

ORDINANCE NO. _____
0-07-114

An Ordinance of the City of Gainesville, Florida; amending the Planned Development that was originally approved by Alachua County, formerly known as “Winn Dixie”, located in the vicinity of 3501 Southwest Archer Road; adopting a new Development Plan and superseding the Development Plan approved by Alachua County, as more specifically provided in this ordinance; providing for the construction, use, and operation of a maximum 100,000 square-foot retail establishment to be known as the Archer Square Planned Development; adopting new development plan maps and a new planned development report; adopting new conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the Alachua County Board of County Commissioners adopted a planned development on certain real property in 1977, which is the subject of this Ordinance, adopted a certain Development Plan, and rezoned certain real property to “PUD”; and

WHEREAS, the owner/petitioner has petitioned the City to amend and supersede the planned development approved and adopted by Alachua County, and approve a new development plan that permits the construction of a maximum 100,000 square-foot retail establishment; subject to the conditions and restrictions, as more specifically provided herein; and

WHEREAS, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on October 18, 2007; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on November 19, 2007; and

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1 **WHEREAS**, the City Commission finds that the amendment of the Planned Development
2 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

3 **WHEREAS**, at least ten (10) days notice has been given once by publication in a
4 newspaper of general circulation prior to the adoption public hearing notifying the public of this
5 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
6 City Hall, in the City of Gainesville; and

7 **WHEREAS**, pursuant to law, notice has also been given by mail to the owners whose
8 properties will be regulated by the adoption of this Ordinance, ten days prior to the adoption of
9 this ordinance; and

10 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
11 described at which hearings the parties in interest and all others had an opportunity to be and were,
12 in fact, heard.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
14 **CITY OF GAINESVILLE, FLORIDA:**

15 **Section 1.** The planned development approved and adopted by the Board of County
16 Commissioners of Alachua County by Resolution No. A-1613, as amended and revised by
17 subsequent resolutions, including specifically Resolution Z-90-43, is amended by the adoption of a
18 new development plan, as more specifically described in this Ordinance, on that portion of the real
19 property described and attached hereto as Exhibit "A" and made a part hereof as if set forth in full.
20 The property described in Exhibit "A" shall retain the zoning classification of "Planned

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1 Development”, but shall be subject in all respects to the conditions, restrictions and requirements of
2 this Ordinance and the Code of Ordinances of the City of Gainesville, Florida.

3 **Section 2.** A new Development Plan for “Archer Square Planned Development” is
4 approved and adopted, consisting of:

5 (1) A “PD Report, Archer Square Planned Development”, a copy of which is attached
6 hereto as Exhibit “B” and made a part hereof as if set forth in full; and

7 (2) Development plan maps consisting of 8 sheets: 1) “Existing Conditions Map Sheet 1 of
8 5”, dated August 13, 2007; 2) “Existing Conditions Map Sheet 2 of 5”, dated August
9 13, 2007; 3) “Existing Conditions Map Sheet 3 of 5”, dated August 13, 2007; 4)
10 “Existing Conditions Map Sheet 4 of 5”, dated August 13, 2007; 5) “Existing
11 Conditions Map Sheet 5 of 5”, dated August 13, 2007; 6) “Aerial Photo”, dated August
12 13, 2007, Sheet 6; 7) “PD Layout Plan”, dated October 2, 2007, Sheet 7; and 8)
13 Color/Architectural Building Elevations revision date of February 7, 2008, Sheet 8,
14 attached hereto as Exhibit “C”, are made a part of this ordinance as if set forth in full;

15 The terms, conditions, and limitations of the Development Plan shall regulate the use and
16 development of the land described herein under the category of Planned Development District, as
17 provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter referred to
18 as “Land Development Code”). In the event of conflict between the provisions of the development
19 plan report (Exhibit “B”) and the development plan maps (Exhibit “C”), the provisions, regulations,
20 and restrictions of the development plan maps (Exhibit “C”) shall govern and prevail. All of the
21 conditions of the previously approved Planned Development adopted by the Board of County

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1 Commissioners of Alachua County, Florida, as amended, is superseded by this Ordinance, and shall
2 be of no further force and effect and amendments thereto shall remain in effect.

3 **Section 3.** The following additional conditions, restrictions and requirements shall apply:

4 Condition 1. The Plan Board shall be the reviewing Board for the Development Plan and
5 Architectural Design associated with this Planned Development.

6
7 Condition 2. The owner/developer shall provide vehicular and pedestrian access (easements),
8 over and across all existing private roadways or drives, to all adjacent properties to provide
9 access and parking, as more specifically shown on Sheet 2 of Exhibit "C".

10
11 Condition 3. The Building Area location, as shown on the PD Layout Plan (Sheet 7 of
12 Exhibit "C"), may be shifted up to 10 feet except that the Southwest 34th Street side of the
13 department store building shall not be greater than 80-feet from the face of the curbing of
14 S.W. 34th Street.

15
16 Condition 4. The materials, textures and colors illustrated on the color elevations shall be the
17 materials, textures and colors utilized in the actual construction of the department store. The
18 architectural design, color scheme, elements, windows, as shown on Sheet 8 of Exhibit "C".

19
20 Condition 5. When an application is made for development plan approval, the
21 owner/developer shall submit an Application for a Certificate of Final Concurrence.

22
23 Condition 6. The development plan associated with the Kohl's Planned Development shall
24 comply with all relevant Concurrence Management Element policies.

25
26 Condition 7. The display windows depicted on the color/architectural building elevations
27 (Sheet 8 of Exhibit "C") shall be active display windows that show actual current
28 merchandise that can be purchased inside the store at that time.

29
30 Condition 8. All of the trees that are required to be planted as part of the street buffer along
31 Southwest 34th Street as a condition of development plan review shall be 65 gallon-sized
32 trees, including evergreen, deciduous and semi-deciduous trees such as Live Oaks.

33
34 Condition 9. The development plan shall comply with the Central Corridors Special Area
35 Plan design standards, as provided in the Land Development Code, except where the PD Plan
36 Report, PD Layout Plan and PD Elevations specifically deviate from those development
37 guidelines. The maximum build-to line (setback) shall be 80-feet from the face of curb for
38 Southwest 34th Street. The minimum amount of glazing allowed along the east elevation

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1 (34th Street side) façade of the department store shall equal the glazing (size and location)
2 indicated on Sheet 8 of Exhibit "C". A sidewalk shall be constructed and maintained by the
3 owner/developer from the public sidewalk system and shall lead directly to the pedestrian
4 entrance located along the south (parking lot) side of the department store.
5

6 Condition 10. The owner/developer shall construct and maintain in a clean and attractive
7 condition a minimum 65-foot wide linear park like buffer area in front of the east building
8 elevation facing Southwest 34th Street with several sidewalks penetrating into the park from
9 the public sidewalk system and a walkway provided along the east façade of the building to
10 view store merchandise in the display windows.
11

