVERAGE TEMPERATURE (High/Low)		90/73	90/72	90/73
MONTHLY RAINFALL (inches)		8.49	6.26	10.05

SERVICE AGREEMENT: Use or consumption of services rendered by this City shall constitute an agreement by the consumer with the City to abide by the rules of the City with regard to its utility service, including, but not limited to prevailing ordinances and policies of this City and its departments.
A 1.5% late fee will be charged for new charges not paid by 7 P.M. on your due date.
Service disconnection may result from past due balances.

MESSAGES

DUE TO YOUR ACCOUNT HISTORY, PAYMENT BY CHECK WILL NOT BE ACCEPTED

FINAL BILL

Please tear off this portion and return it with your payment in the enclosed envelope.



Gainesville Regional Utilities
301 S.E. 4 Avenue
Gainesville FL 32601

ACCOUNT#

Please write account number on check and make check payable to: **GRU**

Payment Amount

Or pay online at www.gru.com

Current month charges due by
7pm on 10/19/2020

CASH ONLY**\$ 1,318.70**Sign up for eBill, GRU's free online paperless billing service, at gru.com/ebill**GAINESVILLE REGIONAL UTILITIES**

005729



***AUTO**MIXED AADC 323 5729 T13:13 5729 1 MB 0.436
C/O SAM SONNON
GAINESVILLE AUTO RENTALS INC
6649 COUNTY ROAD 148
WILDWOOD FL 34785-8222

200062852634 01 000200138 000131870

Electric Service Details

Meter Number	METER READING DATES Previous Present	Meter Read Type	Days of Service	METER READINGS Previous Present	Meter Multiplier	Electric Consumption	Peak Demand	Next Meter Read on or About
E070035973	09/01/2020 09/04/2020	ACTUAL	4	41996 41996	1.00000	0 kWh	N/A	09/30/2020
Description				Usage	Rate	Amount Billed		
ELECTRIC CUSTOMER CHARGE				0	\$ 31.00	\$ 31.00		
ENERGY USE, TIER 1 (1 - 1500 kWh)								
FLORIDA GROSS RECEIPTS TAX						\$ 0.79		
GAINESVILLE ELEC UTIL TAX						\$ 3.18		
ELECTRIC STATE SALES TAX						\$ 2.21		
ELECTRIC WILD SPACES SURTAX						\$ 0.16		
ELECTRIC SCHOOL SURTAX						\$ 0.16		
- SMP 10/12								
Total for Electric Service Details						\$ 37.50		

Water and Wastewater Service Details

Meter Number	METER READING DATES Previous Present	Meter Read Type	Days of Service	METER READINGS Previous Present	Meter Multiplier	Water Consumption	Wastewater Consumption	Next Meter Read on or About
W79148850	09/01/2020 09/24/2020	ACTUAL	24	435 435	1.00000	0 kGals	0 kGals	09/30/2020
W80364292	09/01/2020 09/24/2020	ACTUAL	24	0 0	1.00000	0 kGals	N/A	09/30/2020
Description				Usage	Rate	Amount Billed		
WATER CUSTOMER CHARGE				0	\$ 9.65	\$ 9.65		
WATER USE								
GAINESVILLE WATER UTIL TAX						\$ 0.97		
WASTEWATER CUSTOMER CHARGE				0	\$ 9.10	\$ 9.10		
WASTEWATER BILLING								
Subtotal for meter W79148850						\$ 19.72		
Description				Usage	Rate	Amount Billed		
WATER CUSTOMER CHARGE				0	\$ 9.45	\$ 9.45		
WATER USE								
GAINESVILLE WATER UTIL TAX						\$ 0.95		
Subtotal for meter W80364292						\$ 10.40		
- N.S. 4/24/19								
Total for Water and Wastewater Service Details						\$ 30.12		

Always know where utility lines are buried. **Call 811 before digging** to have utility lines marked at no cost and visit sunshine811.com for more information.

GRU does not contact customers by phone or email to demand personal information or immediate payment through a pre-paid debit card. Learn more at gru.com/scams

Customer Inquiries

Customer Service	(352) 334-3434	Nationwide Toll-free Number	1-800-818-3436
Emergencies or Outages	(352) 334-2871	Stormwater Service	(352) 334-5070
		Solid Waste Service	(352) 334-2330

Payment Information

Makes checks payable to **GRU**; return stub and check to: P.O. Box 147051, Gainesville, FL 32614-7051. You may also pay your bill online, by phone at 1-866-269-2881 or at a convenient location in your neighborhood. Visit www.gru.com for details.

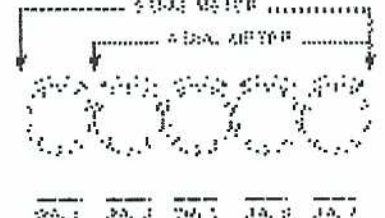
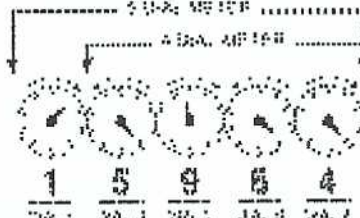
Lobby8 AM - 5 PM: M, T, Th, F and 9 AM - 5 PM: W

Drive-thru7:30 AM - 6 PM: M - F

Night depository payments will be posted the next business day if received after 3:30 PM weekdays.

