



Department of Growth Management Staff Report

Application Z26-000007

Staff Contact:	Mehdi Benkhatar
Staff Phone Number:	352-374-5249 ext. 5261
PC Hearing Date:	April 15, 2026
BoCC Hearing Date:	May 26, 2026 (tentative)
Requested Action	A request to rezone from the BH district to the BR district
Property Owner:	Thirty-Ninth Avenue Limited Partnership
Applicant/Agent:	eda, inc.
Property Description	Parcel Number: 06233-002-002 Section/Township/Range: 30/09/19 Existing Land Use: Tourist/Entertainment (<i>Z26-000006 request to amend land use to Commercial</i>) Existing Zoning: BH Acreage: +/- 1.36
Previous Requests:	CPA-10-97: Comp Plan Map Amendment from Warehouse/Distribution to Tourist/Entertainment ZOM-07-97: Rezoning from BW and BA to BH CPA-03-04: Large Scale Map Amendment/DRI for Springhills Activity Center
Violation History:	None
Staff Recommendation:	Staff recommends that the Planning Commission recommend that the Board of County Commissioners approve Z26-000007 , with the bases as listed in the staff report.
Local Planning Agency Recommendation:	TBD

Background

This application is a request to rezone parcel 06233-002-002 from BH (highway-oriented business services) to BR (retail sales and services). A companion land use amendment application (Z26-000006) has also been submitted by the applicant that proposes to amend this same site from the Tourist/Entertainment designation to the Commercial designation.