12 Condition 11. A minimum 25-foot wide setback for all signage shall be maintained along the
13 Southwest 34th Street right-of-way. A minimum 50 foot wide setback for all signage shall be
14 maintained along the Archer Road right-of-way.
15

16 Condition 12. The service area(s) located on the north side of the building (shown on Sheet 7
17 of Exhibit "C" shall be screened and made less obtrusive, by utilizing decorative screening
18 walls or vegetation or a combination of each, subject to approval of the Plan Board during
19 development plan approval.
20

21 Condition 13. All mechanical equipment shall be located on the roof (screened by parapet
22 wall) of the facility or to the side or rear of the building that is screened from public view by
23 use of decorative masonry walls and vegetation, subject to approval by the Plan Board during
24 development plan review.
25

26 Condition 14. The maximum building coverage for the site shall be 100,000 square feet or
27 21.3%, and the maximum impervious area of the site shall be 75%. There shall be a
28 minimum area of approximately 117,614 square feet of open space or 25% of the total site
29 area.
30

31 Condition 15. Turning radii improvements shall be made by the owner/developer as required
32 by Public Works, FDOT and Alachua County at the driveway entrance from Southwest 34th
33 Street to the site that is located immediately north of the proposed linear park.
34

35 Condition 16. In order to facilitate transit service to this development, the owner/developer
36 shall convey to the City an easement, at no cost or expense to the City, across and through the
37 property adjacent to Southwest 34th Street (within the linear park area, as shown on Sheet 7
38 of Exhibit "C") to accommodate a public transit bus bay and bus shelter. The bus shelter
39 shall be constructed and maintained by the owner/developer at its own expense. The bus bay
40 shall be designed, permitted and constructed by the City at a later date subject to the
41 appropriation of available funds by the City Commission. Bus bay dimensions of 160 feet

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1 long (including tapers) and 11.5 feet wide must be provided. The bus shelter area must be at
2 least 18 feet long (parallel to the bus bay) and 10 feet wide. A concrete ADA accessible
3 sidewalk connection shall be provided between the development and the bus stop and shelter
4 that is architecturally consistent with the department store and constructed as part of the
5 redevelopment of the site, subject to approval of the plan board during development plan
6 review.

7
8 Condition 17. The general location for the bus shelter/s and bus bay is shown on the PD
9 Layout Plan (Sheet 7 of Exhibit "C"). The exact location is subject to approval by the Public
10 Works Department and RTS.

11
12 Condition 18. An internal cross-access drive-way connection shall be provided by the
13 owner/developer between the subject property and the drive-thru restaurant located
14 immediately to the south along Southwest 34th Street.

15
16 Condition 19. Extensive vegetative materials and screening walls shall be used along the
17 main driveway from Southwest 34th Street immediately north of the building, to screen the
18 service areas, subject to approval by the city plan board during development plan review.

19
20 Condition 20. The owner/developer may request up to a 20% reduction in the number of
21 parking spaces required by the City's Land Development Code, and may request providing
22 compact parking spaces for up to 50% of the total provided, subject to approval of the plan
23 board during development plan review.

24
25 Condition 21. The number of bicycle, motor scooter and motorcycle parking spaces shall be
26 increased in number above the minimum required by allowing up to 15% of required parking
27 spaces being motorcycle or scooter parking spaces, subject to approval of the plan board
28 during development plan review.

29
30 Condition 22. Per the requirements of Concurrency Management Element Policy 1.1.4.a., the
31 owner/developer shall construct, at owner/developer's own cost and expense, a 5-foot
32 minimum width sidewalk connection from the department store to the SW 34th Street
33 sidewalk system. Per the requirements of Concurrency Management Element Policy 1.1.4.e.,
34 the owner/developer shall construct, at owner/developer's own cost and expense, a 5-foot
35 minimum width sidewalk and pedestrian crosswalk system to connect buildings and parking
36 areas at the development site and to interconnect with buildings along the Archer Road
37 frontage.

38
39 Condition 23. The owner/developer shall raze the entire "Winn Dixie" shopping center
40 building at one time only. For safety reasons and others, the shopping center shall not be

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1 demolished in stages. The owner/developer shall use their best effort to utilize best industry
2 practices (deconstruction of existing shopping center) leading to a "LEEDs" certification.

3
4 Condition 24. The development order approved by the adoption of this Planned
5 Development Zoning Ordinance will be valid for a period of three years from the date of final
6 adoption. A building permit must be issued prior to the aforesaid expiration date. The City
7 Commission may grant an extension of time for a period of one year, only if the
8 owner/developer's request is filed in writing with the Clerk of the Commission at least 30
9 days prior to the 3-year expiration date. If the original approval period expires with no
10 extension being requested or granted, the development order approved by this Planned
11 Development Zoning Ordinance shall be void and of no further force and effect. The City
12 then will designate other appropriate zoning consistent with the Comprehensive Plan.

13
14 Condition 25. All signage indicated on PD architectural building elevations, Sheet 8 of
15 Exhibit "C", or on site plan building elevations submitted during the development review
16 process shall state that they are "For Illustrative Purposes Only".

17
18 Condition 26. Except as expressly provided herein, the use, regulations and development of
19 the property shall be governed as if this land were zoned "BUS: General business district".

20
21 **Section 4.** If it is determined by the City Manager that a violation of this Ordinance exists,
22 the City Manager may issue and deliver an order to cease and desist from such violation and to
23 correct the violation, to preclude occupancy of the affected building or area, or to vacate the
24 premises. The City Manager, through the City Attorney, may seek an injunction in a court of
25 competent jurisdiction and seek any other remedy available at law.

26 **Section 5.** Any person who violates any of the provisions of this ordinance shall be deemed
27 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided
28 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
29 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
30 offense.

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1 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 3 finding shall not affect the other provisions or applications of the ordinance which can be given
 4 effect without the invalid or unconstitutional provisions or application, and to this end the
 5 provisions of this ordinance are declared severable.

6 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
 7 such conflict hereby repealed.

8 **Section 8.** This ordinance shall become effective immediately upon final adoption.

9 **PASSED AND ADOPTED** this _____ day of _____, 2008.

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 Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

 Kurt Lannon,
 Clerk of the Commission

 Marion J. Radson, City Attorney

 This ordinance passed on first reading this _____ day of _____, 2008.

 This ordinance passed on second reading this _____ day of _____, 2008.

