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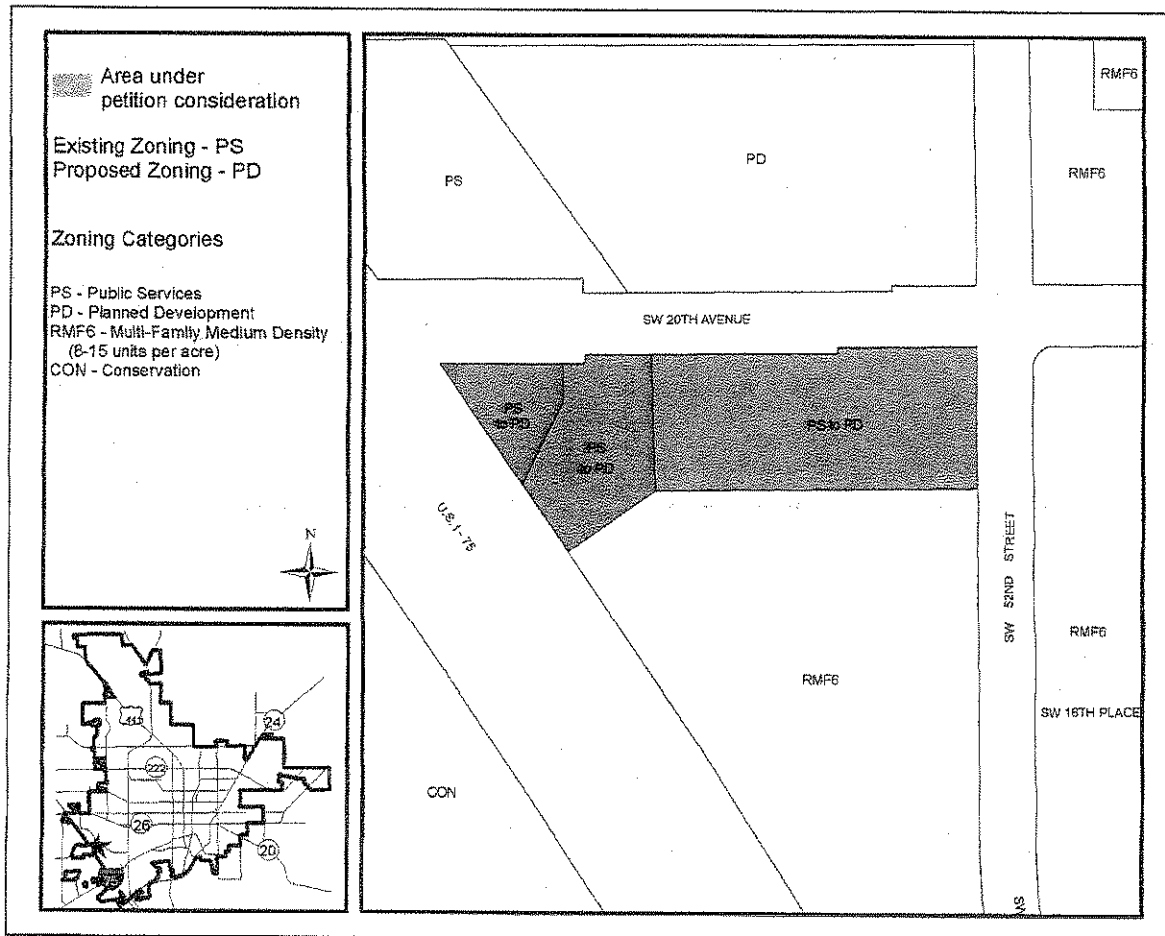
TO: City Plan Board **Item Number: 1**

FROM: Planning Department Staff **DATE:** August 26, 2010

SUBJECT: Petition PB-09-116 PDV. Causseaux, Hewett, and Walpole, Inc., agent for Legacy Fountains, LLC. Rezone property from PS (Public services and operations district) to PD (Planned development district) to allow a residential, commercial, office and retail development. Located at 1420, 1424, 1428, 1432 Southwest 52nd Street. Related to Petition PB-09-115 LUC.