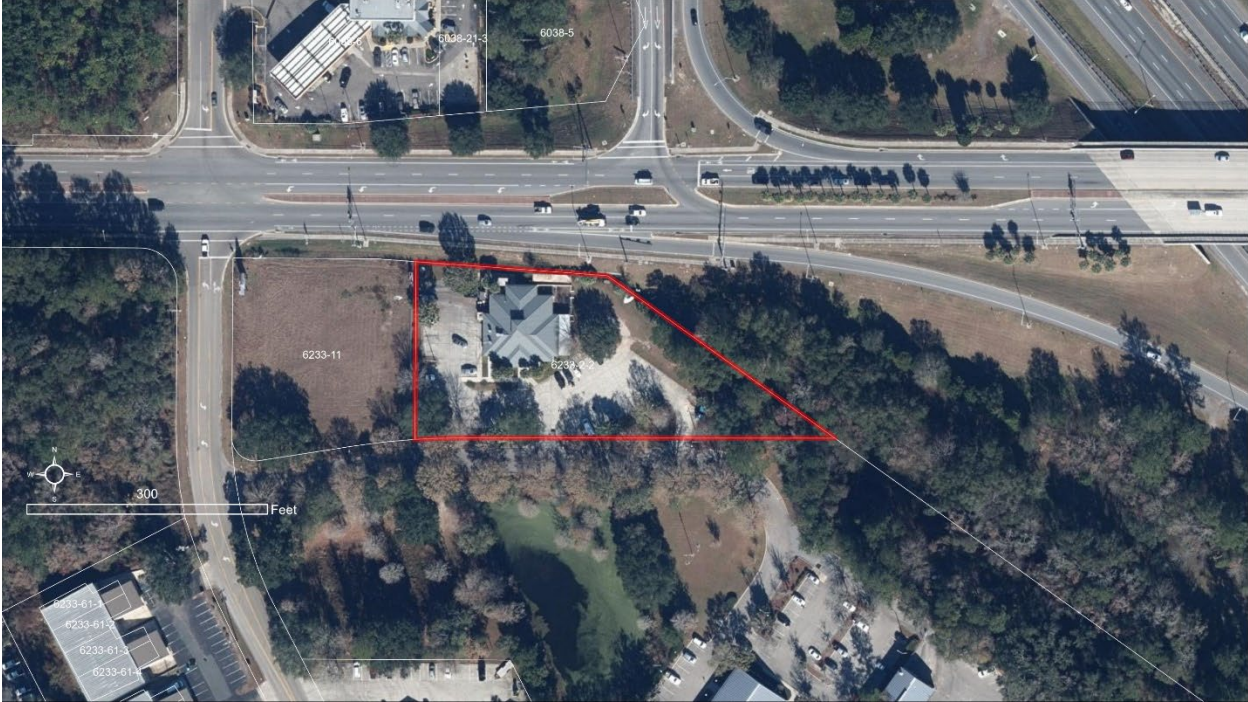


Figure 1: Aerial image of site

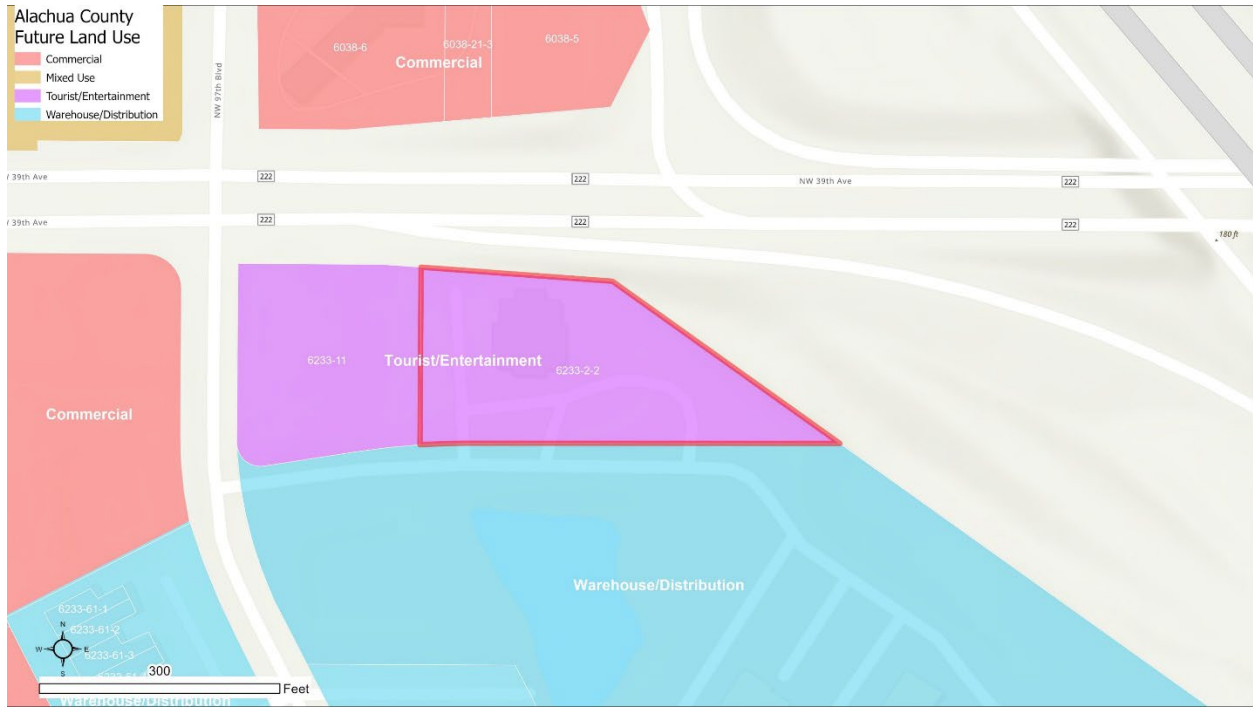


Figure 2: Future Land Use Map (existing)