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DESCRIPTION: (FURNISHED)

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE N.E. 1/4 OF SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE 134.08 FEET TO THE POINT OF BEGINNING. THENCE NORTHEASTERLY 51.55 FEET; THENCE EAST 87.53 FEET; THENCE SOUTHEASTERLY 29.12 FEET; THENCE EAST 231 FEET; THENCE NORTH 240 FEET; THENCE N.49°00'W., 129.21 FEET; THENCE NORTHEASTERLY 30.07 FEET; THENCE S.49°00'E., 144.89 FEET; THENCE SOUTH 219.82 FEET; THENCE N.40°00'E., 304 FEET; THENCE N.49°00'W., 299.41 FEET; THENCE NORTHEASTERLY 278.50 FEET; THENCE S.44°00'E., 260.44 FEET; THENCE EAST 336.34 FEET; THENCE SOUTH 25 FEET; THENCE WEST 200 FEET; THENCE SOUTH 126.89 FEET; THENCE EAST 200 FEET TO RIGHT OF WAY; THENCE SOUTHERLY ALONG RIGHT OF WAY 478.5 FEET; THENCE WEST 65 FEET; THENCE SOUTHWESTERLY 215 FEET; THENCE WEST 137.57 FEET; THENCE SOUTHWESTERLY 95 FEET; THENCE WEST 415 FEET; THENCE NORTH 233.01 FEET; THENCE EAST 134.5 FEET; THENCE NORTH 120 FEET; THENCE WEST 328.2 FEET TO THE POINT OF BEGINNING, PER O.R. BOOK 1560, PAGE 0864, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA. LESS STEAK & ALE PER O.R. BOOK 1626, PAGE 2214, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; LESS RIGHT OF WAY PER O.R. BOOK 1849, PAGE 0861, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; LESS RIGHT OF WAY PER O.R. BOOK 1854, PAGE 1235, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

DESCRIPTION: (AS SURVEYED)

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE N.E. 1/4 OF SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF ARCHER ROAD (STATE ROAD NO. 24), SAID POINT BEING ON A 5807.58 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N.40°43'05"E, 134.08 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 01°19'22", A DISTANCE OF 134.08 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°07'50", A DISTANCE OF 13.23 FEET TO THE POINT OF COMPOUND CURVATURE OF A 5298.68 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N.39°55'18"E., 38.08 FEET; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°24'42", A DISTANCE OF 38.08 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, N.88°56'50"E., A DISTANCE OF 87.37 FEET; THENCE S.60°03'13"E., A DISTANCE OF 29.31 FEET; THENCE N.88°56'48"E., A DISTANCE OF 231.02 FEET; THENCE N.01°03'12"W., A DISTANCE OF 240.00 FEET; THENCE N.49°15'45"W., A DISTANCE OF 128.66 FEET TO A POINT ON SAID SOUTHEASTERLY RIGHT OF WAY LINE OF ARCHER ROAD (STATE ROAD NO. 24), SAID POINT BEING ON A 5173.68 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N.36°30'58"E., 30.11 FEET; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°20'00", A DISTANCE OF 30.11 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, S.49°15'45"E. A DISTANCE OF 144.30 FEET; THENCE S.01°01'52"E., A DISTANCE OF 220.08 FEET; THENCE N.40°52'42"E., A DISTANCE OF 535.18 FEET; THENCE N.44°49'39"W., A DISTANCE OF 278.57 FEET TO A POINT ON A 25.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S.87°53'02"W., 36.65 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 94°16'24", A DISTANCE OF 41.13 FEET TO A POINT OF CUSP WITH SAID SOUTHEASTERLY RIGHT OF WAY LINE OF ARCHER ROAD (STATE ROAD NO. 24), SAID POINT ALSO BEING ON A 5679.58 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N.40°44'30"E., 51.00 FEET; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°30'52", A DISTANCE OF 51.01 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, S.44°49'16"E., A DISTANCE OF 260.11 FEET; THENCE S.89°54'21"E., A DISTANCE OF 332.77 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF S.W. 34TH STREET, SAID POINT ALSO BEING ON A 2800.79 FOOT RADIUS CURVE, CONCAVE WESTERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S.00°39'28"W., 24.00 FEET; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°29'28", A DISTANCE OF 24.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, N.89°46'34"W., A DISTANCE OF 195.14 FEET; THENCE S.03°39'07"E., A DISTANCE OF 127.83 FEET; THENCE S.89°51'29"E., A DISTANCE OF 182.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE OF S.W. 34TH STREET, SAID POINT ALSO BEING ON A 2800.79 FOOT RADIUS CURVE, CONCAVE WESTERLY, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S.05°48'09"W., 224.16 FEET; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°35'13", A DISTANCE OF 224.22 FEET TO A POINT; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, S.08°10'05"W., A DISTANCE OF 251.91 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, N.81°51'17"W., A DISTANCE OF 51.07 FEET; THENCE S.40°50'53"W., A DISTANCE OF 215.00 FEET; THENCE S.87°42'56"W., A DISTANCE OF 137.57 FEET; THENCE S.41°00'32"W., A DISTANCE OF 94.45 FEET; THENCE S.88°16'48"W., A DISTANCE OF 414.16 FEET; THENCE N.01°31'43"W., A DISTANCE OF 105.18 FEET; THENCE N.02°35'17"W., A DISTANCE OF 127.96 FEET; THENCE N.88°56'48"E., A DISTANCE OF 134.51 FEET; THENCE N.01°03'01"W., A DISTANCE OF 119.91 FEET; THENCE S.88°56'48"W., A DISTANCE OF 328.20 FEET TO THE POINT OF BEGINNING.
SAID LANDS BEING SITUATE IN ALACHUA COUNTY, FLORIDA AND CONTAINING 10.770 ACRES, MORE OR LESS.

EXHIBIT "A"

EXHIBIT "B"

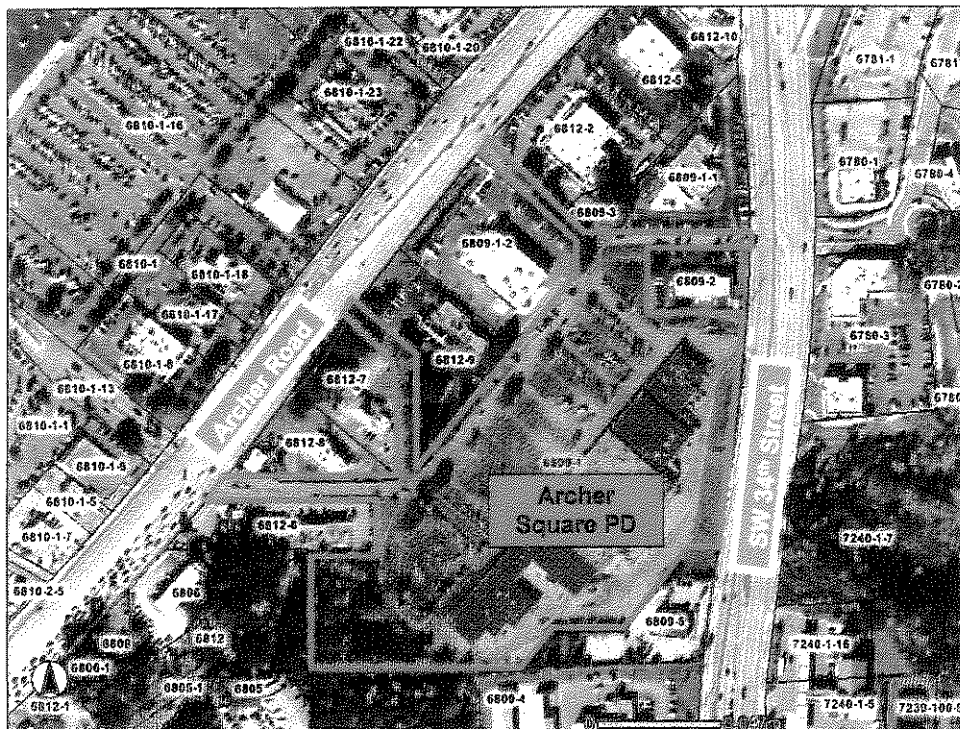


ENG, DENMAN & ASSOCIATES, INC.