Recommendation

Staff recommends that Petition PB-09-116 PDV be approved with the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.



Description

This is a request to rezone 5.07 (MOL) acres of land from PS (Public service and operations district) to PD (Planned development district) to allow a neighborhood-scale, mixed-use development. The City of Gainesville is also considering an associated small-scale land use amendment (Petition PB-09-115 LUC) that will change the existing REC (Recreation) land use category to PUD (Planned Use District). According to Policy 4.1.1 of the Future Land Use Element, PD (planned development) zoning is required to implement the PUD land use category.

The subject property, which was annexed in 1992, consists of two tax parcels (Tax Parcel No. 06680-003-000 and Tax Parcel No. 06680-003-001) that are currently undeveloped. A tree canopy exists on a portion of the subject property, while large utility easements extend along the northern and western boundaries. Southwest 20th Avenue abuts on the north. Undeveloped land that is wooded abuts on the south. Southwest 52nd Street abuts on the east. U.S. Interstate 75 (I-75) abuts on the west.

Surrounding the subject property is land primarily zoned for multi-family residential development. This includes the multi-family residential PD (The District) located immediately north. One exception is City-owned property located on the north side of Southwest 20th Avenue, just east of I-75. This property is within a PS (Public services and operations district) zoning district and is used for utility purposes. (See the Location Map on Page 1.)

At least 25 percent of the subject property shall be preserved as open space to comply with the City's Upland Area set-aside requirements in Policy 1.1.1 f. of the Conservation, Open Space & Groundwater Recharge Element. The set-aside area shall be used to preserve a native plant species (i.e., Godfrey's Privet) on the subject property, along with a remnant of hardwood forest (i.e., Sugarfoot Hammock) that is unusual for this area of Florida. Wetlands, floodplains and significant historical/archeological resources do not impact the subject property.

As a part of Zone B of the City's Transportation Concurrency Exception Area (TCEA), development on the subject property shall comply with the concurrency requirements for transportation and stormwater management. Special volume requirements applicable to stormwater management facilities within the Hogtown Creek Basin must be met. And, since the subject property is also located within the University of Florida (UF) Context Area, a contribution of funds must be made towards transit service for new multi-family development. (See Stormwater Management Element, Policy 1.1.1 and Concurrency Management Element, Objective 1.1, and Policies 1.1.5, 1.1.6, and 1.1.14.)

The proposed PD allows multi-family residential dwelling units and non-residential uses on the subject property. All of the allowable uses are permitted by right. The allowable uses will be housed in buildings that are up to 3 stories in height. The buildings will be designed to accommodate a vertical and horizontal mix of the allowable uses based on traditional design standards. The buildings may also be attached or detached.

The proposed PD provides transportation choices that consist of sidewalks, bike racks, and off-street parking spaces. Two nearby bus routes (i.e., Routes 20 and 21) and bus shelters are available to meet transit needs. Sidewalks and walking paths will connect internally and to adjoining right-of way. Only one primary driveway connection on Southwest 52nd Street is allowed. However, the proposed PD provides for a future secondary driveway connection and pedestrian connections to the parcel abutting on the south.

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Within the proposed PD, open space will consist of stormwater management facilities, landscape buffers, and the areas set-aside to meet the Upland Area requirements in Policy 1.1.1. of the Conservation, Open Space & Groundwater Recharge Element. Outdoor activity areas and walking paths will be provided to meet recreational needs.

Further details of the proposed PD are shown on the PD Layout Plan Map, and within the PD Report, that have been filed in association with this petition. (See Appendix C.)

Key Issues

A portion of the subject property must be dedicated for right-of-way as a result of future plans to improve Southwest 20th Avenue and the Southwest 62nd Boulevard/Southwest 52nd Street Corridor. Although the perimeter of the subject property is proposed as open space, the loss of land to right-of-way will further reduce the amount of developable area on the subject property, which is already constrained by utility easements and environmental features.