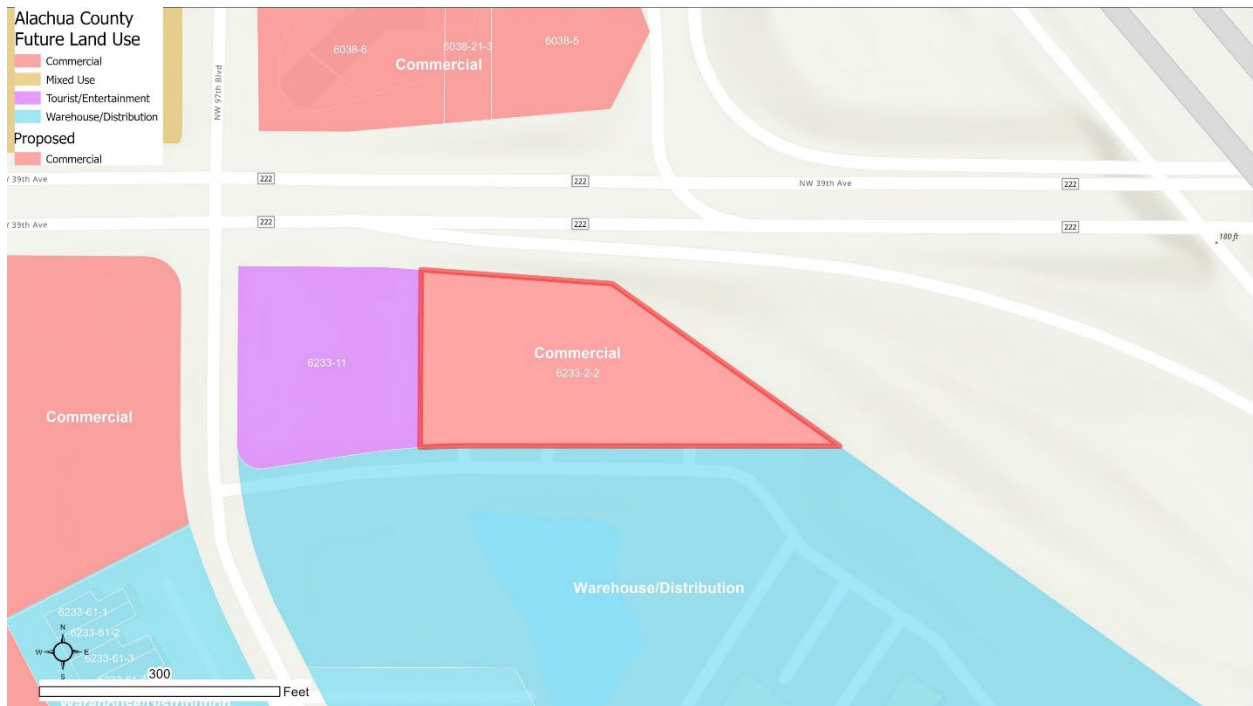


Figure 3: Future Land Use Map (proposed)

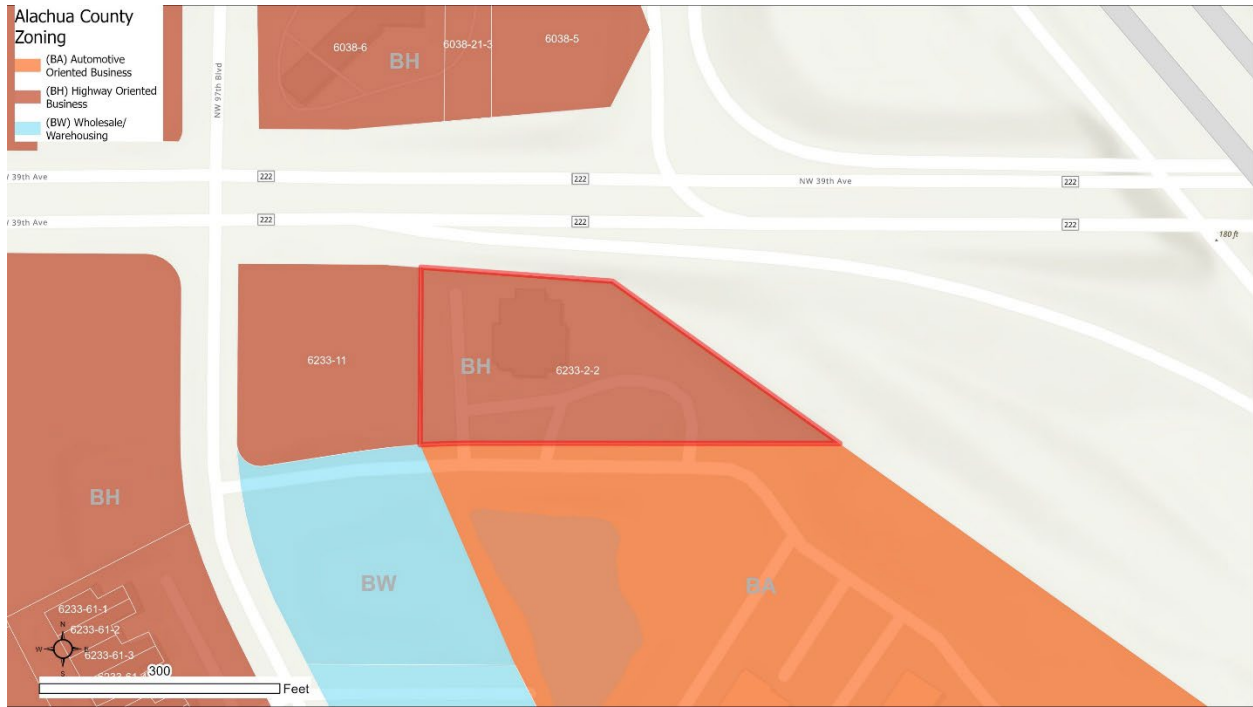


Figure 4: Zoning Map (existing)