ENGINEERS • SURVEYORS • PLANNERS

PD REPORT

Archer Square Planned Development



Project Request: *Amendment to the Archer Square Planned Development*

Project Address: *3501 SW Archer Road*

Project Owner: *M & P Shopping Centers, LLC*

Project Description: *The amendment to the existing Archer Square PD will permit the redevelopment of the existing 'Winn Dixie' shopping center. The project will include the demolition of the existing shopping center and the construction of a new department store.*

Submittal Date: *November 20, 2007*

Prepared By: *Clay Sweger, AICP*

Overview:

The request is for an amendment to the existing Archer Square Planned Development on approximately 10.77 acres located at 3501 SW Archer Road. The subject property is currently occupied by what is commonly known as the 'Winn Dixie' shopping center and contains associated parking, utilities and stormwater facilities. The property owner is M & P Shopping Centers, LLC. The Archer Square PD zoning was approved in 1974 and the site plan for the approximately 81,541 square foot shopping center was originally approved in 1977.

The requested PD amendment is necessary to allow for the redevelopment of this site as a new stand-alone department store, at a maximum of 100,000 square feet in size. The proposed improvements include the complete demolition of the existing shopping center and parking lot and the redevelopment of the site as a stand-alone department store with a newly redesigned parking lot, updated landscaping, stormwater areas and enhanced open space. The PD Layout Plan illustrates the conceptual project design with the subsequent site plan submittal providing the technical details. The proposed building elevations included in this application will increase the aesthetic value of the project site and the surrounding commercial area through the use of improved architectural features, etc.

The subject property is located in the center of a major commercial hub in the City of Gainesville. The redevelopment of this existing commercial site with a new commercial project is compatible with the adjacent properties and current land uses.

Archer Square PD Chronology:

1. Original PD Zoning Approval (1974):

Approved by Board of County Commissioners: 1974 (Resolution No. A-1613)
(See attached Master Layout – Exhibit 1)

Size: Approximately 26 Acres

This PD approved up to 228,000(+/-) square feet of commercial space with a community shopping center intended as the primary tenant. The original Archer Square conceptual plan (Exhibit 1) included a specific layout to develop a department store, supermarket, theater, drug store, fabric store offices and miscellaneous shops. The acreage of the PD is indicated in the original County file as 26 acres.

2. Amendment of PD Boundary / Submittal of Original PD Site Plan (1977):

The original conceptual plan (approved in 1974) was never implemented and the 'Winn Dixie' shopping center (see Exhibit 2) was developed under a different site

plan configuration and a smaller size (approximately 75,250 SF) than the maximum PD approved square footage (228,000 SF). In addition, it appears that a large portion of the original PD acreage was removed. After consulting with County Planning staff, there are no records of this action other than Exhibit 2, which shows that the several out parcels are listed as 'not included' and subsequently were developed independently from the Archer Square development. The following parcels appear to have been removed from the boundaries of the original PD zoning approval (1974) and the shopping center site plan approval (1977):

Parcel 6812-5 (ABC Liquor): 1.11 acres
 Parcel 6812-2 (Panera Bread/Starbucks, etc.): 1.35 acres
 Parcel 6809-4 (Goodwill Industries): 4.94 acres
 Parcel 6809-1-1 (Crispers, Coffee Shop, etc.): 1.01 acres
 Parcel 6809-2 (Jiffy Lube): 0.58 acre
 Parcel 6809-3 (Vacant): .22 acre
 Parcel 6812-9 (Wachovia Bank): 1.23 acres
 Parcel 6812-7 (Pizza Hut): 0.8 acre
 Parcel 6812-8 (KFC): 0.74 acre
 Parcel 6812-6 (Retail Strip Ctr.): 0.92 acre
 Parcel 6809-1-2 (Walgreens/Parcel 'A' & 'B'): 1.69 acres
Parcel 06809-5 (Backyard Burgers/Parcel 'X'): 1.02 acre
Total Acreage: Approximately 15.61 acres*

Therefore, the size of the PD from the 1977 amendment forward appears to be the original size (26 acres) minus the acreage reduction (15.61 acres) to equal approximately 10.39 acres. This acreage includes the Winn Dixie Shopping Center only and constitutes the current limits of the PD to date (parcel number 06809-001-000). Parcels 'A', 'B' and 'X' were temporarily included back into the PD limits in 1983 (A & B) and 1990 (X).

3. PD Amendment – Addition of Parcel 'A' and 'B' (1983):

In 1983, the PD data table was revised to assign square footage for the development of what would be known as Parcel 'A' and 'B'. Exhibit 2 illustrates the location of the two parcels.

Exhibit 3 includes the revised PD data table as shown below:

<i>Shopping Center:</i>	<i>75,250 SF</i>
<i>Parcel A:</i>	<i>7,048 SF</i>
<i>Parcel B:</i>	<i>5,574 SF</i>
<i>Total:</i>	<i>87,872 SF</i>

The inclusion of Parcel 'A' and 'B' into the PD limits increased the acreage from 10.39 to approximately 12 acres. The site was subsequently developed as a Steak and Ale restaurant. However, in 2004 the parcel was redeveloped as a Walgreens drug store and was not considered as part of the Archer Square PD. Therefore, this parcel was again removed from the PD boundary.

4. PD Amendment – Addition of Parcel 'X' (1990):

Approved by Board of County Commissioners: 1990 (ZOM-17-90)

This PD amendment created a new out parcel to the PD, known as Parcel X. This parcel would now be permitted to construct up to 10,000 SF of commercial space. The location of this parcel is indicated on Exhibit 2. The site was originally developed in the late 1990's as a Schlotzky's Deli and is now the home of Backyard Burgers.

Exhibit 3 includes the revised PD data table as shown below:

<i>Shopping Center:</i>	<i>75,250 SF</i>
<i>Parcel A:</i>	<i>7,048 SF</i>
<i>Parcel B:</i>	<i>5,574 SF</i>
<i>Parcel X:</i>	<i>10,000 SF</i>
<i>Total:</i>	<i>97,872 SF</i>

In addition, this amendment further confirms that the boundaries of the PD were reduced from the original size 26 acres (original PD – 1974). The resolution for this PD amendment which was approved by the Board of County Commissioners includes a legal description for the new boundary of the PD (Exhibit 4) of 10 acres.

