

LEGISLATIVE #

110740D

Appendix C.

Documents related to the approved PD, Petition PB-10-18 PDA.

1 **ORDINANCE NO. 100520**
 2

3 **An Ordinance of the City of Gainesville, Florida;**
 4 **amending Ordinance No. 070706 that rezoned the**
 5 **property to Planned Development, commonly known as**
 6 **“Gainesville Auto Town Center”; generally located in the**
 7 **vicinity of the 3900 block of North Main Street, west side;**
 8 **amending the Development Plan by amending certain**
 9 **conditions, revising the list of permitted uses, and**
 10 **amending the development plan maps and the planned**
 11 **development report; adopting additional conditions and**
 12 **restrictions; providing for penalties; providing a**
 13 **severability clause; providing a repealing clause; and**
 14 **providing an immediate effective date.**
 15

16
 17 **WHEREAS**, by initiation of a petition by the property owner, publication of notice
 18 of a public hearing was given to amend the Development Plan on certain property within
 19 the City that is zoned "Planned Development District", commonly known as “Gainesville
 20 Auto Town Center”, as adopted by Ordinance No. 070706 on April 14, 2008; and

21 **WHEREAS**, notice was given and publication made as required by law of a public hearing
 22 which was then held by the City Plan Board on October 28, 2010; and

23 **WHEREAS**, notice was given and publication made of a public hearing which was then
 24 held by the City Commission on December 16, 2010; and

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

1 WHEREAS, notice has also been given by mail to the owner whose property will be
2 regulated by the adoption of this Ordinance, prior to the date of the public hearing of this
3 ordinance; and

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

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** Section 4 of Ordinance No. 070706 that adopted the Development Plan on
10 that certain real property described in the Ordinance is amended to read:

11 A) The development plan report attached as Exhibit "B" to Ordinance No. 070706 is
12 repealed in its entirety and of no further force and effect. A new development plan report is
13 approved and adopted entitled "Gainesville Auto Town Center Planned Development
14 Amendment", last revised February 22, 2011 and is attached hereto as Exhibit "1" and made a
15 part of this ordinance as if set forth in full; and

16 B) A new "Existing Conditions Map" last revised 2/22/11, attached hereto as Exhibit "2" is
17 approved and adopted.

18 C) Sheet 5 of the "PD Layout Plan Map" attached to Ordinance No. 070706 as Composite
19 Exhibit "C" is repealed in its entirety and of no further force and effect. A new "PD Layout Plan
20 Map" last revised 2/22/11, attached hereto and made a part hereof as Exhibit "3", is approved
21 and adopted.

1 The remaining provisions of Section 4 of Ordinance No. 070706, except as amended herein,
2 shall remain in full force and effect as they relate to Phase I of the project.

3 **Section 2.** Conditions 1, 5, 24, 26, and 29 in Section 5 of Ordinance No. 070706, that
4 provided for conditions, restrictions and regulations, are amended to read:

5 Condition 1. If constructed, the alternative fuels dispensing area and associated facilities
6 shall be designed with a separate access and circulation pattern which is clearly separated and does
7 not conflict with the areas designated for automobile storage and service areas. The final location,
8 configuration and design shall be determined by the City Plan Board during development plan
9 review. The use, construction, and operation of a future fuel station with a maximum of three (3)
10 gasoline pump islands to include a maximum of six (6) stations for the dispensing of alternative
11 fuels is expressly conditioned upon the owner/developer filing an application and successfully
12 obtaining a Wellfield Protection Special Use Permit. Any application for the alternative fuels
13 facilities shall meet the requirements in the Concurrency Management Element of the transportation
14 mitigation program in effect at the time of application. Additionally, the owner/developer shall
15 apply for and obtain all required state and local approvals for the operation of the fuel station. The
16 fuel station shall be clearly identified with a circulation and access pattern that separates general
17 public access from automobile storage and other internal circulation. This Condition does not
18 prohibit vehicular access to the alternative fuel station from the primary southern entrance drive on
19 Main Street.

20 Condition 5. The list of permitted uses shall be as set forth in Exhibit "4", attached hereto
21 and made a part hereof as if set forth in full. Machine and body work is not permitted, except in a

1 completely enclosed building that shall remain closed at all times of operation. Exhibit "D"
2 attached to Ordinance No. 070706 is repealed in its entirety and of no further force and effect.