In addition, the applicant has not received permission from Progress Energy to use the utility easement that runs parallel to Southwest 20th Avenue. Failure, on the part of the applicant, to present evidence that permission has been granted prior to the City Commission considering this petition violates Section 30-217 of the Land Development Code. If Progress Energy denies the applicant permission to use the utility easement after this petition is considered, the applicant may have to revisit the public hearing process to modify the PD ordinance and related documents, if required by the City Commission. (See Appendix C.)

Finally, the applicant has not submitted evidence to staff indicating the non-residential portion of the proposed PD meets all of the Comprehensive Plan level-of-service standards. As a result, one of the recommended conditions of approval for the associated land use amendment requires the applicant to submit the evidence prior to the adoption of the PUD land use ordinance.

Justification

The applicant must provide evidence to justify the proposed PD rezoning using one or more of the criteria listed in Section 30-213 of the Land Development Code. The applicant has addressed the criteria in the associated PD Report, while staff's findings are listed below:

- (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.*

FINDING: The proposed PD is unique because of the extent to which it must accommodate utility easements, roadway improvements and environmental regulations compared to other developments in the surrounding area. These development constraints impact nearly half of the subject property.

Despite the above, the proposed PD shows consistency with the Comprehensive Plan by allowing a compatible mix of needed services in one location that is accessible by foot, bike, car and transit. The proposed PD also provides for the protection of significant environmental features and open space. Traditional design standards are included in the

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PD to facilitate development that is pedestrian oriented, architecturally compatible and aesthetically pleasing.

The existing PS zoning that has been applied to the subject property allows public and private facilities that serve and are used directly by the public, such as the U.S. Post Office; amusement parks; libraries; etc. Most of the allowable uses in the proposed PD are permitted by right within the MU-1 (Mixed-use low intensity district) zoning district, and are not consistent with the purpose and intent of the PS zoning district. Some of the allowable uses (e.g., *Cultural, Civic or Service and Passive Recreation*) listed in the PD Report will need definitions, since they are not defined within the City Land Development Code or Standard Industrial Classification Manual. All of the allowable uses must be consistent with the associated land use amendment; therefore, a neighborhood shopping center is incompatible.

Unlike other zoning districts in the Land Development Code, PD zoning provides the applicant the flexibility needed to obtain reasonable use of the subject property while also addressing development constraints. A good example of this occurs along the southern boundary, where a building setback and Upland set-aside area will co-exist. The Progress Energy utility easement shifts development away from Southwest 20th Avenue and towards abutting residential medium land use to the south. PD zoning allows the applicant to comply with the Upland Area requirements of the Comprehensive Plan and request a smaller building setback from the southern boundary, so that the buildable portion of the subject property is not further reduced to less than 200 feet in depth. Although the building setback is smaller, as an Upland set-aside area, it provides a buffer along the southern boundary that is wider than the 9 ft. to 20 ft. buffer that would normally be required in other zoning districts to separate mixed-use development from residential medium land use. The mature vegetation to be preserved within the buffer, such as the Godfrey's Privet and hardwood forest, will provide immediate benefits to the surrounding area.

(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.

FINDING: In other zoning districts, the applicant would have to obtain the approval of at least two (2) separate advisory boards to reduce a required building setback and also obtain development approval. The PD process, however, allows the applicant to obtain approval for both requests solely from the City Commission, which is both convenient and efficient.

(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.

FINDING: The subject property is located within the City's Upland Area. As a result of an ecological survey, Godfrey's Privet and remnants of the Sugarfoot hammock hardwood forest were found on the subject property. According to Policy 1.1.1. f. of the Conservation, Open Space & Groundwater Recharge Element, at least 25 percent of the subject property must be preserved as open space to protect these environmental features. The PD process will allow the applicant to provide the required Upland set-aside areas on

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the subject property and achieve a buildable area large enough to accommodate the proposed PD.