5. Annexation - City of Gainesville

In the years following the 1990 PD Amendment, the property was annexed into the City of Gainesville and subsequently, under its jurisdiction for any future development approval.

6. PD Amendment (Current Application)

This amendment is the request currently under consideration by the City of Gainesville. The request would allow for the redevelopment of the existing Winn Dixie shopping center constructed shortly after the original 1974 PD rezoning. The proposed redevelopment will consist of a department store up to 100,000 SF

in size. No improvements shall take place that will affect the out parcels that are surrounding the current PD boundary.

Analysis of Request

This request is consistent with the PD objectives set out in the Land Development Regulations. The following analysis includes all applicable sections of the City of Gainesville Land Development Regulations regarding Planned Developments. Following each code section, the applicant's consistency statement response is indicated in bold.

Sec. 30-224 outlines the process for amendments to Planned Developments. Because this amendment does not fall within the parameters of **Sec. 30-224(b)** or **(c)**, a rezoning petition and ordinance are required to complete the change in allowable uses within the PD (per **Sec. 30-224(a)**).

Sec. 30-211. Purpose and intent

(a) Purpose. It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which are not provided for or allowed in the zoning districts otherwise established by this chapter. In particular, these provisions allow a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in the district, but they must conform to all aspects of the comprehensive plan. Rezoning for planned developments (PDs) will be an entirely voluntary procedure.

(b) Objectives. The PD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility in the proposals which may be considered, while at the same time retaining control in the city commission over the approval or disapproval of such proposals, the PD provisions are designed to:

(1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

Response: The proposed design of the department store and related facilities will provide enhanced architectural building features and a focus on pedestrian accessibility. Sidewalks are to be constructed to connect the building with the

parking lot and many of the adjacent out parcels in addition to the adjacent roadways.

(2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.

Response: This PD amendment application is an example of the flexibility desired in the PD process. The proposal will allow for the redevelopment of an aging under utilized shopping center into a new department store, thus serving economic and consumer preferences.

(3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.

Response: This site in its current state does not contain any outstanding landscape features or scenic vistas. Rather, it is an aging shopping center with poorly landscaped areas. This proposed development will greatly improve the aesthetic appearance of the site by inserting new landscape areas, including a linear park along SW 34th Street.

(4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

Response: This project is a redevelopment of an existing facility in which utilities currently exist to serve the site. The construction of a new department store to replace the shopping center will not create any increased burden on the utility network.

(5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

Response: The redevelopment of this site is considered to be infill in nature and the layout considers the existing commercial development patterns on the adjacent properties. No changes to access are proposed and therefore, no impacts on the adjacent facilities should occur.

(6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

Response: The proposed department store will present a more aesthetically pleasing appearance than the existing shopping center with particular attention paid to the appearance from SW 34th Street. Glazing and other architectural features shall be utilized on this side of the building. These upgrades, in concert with the proposed linear park along SW 34th Street should create a high-quality, pedestrian friendly area.

(7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.

Response: The redevelopment of this site will greatly improve the visual appearance with enhanced architectural features and also support the concept of pedestrian scale by providing sidewalks that will connect the department store, the parking lot and the adjacent roads and parcels.

Sec. 30-213. Minimum requirements for rezoning to planned development

An applicant for a PD rezoning must present evidence that justifies the rezoning. Justification must include one or more of the following:

(1) Unique and promoted by comprehensive plan. The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan, except it may require a land use change. Other options available under the existing zoning district(s) in the city land development code would not allow the use and associated design elements of the proposed project.

Response: The proposed commercial redevelopment is promoted by the comprehensive plan. It is unique in the fact that it proposes to eliminate the primary structure and land use within an existing Planned Development. Subsequently, the PD amendment will be analyzed by City staff and new conditions will be issued for the design and construction of the department store.

(2) Size, scale, complexity and design. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PD process.

Response: The PD process is required in this case because the property is already zoned as a commercial PD. The proposed redevelopment of the site requires that an amendment to the PD be approved by the City Commission prior to the approval of a site plan for the proposed department store.

(3) *Specialized compatibility and design characteristics. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.*

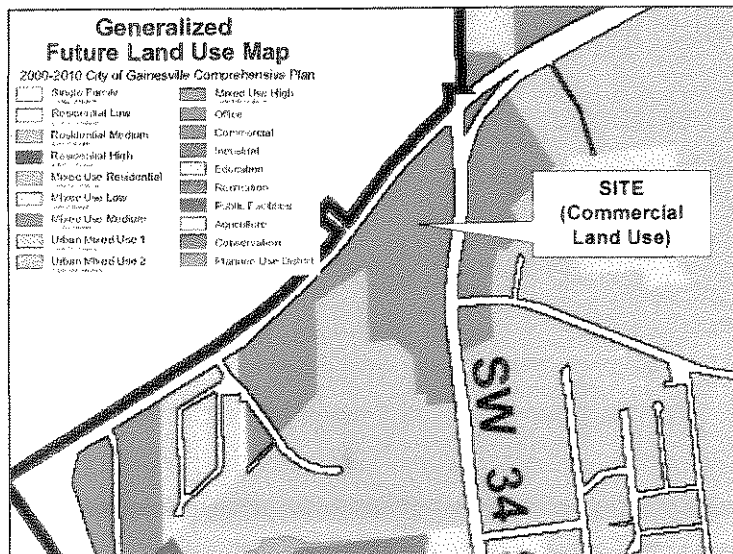
Response: There are no particular specialized compatibility and design characteristics that would apply to this site. The 10.77 acre property has been developed as an existing commercial shopping center for approximately 30 years and a majority of the surrounding properties are also developed as commercial out parcels. Therefore, this character of this area has generally been set for a number of years. However, the proposed redevelopment of the subject property will introduce a revitalized component to this commercial quadrant and will offer an architecturally-enhanced building.

Sec. 30-214(3)(c)(2) - PD Report

PD report. The approved PD report shall be a part of the adopted ordinance, comply with section 30-216, requirements and evaluation of PD, and include (if applicable):

(i) *A statement indicating the purpose and intent of the project and the applicant's opinion of how the proposed PD complies with the objectives set forth in section 30-211, purpose, the goals and policies of the city's comprehensive plan and future land use map.*

Response: The proposed PD amendment is consistent with the City of Gainesville Comprehensive Plan. The proposed commercial redevelopment project will replace an aging under utilized commercial development with a new commercial project (department store) which is consistent with existing future land use map designation of Commercial. The following map indicates that the future land use designation of the subject property and surrounding properties is Commercial.



This proposed PD amendment supports the Commercial land use designation by upgrading the commercial facility. This parcel has been an existing commercial site for approximately 30 years and the proposed redevelopment will upgrade the site with regards to aesthetics, safety and economic viability. The existing 'Winn Dixie' shopping center, which has chronic issues regarding tenant occupancy will be demolished and the site will be completely redeveloped according to the current land development regulations, including the provision of a linear park along SW 34th Street, additional landscape islands, additional pedestrian facilities and a new department store that will include enhanced architectural features when compared to the existing site.