3 Condition 24. Development plan review for Phase II shall be filed no later than three
4 years-from the date of adoption of this Ordinance No. 100520. Construction must commence no
5 later than eighteen (18) months after the approval of the Final Development Order for Phase II.
6 Once construction commences, the development must maintain an active building permit in
7 accordance with the requirements of the Building Code. If an active building permit is
8 maintained, the development may diligently proceed towards completion of the planned
9 development. Failure to comply with those requirements shall render this development order
10 null and void.

11 Condition 26. Phase II buildings may be constructed in accordance with "LEED" energy
12 efficiency standards adopted as of the approval date of Ordinance No. 100520. Phase II
13 buildings will be consistent with the City of Gainesville Central Corridors, except the build-to-
14 line, and the general architectural theme and building façade requirements as shown on Sheets 6
15 and 7 of Exhibit "C" to Ordinance No. 070706, except where specifically defined elsewhere in
16 this Ordinance. Building footprints may alter up to 20 feet in any direction from the Generalized
17 Development Area boundaries shown on the PD Layout Map as shown on Exhibit "3", as long as
18 the proposed use is consistent with all other conditions in this ordinance.

19 Condition 29. The development order approved by this Planned Development Zoning
20 Ordinance expires and shall be deemed null and void 5 years from the date of final adoption of this
21 Ordinance No. 100520 unless an extension is granted by the City Commission. The City
22 Commission may grant an additional one year extension if a request for good cause is filed in

1 writing with the Clerk of the Commission at least one month prior to the five-year expiration date
2 listed below. The City Commission shall be the sole arbiter of good cause and its decision shall be
3 final. In the event a building permit is issued but the development or portion of the development
4 fails to proceed to completion with due diligence and in good faith resulting in the expiration of a
5 the building permit or other development order, that development order shall expire and be deemed
6 null and void. If any time period expires with no extension being requested or granted and the
7 development order is void, then the City will commence the process of designating other
8 appropriate zoning consistent with the Comprehensive Plan.

9 **Section 3.** The following additional conditions, restrictions and regulations shall apply and
10 govern the development and use of the property:

11 Condition 1. The following uses: gasoline service stations, fuel dealers and carwashes shall
12 be located no closer than 250 feet from the east boundary of the subject property and at least 150
13 feet from any property that is zoned residential.

14 Condition 2. Landscaping for the Phase II vehicular use area shall be applied in the same
15 manner as applied to a typical parking lot in accordance with Section 30-330 of the Land
16 Development Code.

17 Condition 3. No single building within any designated building area shall be greater
18 than 50,000 square feet of gross floor area.

19 Condition 4. Phase II buildings shall face North Main Street and shall have its longest side
20 parallel or close to parallel with North Main Street. A minimum of 80% of the building length shall
21 face North Main Street and each such building shall have a primary functional customer/personnel
22 entrance facing North Main Street.

1 Condition 5. Until Phase II construction is underway, the owner/developer shall minimize
2 maintenance activity of the cleared area, including mowing of the bottom-most elevations, to allow
3 natural seed propagation and development. In the event the PD expires and no buildings have been
4 constructed within any portion of the Phase II area, the owner/developer shall be required to plant
5 and maintain trees from the City's approved tree list at a ratio of 25 trees per Phase II acre. These
6 trees shall be located to provide environmental function and screen/buffer the site from motorists
7 and pedestrians along North Main Street.

8 To enhance environmental function, the additional trees referenced in the paragraph above
9 shall be planted along the north and west sides of the stormwater retention pond, as shown on the
10 PD Layout Map, and along the west side of the watercourse that runs along the western portion of
11 the property, to the extent allowed by the existing drainage easement. Planting material shall
12 increase native species in the area, promote canopy, and habitat cover. Trees along Main Street
13 should be planted within the existing landscape area or along the back slope of the berm along
14 North Main Street. Species selection and placement along the berm's back slope shall be consistent
15 with hydrologic regime and reasonable efforts shall be made to relocate displaced trees at time of
16 construction.

17 **Section 4.** Except as expressly amended by this ordinance, the remaining provisions of
18 Ordinance No. 070706 shall remain in full force and effect.

19 **Section 5.** Any person who violates any of the provisions of this ordinance shall be deemed
20 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided
21 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,

1 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
2 offense.