Basis for Recommendation

The staff recommendation is based on the following criteria for PD (Planned development district) approval in Section 30-216 of the City Land Development Code:

1. Conformance with the PD objectives in Section 30-211(b) and the Comprehensive Plan

- (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.*

FINDING: The proposed PD allows a vertical and horizontal mix of multi-family residential dwelling units and nonresidential uses intended to serve the surrounding area. The allowable uses will be housed in buildings designed in accordance with traditional design standards (i.e., facade articulation, small street setbacks (SW 52nd Street), and street orientation). Residents and non-residents will be provided transportation choices consisting of sidewalks, walking paths, bike racks and vehicle parking facilities. Sidewalk and driveway connections will be provided to abutting properties. There will be no internal streets, and only one primary means of ingress and egress on Southwest 52nd Street will be allowed.

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

FINDING: The proposed PD allows a variety of uses to meet changing market demands and consumer needs. The allowable uses consist of multi-family dwellings, office, retail and commercial uses. The proposed PD also provides transportation choices, such as sidewalks, bike racks, walking paths and vehicle parking. Existing bus routes (Route 20 and Route 21) and bus shelters, located nearby in the surrounding area, will meet transit needs.

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

FINDING: The subject property contains a native plant species (i.e., Godfrey's Privet), and a remnant of hardwood forest (i.e., Sugarfoot Hammock) that is unusual for this area of Florida. The proposed PD will preserve these significant environmental features within set-aside areas in accordance with the Upland Area requirements of Policy 1.1.1. f. of the Conservation, Open Space & Groundwater Recharge Element. The Upland set-aside areas will further serve as landscape buffers, as well as aesthetic and educational features.

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- (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.*

FINDING: Existing utility easements and environmental features will force development towards the center of the subject property and create compact development. Compact development will help lower the cost of providing both internal and external utility connections. Vehicle and pedestrian connections that link to public transportation facilities in the surrounding area will provide an efficient transportation system to visitors and residents. An internal street system is not proposed.

In addition, the applicant proposes to use xeriscaping and energy star mechanical equipment to achieve energy efficiency within the proposed PD. Other energy efficient and cost-saving measures proposed within the PD are window awnings, breezeways, and the use of natural light within buildings.

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

FINDING: The subject property is one of two vacant parcels located at the intersection of Southwest 20th Avenue and the Southwest 62nd Boulevard/Southwest 52nd Street Corridor. Therefore, the proposed PD represents infill development within an urban area largely developed with multi-family residential dwelling units.

Within the accompanying PD Report, the applicant proposes design elements and standards that will apply to buildings and other structures within the PD. The purpose of the design elements and standards is to achieve uniform development on the subject property that is aesthetically pleasing and compatible with the surrounding area.

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

FINDING: The proposed PD allows up to four buildings on the subject property. Buildings can be up to three (3) stories (or 50 feet) in height, which is consistent with the height of buildings in adjacent multi-family residential developments. Buildings may also be attached or detached. Conceptual architectural renderings that illustrate potential variations in the height, scale and style of proposed buildings are provided in Appendix C.

- (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, an formal landscaping along streets and sidewalks.*

FINDING: The design standards of the proposed PD will be consistent with the building orientation standard of the Central Corridor Special Area Plan. The applicant also proposes to use a variation of the building wall articulation standard

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of the Central Corridor Special Area Plan that will distribute the minimum amount of glazing required at ground level (i.e., 25 percent) to each level of the building façade facing the more primary street. Off-street parking, sidewalks and formal landscaping along streets will be provided in accordance with the Land Development Code.

Due to the Progress Energy utility easement located along Southwest 20th Avenue, the provision of front porches in the proposed PD will not be meaningful. Also, there is also no internal street system proposed within the PD to warrant consideration of terminated vistas, alleys, narrow streets or connected streets.