A detailed analysis of each provision outlined in Sec. 30-211 is included as a separate analysis in this report.

(ii) Statistical information, including:

(A) Total Acreage of the site.

Response: The site is approximately 10.77 acres in size.

(B) Maximum building coverage expressed as a percentage of the site area.

Response: The proposed department store shall not exceed 100,000 square feet in size, which is approximately 21.3% of the total site area.

(C) Maximum impervious ground coverage expressed as a percent of the total site area.

Response: The proposed impervious ground coverage, which includes the proposed building, parking lot, sidewalks and driveways is approximately 351,636 square feet in size, which is approximately 75% of the total site area.

(D) The maximum and minimum number of dwelling units and residential density in each residential use area.

Response: The proposed development is commercial in nature and therefore, this information is not applicable.

(E) A listing of nonresidential land uses by type and size (gross floor area) to be allowed.

Response: Only one land use is proposed as part of the PD amendment. A 100,000 square foot (maximum) department store is proposed to be developed on the 10.77 acre site.

(F) *The maximum acreage of each use area.*

Response: As this proposed PD amendment proposes only one land use (department store), the entire acreage may be utilized to construct the department store building and the related infrastructure improvements (parking lot, utility, stormwater area, etc.).

(G) *The areas of land devoted to publicly owned usable open space, publicly owned recreation areas, publicly owned plazas, common area usable open space, common area recreational areas and common area plazas, all expressed as percentages of the total site area.*

Response: As indicated on the PD Layout Plan, approximately 25% of the site (117,614 SF) will be devoted to usable open space. This area will include a linear park along SW 34th Street, landscaped areas scattered throughout the site and landscaped stormwater areas.

(iii) *Stormwater management concept plan, addressing stormwater runoff and water quality.*

Response: The existing shopping center development contains stormwater basins to contain the current on-site runoff. The redevelopment of the site shall utilize portions of the existing on-site stormwater drainage system and construct new facilities. The entire proposed stormwater system will be re-analyzed to meet current regulations and will comply with all St. Johns River Water Management District and City of Gainesville Land Development Code requirements. In addition, approval from the St. Johns River Water Management District will be obtained for this project.

(iv) *A statement indicating the design standards proposed to be utilized for all streets and off-street parking and loading facilities, public or private.*

Response: The proposed development will provide an enhanced parking lot configuration in full compliance with today's land development regulations. The new development will utilize more aesthetic and pedestrian-friendly aspects of parking lot design, including the use of landscape islands with canopy trees and sidewalks to provide a safe connection for pedestrians to the building. In addition,

sidewalks will be provided to connect the proposed department store to the adjacent out parcels and Archer Road and SW 34th Street.

(v) *A development schedule for the PD (or for each phase, if phasing is proposed). The development schedule shall not be binding, except as may be specifically required in the rezoning ordinance.*

Response: The construction of the one proposed building and all related infrastructure improvements will be completed in only one phase. Construction will commence immediately following site plan approval.

(vi) *A unified signage plan for the PD if the proposal does not intent to use article IX.*

Response: The development of this site will include building signage which will be permitted through a permitting process separate from the PD zoning and site plan approvals.

(vii) *An enumeration of anticipated differences between the current zoning district standards of the PD property and the proposed PD standards.*

Response: Because the current and proposed zoning is PD, the standards are not anticipated to change aside from the specific items above. The planned development will remain commercial in nature and will be of a similar intensity. The site will change in regards to the aesthetic appearance, through the construction of a new structure with architectural improvements and the creation of a new linear park along SW 34th Street. In addition, the orientation of the structure (existing vs. proposed) will change from the rear of the shopping center facing SW 34th Street to the side of the department store facing SW 34th Street with a significantly more aesthetically pleasing and pedestrian friendly appearance. Pedestrians will now have a direct access point from SW 34th Street to the building entrance through a linear park.

As required in Sec. 30-216(1 - 10), the following PD report analyzes each of the required criteria in relation to the proposed PD amendment:

Sec. 30-216. Requirements and evaluation of PD.

The PD report shall address each item in the subsections below. In considering a proposed PD for approval, the city plan board and the city commission shall evaluate the proposal in consideration of these criteria:

(1) *Conformance with the PD objectives and the comprehensive plan. No development plan may be approved unless it is consistent with the objectives set forth in section 30-*

211(b), and the city's comprehensive plan, future land use map and concurrency management system.

Response: The proposed PD amendment is consistent with the PD Objectives and the City of Gainesville Comprehensive Plan. The current Future Land Use Designation of the parcel is Commercial, which permits Planned Development zoning districts, provided that they are consistent with the Comprehensive Plan and have been approved by the City Commission. In addition, this land use designation was created to “allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses and environmental conditions of the subject land.”

This proposed PD amendment supports the Commercial land use designation by upgrading the commercial facility. The proposed commercial redevelopment project will replace an aging underutilized commercial development with a new commercial project (department store) which is consistent with existing future land use map designation of Commercial. This parcel has been an existing commercial site for approximately 30 years and the proposed redevelopment will upgrade the site with regards to aesthetics, safety and economic viability. The existing ‘Winn Dixie’ shopping center, which has chronic issues regarding tenant occupancy will be demolished and the site will be completely redeveloped, including the provision of a linear park along SW 34th Street, additional landscape islands, additional pedestrian facilities and a new department store that will include enhanced architectural features when compared to the existing site.

(2) Concurrency. The proposed PD must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular review stage), or certificate of conditional concurrency reservation.

Response: The proposed amendment to the existing PD will not result in a deficiency in the level of service standards as adopted in the Comprehensive Plan.

Transportation: The proposed activity is consistent with the provisions outlined in the underlying Transportation Concurrency Exception Area (TCEA) Zone “C.” The attached trip generation information provided by Kimley Horn provides an impact analysis based upon the change in PD allowable uses.

Mass Transit: RTS bus route 12 currently serves the site along Archer Road and SW 34th Street.

Water and Sewer: The existing shopping center is currently served by centralized water and sewer systems. The proposed department store shall utilize these same facilities.

Drainage: The proposed department store shall be required to meet all applicable requirements of the City of Gainesville Land Development Regulations and receive approval from the St. John's River Water Management District.

Emergency Services: The site is served by City of Gainesville emergency services.

Solid Waste: Commercial solid waste facilities currently serve the existing shopping center. The proposed on-site redevelopment will not exceed the maximum capacity for service.

Schools: The proposed non-residential use in the PD (department store) will not affect the local school system.

(3) Internal compatibility. All land uses proposed within a PD must be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use, based on the streetscape, treatment of pedestrian ways and circulation, motor vehicle circulation, and the separation and buffering of parking areas and sections of parking areas; the existence or absence of, and the location of, focal points and vistas, open spaces, plazas, recreational areas and common areas, and use of existing and proposed landscaping; use of the topography, physical environment and other natural features; use and variety of building setback or build-to lines, separations and buffering; use and variety of building groupings, building sizes, architectural styles, and materials; variety and design of dwelling types; particular land uses proposed, and conditions and limitations thereon; and any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the PD.