HOW TO READ YOUR METER

Read the dials from right to left (A-E). If the dial hand is between two numbers, use the lower number.



516 N Main St Gainesville, FL
2601



Community Overdrive is a non-profit used car dealership where you can attend car events to subsidize your down payment.

Community Overdrive is Gainesville's only non-profit, used car dealership. At Community Overdrive, we offer a unique program designed to provide individuals with... See

People like this

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People checked in here

www.communityoverdrive.com/

74-1998

Message

Price - \$\$

communityoverdrive@gmail.com

Low

1 - 7:00 PM

Dealership

OTHER POSTS



Community Overdrive Auto Sales,
May 7, 2020 · 🌐



SAT, JAN 2

Community Cookoff

Gainesville

36 people interested



Like



Comment



Community Overdrive Auto Sales, Inc.
April 24, 2020 · 🌐

Wow! 2006 Honda Odyssey!

Must see to appreciate this great work van!

Pay half off this vehicle by volunteering with

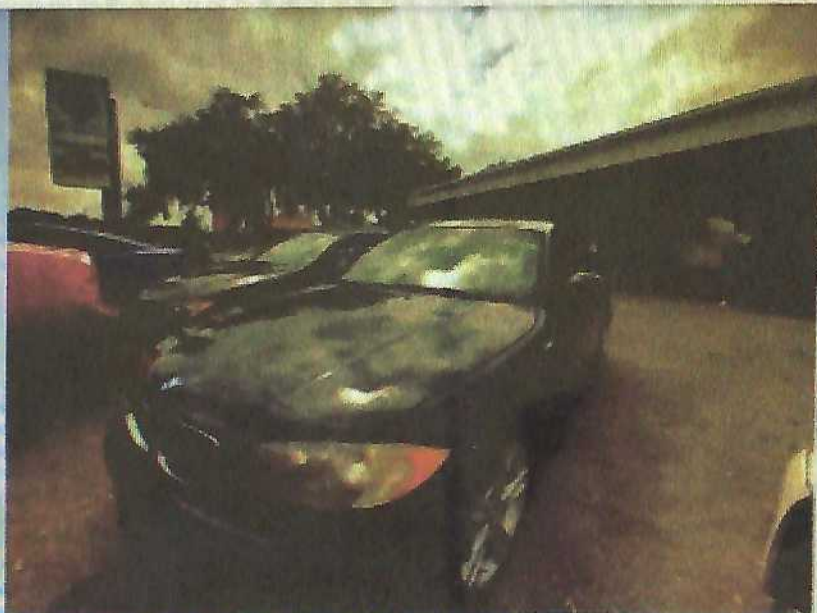
Call or come by today for more info!





Community Overdrive Auto Sales, Inc.

April 22, 2020





y Overdrive Auto Sale...

Call Now

Like

Message



Most Relevant ▾



Write a comment...



Noah Bowman
Those rims 🤩!!

Like · Reply · 45w

See All



0:05

h and clean, and get r...

See All



Kia Forte
\$9,950.00



2006 Grand Prix
\$5,995.00



Honda Od



2004 Chevrolet



Community Overdrive Auto Sales, Inc.
April 5, 2020 · 🌐



1

Like

Comment

Share



Write a comment...

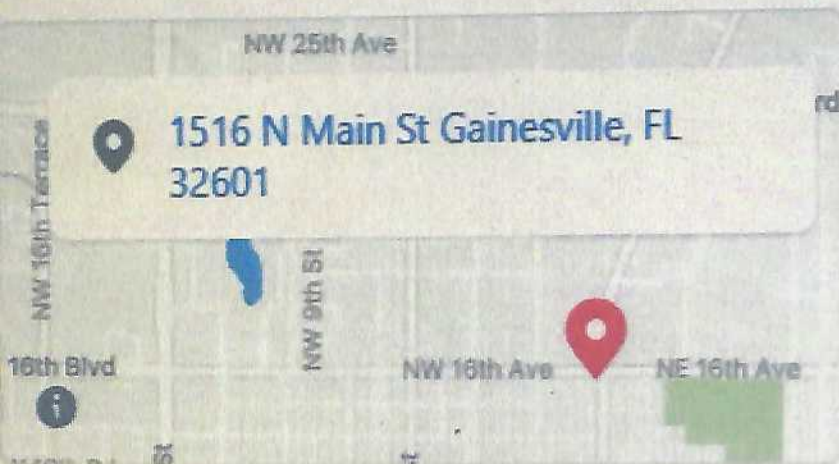


Community Overdrive Auto Sales, Inc.
March 27, 2020 · 🌐



About

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i Community Overdrive is a non-profit used car dealership where you can attend volunteer events to subsidize your down payment.