2. Concurrency

The subject property is located in Zone B of the City's Transportation Concurrency Exception Area (TCEA). Therefore, the applicant must sign a TCEA Zone B Agreement (or transportation mitigation agreement) to mitigate transportation impacts in accordance to Concurrency Management Element Policy 1.1.6 standards. The applicant must also contribute funds towards transit service for any new multi-family development, since the subject property is located within the University of Florida (UF) Context Area.

In order to receive concurrency approval for stormwater management, the proposed PD must comply with the criteria set forth in Section 30-270 of the Land Development prior to development plan approval.

3. Internal compatibility

To achieve internal compatibility within the proposed PD, the applicant proposes a complimentary mix of multi-family residential dwelling units and nonresidential uses. An integrated traffic circulation system is proposed to make internal travel convenient and safe. Landscape material is proposed internally for aesthetic reasons and to provide shade. Open space areas are proposed to allow a separation between uses, and to meet the stormwater management and recreation needs of the proposed PD.

4. External compatibility

Landscaped areas will be provided along the perimeter of the subject property to protect the proposed PD from noise and other nuisances that may occur on adjacent properties. Utility easements and Upland set-aside areas on the subject property will also act as buffers.

An allowable density of up to two (2) dwelling units per acre will create fewer vehicular trips on adjacent roadways than the allowable residential medium density on adjacent properties. Fewer vehicular trips will help to reduce congestion on the adjacent roadways and associated environmental impacts.

The proposed PD allows only one primary driveway connection, which will be located on Southwest 52nd Street. Interconnecting sidewalks will link to sidewalks in the public right-of-way. Both features will enhance pedestrian travel and reduce conflicts between traffic entering and leaving the proposed PD and other roadway traffic. For these reasons, the applicant has also proposed a secondary driveway connection and pedestrian connections to the abutting residential medium land use to the south.

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In addition, the applicant proposes traditional design standards and elements to make buildings attractive and architecturally compatible with the surrounding area. The proposed PD allows buildings up to three (3) stories in height to match the height of two (2) to three (3) story buildings on adjacent residential medium properties.

5. Intensity of development

The associated land use amendment allows a density of up to ten (10) dwelling units (20 bedrooms), or up to two (2) dwelling units per acre. The proposed density is less than the 8-30 dwelling units per acre allowed in the MUL (Mixed-Use Low Intensity land use category on the majority of adjacent properties. If the maximum allowed number of multi-family dwelling units was not constructed, there are residents in at least 1,000 multi-family dwelling units in the surrounding area (The District; Woodlands; Cabana Beach) to support the nonresidential uses of the proposed PD.

The intensity of development allowed within the proposed PD is influenced by the Conservation, Open Space & Groundwater Recharge Element Policy 1.1.1 f., which requires the applicant to set-aside at least 25 percent of the subject to preserve significant plant species within the Upland Area. The Land Development Code requires that an additional 20 percent of open space be preserved. Utility easements, which also serve as open space, limit development on at least 30 percent of the subject property.

Given the above, the maximum building coverage allowed within the proposed PD shall be consistent with the amount of buildable area left on the subject property after Upland set-aside areas, utility easements, and roadway improvement areas are excluded from the total acreage. Afterwards, the applicant must apply applicable open space requirements of the Land Development Code to the buildable area.

6. Usable open spaces, plazas and recreation areas

The significant plant species within the Upland set-aside areas will, possibly, be made accessible for educational and aesthetic purposes. These areas will also serve as buffers between the buildable area of the subject property and adjacent uses. Other usable open spaces, plazas and recreation areas within the proposed PD will be designed as courtyards, outdoor sitting/eating areas, walking paths, and passive recreation areas. These areas will be designed in consideration of Crime Prevention Through Environmental Design (CPTED) standards.

7. Environmental constraints

The subject property is located within an Upland Area and is subject to the requirements in the Conservation, Open Space & Groundwater Recharge Element Policy 1.1.1 f. Therefore, at least 25 percent of the total acreage of the subject property must be used as set-aside areas to preserve significant plant species. The set-aside areas on the subject property will be used to preserve the Godfrey's Privet, which is considered a native plant species. These areas will also be used to preserve a remnant of the Sugarfoot Hammock, which is a diverse hardwood forest that is unusual for this area of Florida.