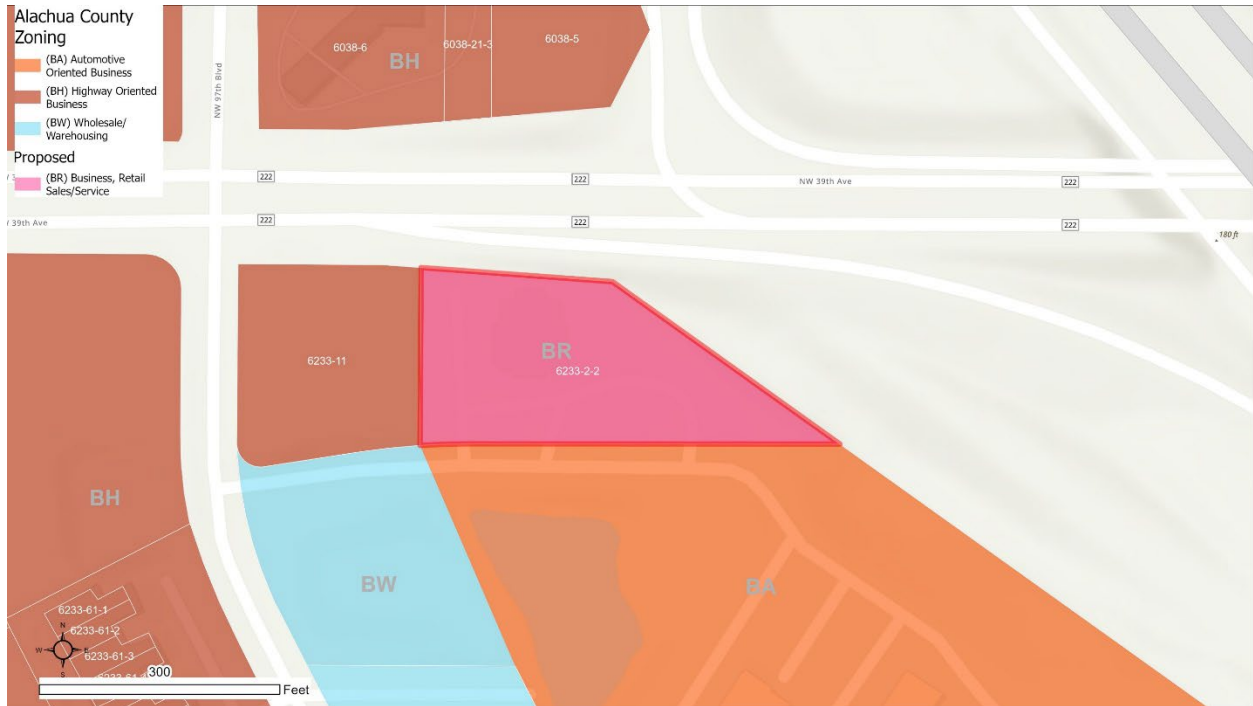


Figure 5: Zoning Map (proposed)

Site description

The site consists of one parcel totaling approximately 1.36 acres. It is located to the south of NW 39th Ave. and just west of Interstate 75, in the northwestern part of Alachua County, within the Springhills activity center. The parcel is owned by Thirty-Ninth Avenue Limited Partnership and was previously the location of the Wahoo Seafood Grill restaurant.

To the east of the site is Interstate 75. Policy 2.2.1(a)(9)(a) states that a buffer shall be maintained along the I-75 right-of-way, at depths to be determined on a site-by-site basis by the applicable development review body.

To the south of the site is the Gainesville Regional Utility (GRU) Springhill Operational Center that has a future land use designation of Warehouse/Distribution and is in the BA (automotive oriented business) zoning district.

To the west of the site is an undeveloped parcel with Tourist/Entertainment future land use designation and BA zoning.

To the north of the site, across NW 39th Ave. is the northwest quadrant of the Springhills Activity Center. Nearest to the site are parcels with the Commercial future land use designation and BH zoning. The Shell gas station/convenience store is the nearest development.

A small portion of the site in the southeast corner contains wetlands. The site is not located in a strategic ecosystem and is in FEMA flood zone "X" (area of minimal flood hazard). This site is identified as "vulnerable" with "Stream-to-Sink" surface water basins on the Floridian Aquifer High Recharge Area map. It is not located within a sensitive karst area.

Consistency with Comprehensive Plan

Future Land Use Element

Policy 3.1.2 of the Future Land Use Element states:

New commercial facilities shall be encouraged to locate within designated activity centers, Transit Oriented Developments or Traditional Neighborhood Developments in order to discourage strip commercial development and the premature establishment of new activity centers.

The proposed rezoning is for a site located within the Springhills Activity Center. This activity center has been designated in the Comprehensive Plan as a location where commercial facilities are encouraged.

Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. ‘Concurrent’ shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a specified timeframe. Per **Policy 1.2.4 and Policy 1.2.5 of the Capital Improvements Element** of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

Development on the subject property will mitigate its impacts through the mobility fee program. Any necessary operational improvements will be analyzed during development plan review.

