

Petition 9LUC-04 PB, Legislative Matter No. 030903
City Plan Board and Staff Conditions
March 18, 2004

030903 a

Condition 1.

Overall multi-family residential uses shall be allowed on the subject property, with a maximum density of 30 units per acre. Residential south of the creek shall not exceed 225 units. ~~Residential~~ Development north of the creek shall not be allowed ~~be limited to ten dwelling units.~~ Retail use consistent with the mixed-use low land use may be allowed along the 13th Street frontage.

Condition 2.

Any development north of the creek shall only be allowed after a detailed environmental study indicating how such development can be established. Development, beyond construction of a fence, shall not encroach into any of the designated creek channel, flood plain, creek setback areas, wetland setbacks and wetland buffers. Additionally, development along any branch or tributary of the Rattlesnake Branch shall be deemed detrimental unless the rebuttable presumption of 35 to 150 feet is satisfied. Further, such development shall proceed in such a manner that recognizes any known or identifiable environmental concerns. Construction of stormwater management facilities north of the creek may be allowed in designated areas as determined during development review to be compliant with the City of Gainesville Land Development Codes.

Condition 3.

Along Northwest 13th Street, between Northwest 8th Avenue and Northwest 7th Avenue, at a depth of 150 feet, developments consistent with the Mixed-Use Low-Intensity designation of the comprehensive plan may be allowed. A Planned Development Ordinance specifically addressing such a proposal must accompany implementation of that land use.

Condition 4.

A planned development zoning ordinance, which is consistent with the planned use district, must be adopted by the city commission within eighteen (18) months after adoption of the Land Use ordinance. The PD zoning ordinance with associated PD Layout Plan and Development Report shall specify details of allowable uses and design standards to be used for implementation of the development.

Condition 5.

The Planned Use Overlay shall revert back to the underlying land use if the Planned Development Zoning expires and becomes void. To re-establish the PUD a new application and consideration by the City Plan Board and City Commission will be required. That action will concurrently require a new Planned Development Ordinance.

Condition 6.

All areas north of Rattlesnake Creek, which are determined as environmentally sensitive or undevelopable, shall be designated as conservation/open space area, not to be developed, in the PD (Planned development) ordinance.

Condition 7.

Only one vehicular access point is allowed on each of Northwest 13th Streets and Northwest 7th Avenue. No vehicular access, except as needed for emergency and service purposes shall be allowed off Northwest 12th Street.

Condition 8.

The Planned Development Layout Plan or the Development Report must address the placement, distribution and configuration of units intended to implement the allowable density.

Condition 9.

The Planned Development Layout Plan or the Development Report must address flood plain areas, street buffers, creek buffers and the impact of development on ~~the above mention tributary of the~~ Rattlesnake Branch.

Condition 10.

Planned Use District land use category does not vest the development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including all relevant Transportation Concurrency Exception Area standards, at the time of application for a Planned Development. An application for a Certificate of Final Concurrency must be submitted with the final site plan application.

**City of
Gainesville**

Inter-Office Communication

**Planning Division
X5022, FAX x2282, Station 11**

Item No. 2

TO: City Plan Board

DATE: March 18, 2004

FROM: Planning Division Staff

SUBJECT: Petition 9LUC-04 PB. Causseaux & Ellington, Inc., agent for Park Central Holdings. Amend the City of Gainesville Future Land Use Map from O (Office), RM (Residential Medium Density, 8-30 units per acre) and MUL (Mixed-Use Low Intensity, 8-30 units per acre) to PUD (Planned Use District) for multiple-family development, up to 30 units per acre. Located in the 1200-1300 block between Northwest 7th and 8th Avenues. Related to Petition 10PDV-04 PB.

Recommendation

Planning staff recommends approval of the petition with the conditions listed below.

Explanation

This petition addresses a request to change the land use on the subject property from Office, Residential Multi-family and Mixed-Use Low Intensity to Planned Use District. The request includes tax parcels 14095-001-000, 14096-000-000, 14095-000-000, 14097-002-000 and 14097-001-000, which comprises a total of 7.57 acres. The purpose of the request is to pursue a multi-family residential development consisting of 225 dwelling units in multiple buildings. The land use and zoning designations on the subject property currently allows the use but at densities slightly below what the applicant considers feasible. The purpose of the request is to increase the density of the overall site.

Overall Compatibility – Surrounding Land Uses – Environmental Impacts

The subject property is within close proximity to the University of Florida, Santa Fe Community College downtown branch, and commercial areas. The attached map shows the surrounding future land use designation as Office to the north across Northwest 8th Avenue, Education to the east, Residential Low Density and Commercial to the south and Mixed-Use Low Intensity to the west. The requested PUD to allow a residential multi-family development is generally consistent and compatible with the surrounding land uses. Given the environmental conditions outlined in this report, there are environmental concerns specifically related to the creek system and the availability of physical space necessary to implement development along the north side of the creek, along Northwest 8th Avenue. In reviewing a request for a change to the Future Land Use Map, a number of factors, as listed below must be considered. The requested density of 30 units per acre is more than double the existing residential density in the area.