(4) External compatibility. All land uses proposed within a PD must be compatible with existing and planned uses of properties surrounding the PD; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a PD should be based on the following factors: adjacent existing and proposed uses, design of the development, traffic circulation, and density and intensity.

Response: The site is currently developed as an existing shopping center, which has a commercial similar type and intensity to the proposed department store. The proposed and existing structures are similar in size thereby not creating a sizable increase in density and intensity. Further, the proposed commercial development is very compatible with the surrounding properties which largely consist of commercial out parcels. The existing commercial development pattern in this

immediate area has been in place for many years and the proposed access points to the adjacent roadways (Archer Road and SW 34th Street) will remain unchanged.

The following map indicates the existing adjacent land uses:



Additionally, the site will be enhanced through the redevelopment process by providing aesthetic and functional improvements including more sidewalk/pedestrian connectivity, improved landscaping, higher-quality architectural building design, etc.

(5) Intensity of development. The residential density and intensity of use of a PD shall be compatible with (that is, shall have no undue adverse impact upon) the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the comprehensive plan. Within the maximum limitation of the comprehensive plan, the permitted residential density and intensity of use in a PD may be adjusted upward or downward in consideration of the following factors: the availability and location of public and utility services and facilities; the trip capture rate of development; and the degree of internal and external connectedness of streets.

Response: The project site is located in a major commercial corridor and surrounded by two major state roads. In addition, the site has been a commercial development for approximately 30 years. The proposed redevelopment has a similar intensity compared to the existing conditions of the project site and the surrounding parcels.

Site Data Table

	<i>Area</i>	<i>Percentage</i>
<i>Building Coverage (maximum)</i>	<i>100,000 s.f.</i>	<i>21.3%</i>
<i>Impervious Ground Coverage</i>	<i>351,636 s.f.</i>	<i>75%</i>
<i>Pervious Open space</i>	<i>117,614 s.f.</i>	<i>25%</i>
<i>Total:</i>	<i>469,250 s.f. (10.77 acres)</i>	<i>100%</i>

Notes:

1. *These percentages are based on a conceptual layout and may slightly adjust during the time of site plan review.*
2. *The building coverage is included in the overall impervious ground coverage calculations.*

(6) Usable open spaces, plazas and recreation areas. Usable open spaces, plazas and recreation areas provided within a PD shall be evaluated based on conformance with the policies of the comprehensive plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive environmental areas, conserve areas of unique beauty or historical significance, enhance neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.

Response: As indicated on the PD Layout Plan, a linear park is proposed along the frontage of SW 34th Street which will include a mix of landscaping and pedestrian amenities. This park will provide a scenic and usable entrance for pedestrians from the street onto the property. In addition, a direct sidewalk access will be provided from the park to the department store with the exact location to be determined with the site plan submittal.

The proposed parking lot will have a greatly enhanced landscape with the insertion of landscape islands as now required by the code. The existing parking lot does not contain any landscaped islands.

The proposed stormwater area will also be aesthetically enhanced with the increase of landscaping in and around the basin.

(7) Environmental constraints. The site of the PD shall be suitable for use in the manner proposed without hazards to persons either on or off the site from the likelihood of

increased flooding, erosion or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended. The conditions and requirements of article VIII, environmental management, including surface water, gateway, nature park, greenway, uplands, and wellfield overlay districts, must be met.

Response: The site is located in the heart of urbanized Alachua County, is currently developed and is surrounded by development, so there does not appear to be any environmental constraints involving the site.

(8) External transportation access. A PD shall be located on, and provide access to, a major street (arterial or collector) unless, due to the size of the PD and the type of uses proposed, it will not adversely affect the type or amount of traffic on adjoining local streets. Access shall meet the standards set in article IX, additional development standards, and chapter 23, streets, sidewalks, and other public places. Connection to existing or planned adjacent streets is encouraged. The trip generation report shall be signed by a professional engineer registered in the state when there is a difference between the traffic report provided by the petitioner and the concurrency test.

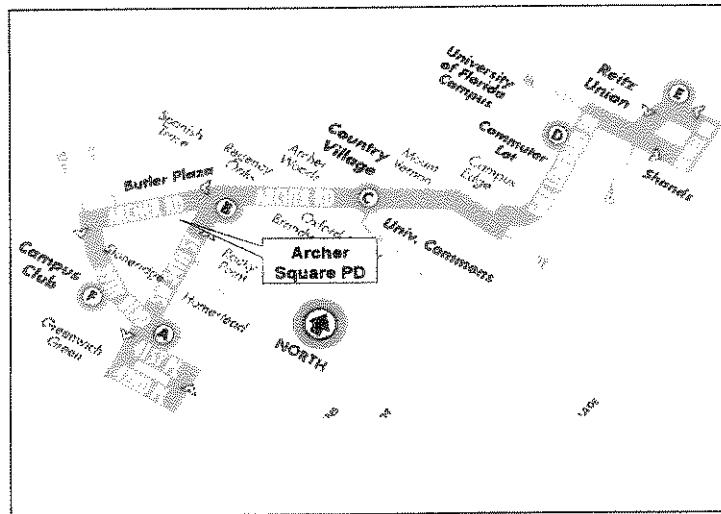
Response: No changes are proposed that will reduce the existing external transportation access provided to the site. The Archer Square PD has 5 total vehicular access points onto two major arterial roadways. From Archer Road (an 8-lane state road) three vehicular access points exist with the southernmost access containing a signalized intersection. From SW 34th Street (a 6-lane state road) two vehicular access points exist. No new driveways are proposed as part of this development.

(9) Internal transportation access. Every dwelling unit or other use permitted in a PD shall have access to a public street either directly or by way of a private road, pedestrian way, court or other area which is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road. Private roads and other accessways shall be required to be constructed so as to ensure that they are safe and maintainable.

Response: The internal transportation network will be redesigned with the construction of the new department store. As seen on the existing conditions maps versus the PD Layout Plan, the building location will be adjusted and subsequently, the parking lot will be relocated around the new building. The site will be greatly improved from its existing conditions both in design and overall condition. The parking lot will be newly constructed and will implement the current design standards which include a focus on pedestrian safety and increased landscape islands. The existing vehicular access points to Archer Road and SW 34th Street are proposed to remain unchanged.

(10) Provision for the range of transportation choices. Sufficient off-street and on-street parking for bicycles and other vehicles, as well as cars, shall be provided. The requirements of article IX, division 2, shall be used as a guide only. Parking areas shall be constructed in accordance with such standards as are approved by the city commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses. When there is discretion as to the location of parking in the project, it is strongly encouraged that all motor vehicle parking be located at the rear or interior side of buildings, or both. The design of a PD should, whenever feasible, incorporate appropriate pedestrian and bicycle accessways so as to provide for a variety of mobility opportunities. Connection to all sidewalks, greenways, trails, bikeways, and transit stops along the perimeter of the PD is required. Where existing perimeter sidewalks do not exist, sidewalks shall be provided by the development.

