



## Legislation Text

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**File #:** 160486., **Version:** 2

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### **COMPREHENSIVE PLAN AMENDMENT - TRANSPORTATION MOBILITY ELEMENT (B)**

Ordinance No. 160486, Petition No. PB-16-143 CPA

An ordinance of the City of Gainesville, Florida, amending the Comprehensive Plan of the City of Gainesville by amending the Transportation Mobility Element to provide spacing requirements for the placement of fueling pumps and other accessory automotive uses in Policies 10.3.2 and 10.4.9; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: 1) approve Petition No. PB-16-143 CPA; and 2) adopt the proposed ordinance.

#### **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This petition amends Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element of the Comprehensive Plan to provide greater flexibility for the placement of fueling pumps and associated canopies within proximity to residential zoning districts and PD zoned properties with predominantly residential uses.

This petition was initiated at the direction of the City Commission at their August 18, 2016 Regular City Commission Meeting during the discussion of Item 160134, which was a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood. The Commission directed Planning staff to prepare amendments to the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties and to amend the Land Development Code to address the placement of gasoline stations when abutting single family neighborhoods.

Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element regulate gasoline stations and the placement of fueling pumps within the City. Currently, Policy 10.3.2 requires that all fueling pumps be located to the rear of buildings. The intent of the policy is to bring service station and associated convenience store buildings closer to the street and public sidewalk in order to provide a consistent street edge, improve pedestrian safety, improve site aesthetics, and comply with City requirements for building placement stipulated in many of the City's Special Area Plans. However, this requirement can result in fueling pumps and associated canopies, underground gasoline storage tanks, and loading and vehicular use areas being located closer to residential areas under certain circumstances. The proposed comprehensive plan text change proposes to amend this requirement to allow fueling pumps to be located at the side or the front of the building where a gasoline service station is located within 50' (straight line measurement) of a property with a residential zoning district or a PD zoning that is predominantly residential uses. This amendment would permit greater flexibility to locate the canopies and fueling stations further away from adjacent neighborhoods. Planning staff recommends a 50' radius in order to account for intervening right-of-way between the gas station and residential neighborhoods. Typical local street right-of-way widths range within the City between 36'-50' on average.

Planning staff has analyzed the existing operational gasoline service stations within the City limits and have determined that approximately 7 stores are located within a 50' proximity to residential zoning. All seven of

these stations were built prior to the City implementing regulations within the Transportation Mobility Element requiring gasoline stations and convenience store facilities with fuel pumps to place fueling stations behind the service station building. As a result, the stations fuel pumps are currently considered legal non-conforming structures but would be rendered conforming with this amendment.

Public notice was published in the Gainesville Sun on October 11, 2016. The City Plan Board held a public hearing on October 27, 2016 and voted 6-1 to recommend the City Commission approve this petition.

#### CITY ATTORNEY MEMORANDUM

Section 163.3184, Florida Statutes, sets forth the procedure for amending the Comprehensive Plan. The first hearing is the transmittal stage and must be advertised at least seven days prior to the hearing. The second hearing is the adoption stage and must be advertised at least five days prior to the hearing. Within ten working days after the first hearing, the City must transmit the amendment to the reviewing agencies and to any other local government or state agency that has filed a written request for same. These agencies have 30 days after receipt of the amendment to forward comments to the City. The City must consider any written comments received during the second hearing. If adopted on second reading, the City will forward the amendment within ten working days to the state land planning agency and any party that submitted written comments.

Within 30 days following the City's adoption of this amendment to the Comprehensive Plan, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the amendment's compliance with Chapter 163, Florida Statutes. If not timely challenged, this amendment shall become effective 31 days after the state land planning agency notifies the City that the amendment package is complete. If timely challenged, this amendment shall become effective when the state land planning agency or the Administration Commission issues a final order determining that this amendment is in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this amendment has become effective.