Water and Sewer

Policy 1.2.4 (d) of the Capital Improvements Element describes the minimum Level of Service standards for potable water and sewer. These are summarized in the following table:

	Peak Residential & Non Residential	Pressure	Storage Capacity
Potable Water	200 gallons/day/du	40 p.s.i.	½ peak day volume
Sanitary Sewer	106 gallons/day/du	N/A	N/A

The site is located within the Urban Cluster and will be served by centralized water and sewer lines. The proposed rezoning will not impact the water and sewer levels of service.

Drainage

Policy 1.2.4 of the Capital Improvements Element states that the minimum drainage LOS standard for non-residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation or flood resistant construction. Development on this site would be required to meet this standard.

Emergency Services

Policy 1.2.5 (a) of the Capital Improvements Element states that the LOS standard for fire services within the Urban Cluster is as follows:

- In the Urban Cluster, initial unit response LOS guideline is within 6 minutes travel time for 80% of all emergency responses within a 12 month period.
- 100% of development shall provide water supply served by hydrants.

All development would be required to meet these standards at the time of development plan approval.

Solid Waste

Policy 1.2.4 (b) of the Capital Improvements Element states that the minimum level of service standard for solid waste disposal used for determining the availability of disposal capacity to accommodate demand generated by existing and new development, at a minimum, shall be 0.8 tons per person per year. LOS standards for solid waste will not be exceeded by this request.

Schools

The proposed rezoning does not authorize any new dwelling units and will not impact the level of service for public schools.

Recreation

The proposed rezoning does not authorize any new dwelling units and will not impact the level of service for recreation.

Consistency with the Unified Land Development Code (ULDC)

Sec. 402.77 Review criteria and standards for rezoning applications

When considering any application for rezoning, the standards and criteria listed below shall apply.

(a)Consistency. The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

The proposed rezoning to BR will implement the proposed land use amendment of the companion application Z26-000006. That application is amending this parcel to the

Commercial land use designation. The BR district (retail sales and services) implements the Commercial land use.

(b)Compatibility. The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

The rezoning is compatible with the present zoning pattern and conforming uses of nearby property and character of the surrounding area. The site is located within the Springhills activity center near the intersection of NW 39th Ave. and Interstate 75. This activity center has been designated as “High Activity Center/Retail” in the Comprehensive Plan and with commercial activity as its primary use. The zoning pattern consists of commercial districts (BA, BH, BW) that implement the policies of the Springhills activity center plan.

(c)Development patterns. The proposed rezoning shall result in logical and orderly development patterns.

The proposed rezoning will result in a logical and orderly development pattern, complementing existing commercial uses within the Springhills activity center.

(d)Suitability. The affected property is suitable for the uses that are permitted by the proposed zoning districts.

The affected property is suitable for the uses permitted by the BR zoning district. The site is developed and previously had a commercial use (restaurant). It is within the Urban Cluster and is served by centralized water and sewer lines.

(e)Adequate public services. The proposed rezoning is consistent with the adequate public facilities requirements of Article XII, [Chapter 407](#) of this ULDC.

Adequate public services are available to serve the redevelopment of this site for potential uses permitted in the BR zoning district.

(f)Access. Available ingress and egress is adequate for potential uses in the proposed zoning district.

The site has established ingress and egress from the public road, NW 97th Blvd.

(g)Public health, safety, and welfare. The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

The uses allowed within the proposed zoning district of BR will not adversely affect the health, safety, or welfare of the public.

Staff Recommendation

Staff recommends that the Planning Commission recommend that the Board of County Commissioners **approve Z26-000007**, with the bases as listed in the staff report.

Bases

1. The proposed rezoning to BR will implement the future land use designation of Commercial as proposed in the companion land use amendment Z26-000006.
2. The rezoning is consistent with the intent of the Springhills activity center to be developed as a “High Activity Center/Retail” activity center with commercial activity as its primary use.
3. The site is located within the Springhills Activity Center, one of the locations where commercial land uses are encouraged by the Comprehensive Plan. **Policy 3.1.2 of the Future Land Use Element** states “*new commercial facilities shall be encouraged to locate within designated activity centers, Transit Oriented Developments or Traditional Neighborhood Developments in order to discourage strip commercial development and the premature establishment of new activity centers*”.
4. The proposed rezoning meets the criteria as listed in **Sec. 402.77 of the Unified Land Development Code (ULDC)**.

Staff and Agency Comments

Department of Environmental Protection

No comment

Department of Public Works

PW has no issues with the CPA/rezoning change. Access to the property will be from the existing private drive.

Transportation

No comment

Fire/Rescue

No comment