Response: The proposed development will provide a variety of transportation choices and an enhanced parking lot configuration compared to the existing development. The new development will utilize more aesthetic and pedestrian-friendly aspects of parking lot design, including the use of landscape islands with canopy trees and sidewalks to provide a safe connection for pedestrians to the building. In addition, sidewalks will be provided to connect the proposed department store to the adjacent out parcels and Archer Road and SW 34th Street. Mass transit opportunities are also available via existing RTS route 12 along both Archer Road and SW 34th Street, as indicated below:



Sec. 30-217. Unified control

All land included in any PD shall be under the complete, unified, legal, otherwise-encumbered control of the applicant, whether the applicant be an individual, partnership, corporation, other entity, group or agency. Upon request of the city manager or designee, the applicant shall furnish the city sufficient evidence to the satisfaction of the

city attorney that the applicant is in the complete, legal and unified control of the entire area of the proposed PD. Upon request of the city manager or designee, the applicant shall provide the city, for approval by the city attorney, all agreements, contracts, guarantees and other necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved. If any such documents are requested, the application shall not be considered by the city commission until the city attorney has certified in writing that the legal requirements of this section have been fully met. The applicant shall submit an agreement stating that the applicant will bind the successors and assigns in title to any commitments made in the adopted PD ordinance.

Response: The entire 10.77 acre property included in this PD is under the complete control of a singular ownership entity and shall be developed and managed by this entity. Cross-access easement information is included in this PD amendment application.

Sec. 30-218. Phasing

The city commission may permit or require the phasing or staging of a PD. When provisions for phasing are included in the development plan, each phase must be so planned and so related to previous development, surrounding properties and the available public facilities and services that a failure to proceed with subsequent phases will have no adverse impact on the PD or surrounding properties. Concurrency certification is not reserved by PD phasing.

Response: The construction of the one proposed building and all related infrastructure improvements will be completed in only one phase.

Sec. 30-219. Development time limits

The city commission may establish reasonable periods of time for the completion of any dedicated public facilities within a PD, facilities planned for common areas, and the total PD. If phasing is provided for, time limits for the completion of each phase shall also be established or may be deferred until development review. Any such limit may be extended by the city commission, plan board or development review board for reasonable periods upon the petition of an applicant for an amendment to the PD layout plan or development plan and based upon good cause, as determined by the city commission. Any such extension shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. If time limits contained in the approved PD layout plan are not complied with and not extended for good cause, the city commission may rezone the property or any part of it, or amend the approved development plan, so as to best protect adjoining properties and the public health, welfare or safety. Failure to complete phasing on schedule shall require a new concurrency review and appropriate concurrency permit.

Response: As previously stated, the construction of the one proposed building and all related infrastructure improvements will be completed in only one phase. It is the developer's intention to commence construction of the entire project immediately following the required City and utility permitting. Therefore, no special development time limits should apply.

SECTION 5. SPECIAL AREA PLAN FOR CENTRAL CORRIDORS

(k) Build-to line.

(1) Intent. The intent of the build-to line is to pull the building facade close to the street and streetside sidewalk. Because of the transitional nature of these corridors, the build-to line is more flexible than in the Traditional City. The build-to line allows new buildings to be aligned with existing buildings, or, in the future, allows a building to be built in front of the building and allows this future building to abut the streetside sidewalk. Over time, building facades along a block face should be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk, and sufficient space to provide a formal landscape created by street trees. Over time, the intent is to pull building facades close to the street and streetside sidewalk, frame a comfortable public realm, and prevent overly large setbacks.

Overly large setbacks are inconvenient and unpleasant for pedestrians. They can significantly increase walking distances from the public sidewalk. They prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. Similarly, overly large setbacks contribute to sign proliferation and visual blight because a building set back a large distance often needs to "shout," with signs, at passing motorists, transit users, bicyclists and pedestrians in order to be noticed. Buildings pulled up to the street sidewalk have more of a human scale and allow for the construction of canopies which shield the pedestrian from wet weather.

(2) Standard. The build-to line shall be that which achieves the above-stated intent, as determined by the appropriate reviewing board, city manager or designee, and shall apply even if the facade faces a street outside of the overlay affected area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Build-to Line standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard. In most instances, the build-to line shall be 80 feet from the curb or edge of pavement for at least 70 percent of the building facade.

Response: The Central Corridor policies apply to the Archer Square PD, as listed above. As indicated on the PD Layout Plan, the proposed build-to line along SW 34th Street is 80 feet, which is within the requirements of the central corridor. The proposed linear park located between the building and SW 34th Street creates a pedestrian friendly and well-landscaped street edge. This amenity, along with the

proposed architectural glazing and facades will create a pleasant and attractive appearance along SW 34th Street.

(n) *Building orientation.*

(1) *Intent. A successful commercial district must have vital streetfronts. Neighborhoods with lively streetfronts become the healthiest for business. Streetfront entrances provide convenience for customers and residents by minimizing walking distances from public sidewalks and nearby buildings. Rear or side entrances, or entrances oriented toward a parking lot, when no streetfront entrance is available, make travel highly inconvenient for pedestrians and transit users, cuts the building off from street life, "turns the building's back" to the public realm, and hides architectural character from public view. When a building is located at an intersection, the most convenient entrance is usually abutting the public sidewalks at the corner of the intersection.*

(2) *Standard. The main entrance of buildings or units must be located on the first floor on the more primary street, even if the more primary street is outside of the overlay affected area. The Building Orientation standard applies if a portion of the wall along the more primary street outside of the overlay affected area is within 250 feet of the overlay affected area.*

(o) *Building wall articulation.*

(1) *Intent. All buildings shall be designed to provide streetfront vitality. Long expanses of blank walls tend to be monotonous. Windows attract pedestrians, who act as a security system for the business. Buildings without such relief and interest tend to create a "massive scale," and make the public realm impersonal.*

(2) *Standard. Building walls facing the more primary street shall have non-reflective, transparent windows or glazed area covering at least 25 percent of their surface at pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor, even if the wall faces a street outside of the overlay affected area. Operable entrance doors shall be excluded from the calculation of total facade surface area. Building walls along a street that is not within the overlay affected area that are entirely more than 250 feet from the regulated corridor shall be exempt from the Building Wall Articulation standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard.*

Response: The Central Corridor policies apply to the Archer Square PD, as listed above. As indicated by the project architect (please see the attached information provided by the architect), the proposed department store will meet the intent of the desire for streetfront vitality through façade improvements and glazing as required in the central corridor. This, in addition to the build-to line and the proposed linear park and pedestrian facilities, will create an aesthetically pleasing appearance and functionality to the new development.

EXHIBIT "C"

(Due to bulk and size, Exhibit "C" is not attached, but is on file in the Office of the Clerk of the Commission.)