As a result of the above, nearly half of the subject property is not buildable. The buildable portion of the subject property requires compact development, which will lessen the impact of the proposed PD on environmentally sensitive areas.

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In addition, the State of Florida has determined that the subject property does not have historical or archeological significance. The subject property is not located within the Federal Emergency management Agency (FEMA) 100-year floodplain, and it does not have wetlands.

8. External transportation access

The proposed PD allows one primary driveway connection on Southwest 52nd Street, which is currently classified as a local street. A secondary driveway connection, as well as pedestrian connections, will be accommodated along the southern boundary abutting a vacant parcel with residential medium land use. No driveway access is allowed to Southwest 20th Avenue, a major arterial.

The internal transportation system of the proposed PD will connect to the adjacent right-of-ways, where transit needs will be met with nearby bus routes (Route 20 and Route 21) and bus shelters.

9. Internal transportation access

The internal transportation system of the proposed PD will consist of interconnecting sidewalks and walking paths. The sidewalks and walking paths will connect to the allowable uses and open space areas of the proposed PD to make travel safe and convenient. The proposed PD will not include internal streets or transit access.

10. Provision for the range of transportation choices

The proposed PD will provide a range of transportation choices consisting of walking paths, sidewalks, bike spaces, and both surface and structured vehicle parking. These facilities will be subject to the design standards within the Land Development Code, including Article IX. Additional Development Standards, Division 2. Off-street Parking and Loading Regulations, and other applicable regulations.

11. Unified Control

Legacy Fountains, LLC is both the applicant and owner of the subject property. Progress Energy, which holds the easement running parallel to the northern boundary of the subject property, has not yet granted the applicant permission to use the easement. According to Section 30-217. Unified control of the Land Development Code, the City Commission shall not consider this petition until after the City Attorney has certified in writing that the applicant has submitted all requested documents needed to assure the City that the proposed PD may be lawfully completed according to the plans sought to be approved. Thus far, the City Attorney's Office has not informed staff in writing, or otherwise, that the legal requirements of this section have been met.

12. Phasing

According to the accompanying PD Report, the proposed PD will not be phased.

12. Development time limits

Within the accompanying PD Report, the applicant requests that the PD be effective for a period of five (5) years from the effective date of the PD ordinance. Staff has not found

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this request to be in conflict with the City's concurrency management standards

14. Bonds

N/A

15. Landlord permits

Not applicable. The proposed PD involves a mix of uses, and it is not a single-family development.

16. Affordable housing

The proposed PD will consist of up to ten (10) dwelling units (20 bedrooms), or up to two (2) dwelling units per acre. This number of units will have a de minimis effect on the availability of affordable housing within the City.

Recommended conditions:

1. Prior to second reading of the Planned Development Ordinance, the owner/developer shall sign a TCEA (Transportation Concurrency Exception Area) Zone B Agreement (or other transportation mitigation agreement in effect at the time) for required Concurrency Management Element Policy 1.1.6 standards (or for required transportation mitigation). Property appraisals shall be provided at the owner's/developer's expense, and are subject to approval by the City. Per Concurrency Management Element Policy 1.1.14, the owner/developer shall sign a Context Area Transit Agreement for any multi-family residential units prior to the issuance of a final development order for the development plan associated with this PD (Planned development district).
2. Any transportation modifications required for operational or safety purposes shall not count toward meeting Concurrency Management Element Policy 1.1.6 standards.
3. All sidewalk and roadway modifications along SW 52nd Street shall meet the MTPO (Metropolitan Transportation Planning Organization) design standards and be consistent with the SW 62nd Blvd. project, as approved by the MTPO. The owner/developer shall develop the subject property to accommodate the additional right-of-way, including transit lanes, which may be needed for the future SW 62nd Blvd. extension.
4. Sidewalk along SW 20th Avenue shall follow the guidelines provided by Alachua County Public Works concerning location and design.
5. Retail/commercial uses shall not be allowed in the General Office allocated square footage. Trip generation shall be shown as a note on the PD Layout Plan Map.
6. The owner/developer shall provide a vehicular, pedestrian, and bicycle cross access easement to the development to the south (west of SW 52nd Street along the southern property line boundary) when development at that site occurs.
7. The bank/financial institution use shall have a maximum of one (1) drive-through lane. The bank drive-through use shall include a by-pass lane (per Concurrency Management Element requirements). The only drive-through use allowed at the development shall be