i Community Overdrive is Gainesville's only non-profit, used car dealership. At Community Overdrive, we offer a unique program designed to provide indiv... See More

👍 1,959 people like this

👤 1,987 people follow this

📍 237 people checked in here

🌐 <http://www.communityoverdrive.com/>

☎ (352) 374-1998

✉ Send Message

💰 Price Range · \$\$

✉ communityoverdrive@gmail.com



📷 Photo/Video



Ch

PINNED POST



Community Overdrive Auto

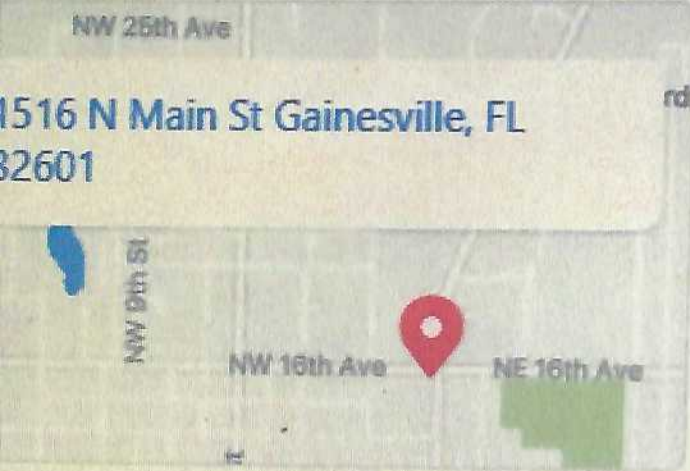
April 1, 2020 · 🌐

Still going strong with our volunteer...
Over \$100,000 worth of vouchers rec...
We have served over 15,000 meals to...
This is a great way to give back to th...
local resources of networking with lo...

We are open and ready to assist peo...
Call today to ask about our applicati...
Community Overdrive Auto Sales, Inc.
auto dealership!



See All



Community Overdrive is a non-profit used car dealership where you can attend volunteer events to subsidize your down payment.

Community Overdrive is Gainesville's only non-profit, used car dealership. At Community Overdrive, we offer a unique program designed to provide individuals... See

People like this

People follow this

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www.communityoverdrive.com/

74-1998

Message

Range · \$\$

communityoverdrive@gmail.com



Create Post



Photo/Video



Check in

PINNED POST

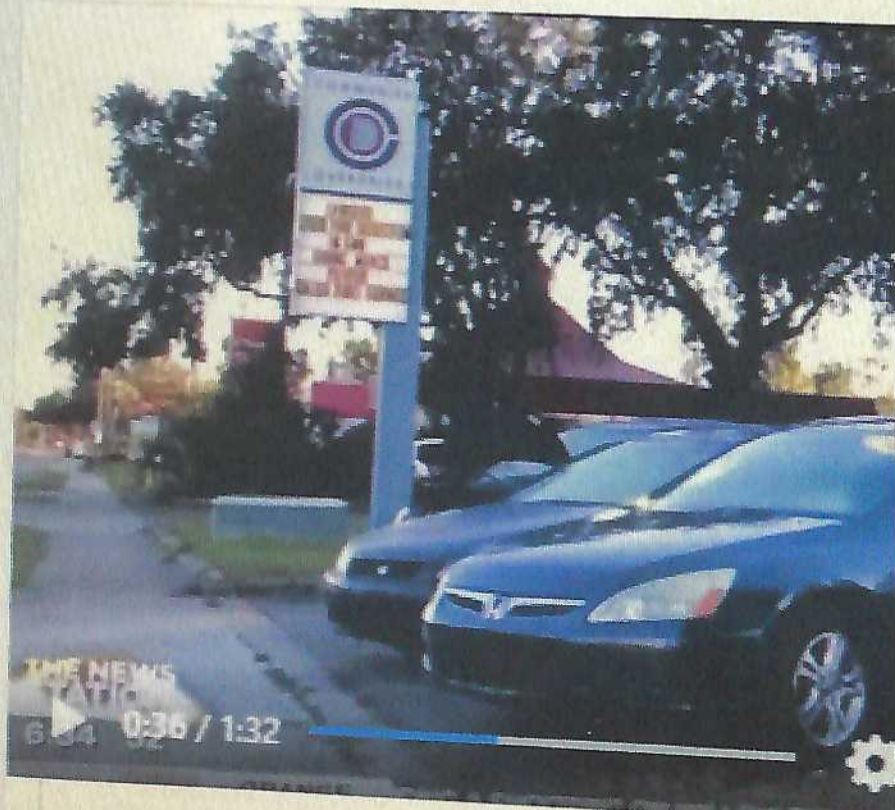


Community Overdrive Auto Sales, Inc.

April 1, 2020 · 🌐

Still going strong with our volunteer to pay... Over \$100,000 worth of vouchers redeemed... We have served over 15,000 meals to the local... This is a great way to give back to the community... local resources of networking with local non-profit...

We are open and ready to assist people in need... Call today to ask about our application process... **Community Overdrive Auto Sales, Inc.** is Gainesville's only non-profit used car dealership!



Giving Moves People