Existing Conditions

The property is located at the southeast intersection of Northwest 13th Street and Northwest 8th Avenue. It is bounded on the east by Northwest 12th Street and on the south by Northwest 7th Avenue. It is made up of four tax parcels and has multiple zoning designations. Map 1 shows the distribution of land uses. As shown on Map 1, the MU-L (Mixed Use Low-Intensity) land use and the R-M (Residential Medium density), both allow a maximum density of 30 dwelling units per acre with density bonus points. The Office land use is about 1.2 acres and the total area north of Rattlesnake Creek is approximately 1.67 acres (scaled from the map). The Office land use allows residential units up to 20 units per acre, while the OF (General office district) does not allow residential development. The area south of the creek is approximately 5.9 acres including creek setback and wetland areas. The total number of units achievable using the existing land use is approximately 201 units. The petitioner is proposing a combination of the north and south parcels, a total of 7.57 acres and requesting a total of 225 dwelling units. This would result in an overall density of 29.72 units per acre across the entire parcel.

The proposal to combine the Office parcel across the creek with the southern parcels is typically consistent with the concept of transferring development rights. It would be within the allowable density of 30 dwelling units per acre for the properties south of the creek. The petitioner is, therefore, requesting a PUD land use overlay in order to proceed with the desired development density and pattern. The proposal to allow increased density in this area is consistent with the Comprehensive Plan that encourages multi-family development within ½ mile of the university for students, faculty and staff.

Proposed Uses

The development is proposed as a single use, multi-family residential development consisting of 225 dwelling units. The applicant proposes to use the northern portion of the property, parcel number 14095, which is currently designated as Office, partly for residential and partly as a conservation area. No information is provided about the number of buildings or units proposed for the area. The area contains a creek and flood plain. Staff is recommending that the entire area be conservation/open space with no more than 10 row house units allowed. The existing land use on the property fronting Northwest 13th Street is Mixed-Use Low Intensity. That land use allows commercial as well as residential at a density of up to 30 dwelling units per acre. Although the current development proposal does not include commercial uses, it seems consistent to maintain the ability for commercial development along Northwest 13th Street. The PUD Land Use category was designed specifically to allow a mix of residential and non-residential uses.

Condition 1.

Overall multi-family residential uses shall be allowed on the subject property, with a maximum density of 30 units per acre. Residential south of the creek shall not exceed 225 units. Residential development north of the creek shall be limited to ten dwelling units. Retail use consistent with the mixed-use low land use may be allowed along the 13th Street frontage.

Condition 2.

Any development north of the creek shall only be allowed after a detailed environmental study indicating how such development can be established. Development shall not encroach into any of the designated creek channel, flood plain, creek setback areas, wetland setbacks and wetland buffers. Additionally, development along any branch or tributary of the Rattlesnake Branch shall be deemed detrimental unless the rebuttable presumption of 35 to 150 feet is satisfied. Further, such development shall proceed in such a manner that recognizes any known or identifiable environmental concerns.

Condition 3.

Along Northwest 13th Street, between Northwest 8th Avenue and Northwest 7th Avenue, at a depth of 150 feet, developments consistent with the Mixed-Use Low-Intensity designation of the comprehensive plan may be allowed. A Planned Development Ordinance specifically addressing such a proposal must accompany implementation of that land use.

Condition 4.

A planned development zoning ordinance, which is consistent with the planned use district, must be adopted by the city commission within eighteen (18) months after adoption of the Land Use ordinance. The PD zoning ordinance with associated PD Layout Plan and Development Report shall specify details of allowable uses and designs standards to be used for implementation of the development.

Condition 5.

The Planned Use Overlay shall revert back to the underlying land use if the Planned Development Zoning expires and becomes void. To re-establish the PUD a new application and consideration by the City Plan Board and City Commission will be required. That action will concurrently require a new Planned Development Ordinance.

Environmental Constraints

The property is traversed along the northern section, by Rattlesnake Creek, at a line almost consistent with the south boundaries of tax parcel number 14095. Due to environmental concerns, a creek setback is established along the south side of the creek at approximately 110 feet on the west side and 50 feet on the east end of the subject property. Along the north side of the creek, the setback varies from 45 feet on the west side to approximately 150 feet on the west side. No development is allowed within the creek setback limits. The creek clearly creates two distinct and separate portions of the subject property and also forms the boundaries of the current land use and zoning designations. The creek and its immediate adjacent areas are also environmental concerns in the consideration of any development in the area. The area south of the creek setback is clearly developable with some minor concerns. However, the area north of the creek setback is questionable in terms of supporting development. Given the following:

1. Setback concerns along Northwest 8th Avenue
2. The low topographic nature of the land and flooding potential.