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for a bank/financial institution. If a bank is not developed at the site, there shall be no other drive-through facilities allowed.

8. The color scheme for the development shall be consistent with the City's Advisory Color Guidelines.
9. At a minimum, the owner/developer shall comply with the sidewalk; building orientation; building wall articulation; mechanical equipment; and parking placement standards of the Central Corridor Special Area Plan, as adopted in the Land Development Code. In addition, the owner/developer shall be required to provide glazing on each floor level of the front, side and rear building facades. The amount of glazing provided on each floor level above the ground floor on the front building facade shall cumulatively equal a minimum of ten (10) percent of the total square footage of the entire front building facade, excluding the ground level. The amount of glazing provided on each floor level of the side and rear building facades shall cumulatively equal a minimum of ten (10) percent of the total square footage of the entire building facade, including the ground level. Operable doors shall not be used towards meeting the minimum glazing requirements. However, operable doors shall be used in calculating the total square footage of each building facade.
10. Non-emergency vehicular access shall be prohibited on SW 20th Avenue. Right-in/right-out only access shall be allowed on SW 52nd Street.
11. In addition to the Upland Area set-aside requirements of the Conservation, Open Space & Groundwater Recharge Element of the Comprehensive Plan, the owner/developer shall comply with the minimum open space requirements of the Land Development Code
12. Prior to the commencement of construction on the subject property, the owner/developer shall transplant listed plant species on the subject property in accordance with all applicable requirements, as determined by the City's Environmental Coordinator.
13. During all stages of construction, the owner/developer shall have an archaeologist on the subject property or on-call.
14. Except as expressly provided in the PD ordinance, the planned development shall be governed as if it were zoned MU-1 (Mixed use low intensity district).
15. The permitted uses shall be as those listed in the adopted PD Report, with the exception of neighborhood shopping center. Outdoor storage, drive-through facilities (other than a stand-alone bank with one drive-through lane), limited automotive services, fuel dealers, gasoline sales, and other uses described in Section 30-64. Mixed use low intensity district MU-1). (g) Permitted uses. of the Land Development Code) are prohibited.
16. Accessory uses considered customarily incidental to a permitted principal use on the subject property are limited to the uses permitted by right within the planned development. Incidental residential accessory uses shall mean storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents and their guests of the planned development.
17. Stormwater basins shall be designed with an irregular shape and to retain as much of the existing tree canopy as possible, subject to review and approval by the City Manager or Designee.

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18. The owner/developer shall demonstrate full compliance with the level-of service standards of the Comprehensive Plan, prior to the first reading of the PD Ordinance.
19. The planned development is valid for a period of five years from the date of final adoption of the Planned Development Ordinance. The City Commission may grant additional extensions (up to one year) if a request for good cause is filed in writing at least 60 days prior to the expiration date. In addition, development must be commenced within five years from the date of final adoption of this Ordinance. The City Commission may grant an extension if a request demonstrating good cause is filed in writing with the Department of Planning and Development Services. The City Commission shall be the sole arbiter of good cause and its decision shall be final. The development order approved by this Ordinance shall expire and be deemed null and void if development is not commenced within the five year period, unless an extension is granted by the City Commission. After development activity intended to satisfy the five-year valid period of the planned development has commenced, the developer shall in good faith pursue completion of the remainder of the development. If no development activity occurs for a continuous period of three years, this Ordinance shall expire and become null and void. If any time period expires with no extension being requested or granted and this Ordinance is void, then the City may adopt other appropriate zoning consistent with the Comprehensive Plan. For the purposes of this condition, commencement of development shall mean the construction of a minimum of 25,000 square feet of building area (not including accessory structured parking) within the development.
20. The planned development shall comply with the signage requirements of the Land Development Code.
21. The development is limited to a maximum lot coverage not to exceed 40 percent of the total square acreage of the subject property, excluding land that may be deeded for right-of-way purposes. The maximum impervious coverage (buildings included), shall not exceed 52 percent of the total acreage of the subject property, excluding land that may be deeded for right-of-way purposes.
22. The owner/developer shall be required to submit a separate demolition/construction staging plan with development plans for the planned development.
23. The development is limited to a maximum building height of three (3) stories or 50 feet, whichever is greater. Building height shall be measured as interpreted in the Land Development Code.
24. The owner/developer shall provide written evidence to the City showing full compliance with Section 30-217 of the Land Development Code, prior to the first reading of the PD ordinance.
25. The development is limited to a maximum of 45,000 square feet of building area, floor area and gross floor area for non-residential use, including a maximum of 20,000 square feet for retail/commercial use; a maximum of 20,000 square feet for office use; and a maximum of 5,000 square feet for a stand-alone bank with one drive-through lane.
26. No one non-residential use shall consist of less than 500 square feet of building area, gross floor area or floor area, as interpreted in the Land Development Code.

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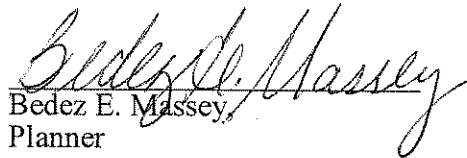
27. No one non-residential use shall consist of more than 10,000 square feet of building area, floor area or gross floor area, as interpreted in the Land Development Code.
28. Each building shall consist of a vertical and/or horizontal mix of allowable uses. No building shall consist of only one use, except for a stand-alone bank building with one drive-through lane.
29. Chain-link fencing shall be prohibited within the planned development, except when being used as barricades for construction purposes.

Respectfully submitted,



Ralph Hilliard
 Planning Manager

Prepared by:



Bedez E. Massey,
 Planner

Table 1

Adjacent Existing Uses

North	Utilities, Multi-Unit Apartment Complex
South	Vacant, mostly wooded land
East	U.S. I-75
West	Multi-Unit Apartment Complex

Adjacent Zoning and Land Use

	Land Use Category	Zoning Category
North	Public Facilities, Residential Medium	PF, RM
South	Residential Medium	RM
East	N/A	N/A
West	Residential Medium	RM

List of Appendices

Appendix A Comprehensive Plan Goals, Objectives and Policies

- Future Land Use Element Policy 4.1.1
- Conservation, Open Space & Groundwater Recharge Element, Policy 1.1.1 f.
- Stormwater Management Element, Policy 1.1.1
- Concurrency Management Element, Objective 1.1, Policy 1.1.5, Policy 1.1.6, Policy 1.1.14

Copies of the goals, objectives and policies of the Comprehensive Plan and sections of the Land Development Code referenced throughout this report are provided in Appendix A and B, respectively.

Appendix B Land Development Code

Sec. 30-217. Unified Control

Sec. 30-270. Stormwater management generally; erosion and sedimentation
Control; design and maintenance of facilities

DIVISION 2. OFFSTREET PARKING AND LOADING REGULATIONS

Appendix C Supplemental Documents

Progress Energy Response Letter, dated November 17, 2009

Legacy Fountains, LLC, Planned Development Map

Legacy Fountains, LLC, Planned Development Report

Legacy Fountains, LLC, Legal Description

Legacy Fountains, LLC, Conceptual Architectural Renderings

Appendix D Application and Neighborhood Workshop

Appendix E Technical Review Committee Comment Sheets

Copies of the goals, objectives and policies of the Comprehensive Plan and sections of the Land Development Code referenced throughout this report are provided in Appendix A and B, respectively.