3 **Section 6.** If it is determined by the City Manager that a violation of this Ordinance exists,
4 the City Manager may issue and deliver an order to cease and desist from such violation to correct
5 the violation, to preclude occupancy of the affected building or area, or to vacate the premises. The
6 City Manager, through the City Attorney, may seek an injunction in a court of competent
7 jurisdiction and seek any other remedy available at law.

8 **Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance
9 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
10 finding shall not affect the other provisions or applications of the ordinance which can be given
11 effect without the invalid or unconstitutional provisions or application, and to this end the
12 provisions of this ordinance are declared severable.

13 **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
14 such conflict hereby repealed.

15 **Section 9.** This ordinance shall become effective immediately upon final adoption.

16 **PASSED AND ADOPTED** this 15th day of September, 2011.

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ATTEST:


KURT LANNON,
CLERK OF THE COMMISSION


CRAIG LOWE, MAYOR

APPROVED AS TO FORM AND LEGALITY:


MARION J. RADSON, CITY ATTORNEY

SEP 15 2011

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This ordinance passed on first reading this 1st day of September, 2011.

This ordinance passed on second reading this 15th day of September, 2011.

GAINESVILLE AUTO TOWN CENTER
PLANNED DEVELOPMENT AMENDMENT

Planned Development Report

Owner(s): Duval Motorcars of Gainesville, Inc.
701 Riverside Park Place, Station 310
Jacksonville, FL 32204

Prepared For: The City of Gainesville
P.O. Box 490
Gainesville, FL, 32602

Prepared By: Causseaux, Hewett, & Walpole, Inc.
6011 NW 1st Place
Gainesville, Florida 32607
(352) 331-1976

Date: March 10, 2010
Revised April 14, 2010
Resubmitted September 8, 2010
Resubmitted February 22, 2011

*Submitted in accordance with City of Gainesville Land Development Code (LDC)
Sections 30-211, 213, 214, & 216 and to amend Ordinance # 070706 / O-07-
120 (Formerly Petition 69PDV-07PB)*

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Section 30-214(3)c2(i)**Purpose and Intent**

The Auto Town Center site was approved in September, 2008 through a Planned Development (PD) zoning district. Information has been provided meeting the requirements for the existing approved PD and the proposed amendment. The purpose and intent of the proposed Planned Development (PD) amendment is to:

- 1) Provide flexibility for inclusion of education and alternative fuel center;
- 2) Provide additional time for PD phasing deadlines given current economic conditions;
- 3) Clarify the PD Layout Plan regarding building labels and development areas; and
- 4) Clarify the list of permitted uses to more closely resemble the City's Land Development Code.

The Auto Town Center project meets the objectives set forth in Section 30-211(b) in the following ways:

1. Auto Town Center is an outstanding and innovative nonresidential development, centered around a marketplace concept that incorporates multiple dealerships and automotive related uses otherwise found on single-use or strip mall type developments. The marketplace concept focuses on internal circulation for pedestrians, which benefits patrons who can meet numerous needs without relying on driving to reach multiple sites. The marketplace core also minimizes pedestrian/vehicular interaction by creating a park-once environment. Adjacent residents benefit from a cohesive site plan that includes a generous buffer that would not otherwise be practical on a smaller-scale site. And, the site's environmental integrity is improved from a large stormwater management facility that provides an additional open space buffer to adjacent residents.
2. The Auto Town Center is an innovative approach that incorporates a marketplace center for the automobile industry. The optional alternate fuel and learning center aim to encourage the advancement of automobile technology while the automobile dealerships meet current needs by providing quality products and services.
3. This subsection does not pertain to the PD amendment.
4. The site design minimizes the need for redundant utility infrastructure throughout, which would otherwise be required to service multiple sites. The town center design enables multiple uses to share parking and service/maintenance facilities as well. This reduces costs associated with initial infrastructure installation as well as long-term maintenance costs.
5. The Auto Town Center is specifically designed to mitigate unplanned, piecemeal development through multi-use services that function cohesively. Auto Town Center serves as an innovative example of infill in an area historically surrounded by existing automotive related businesses.

6. As a planned development, buildings will be coordinated in regards to site function as well as form, which include architectural styles that relate to each other and are more focused on the human scale and pedestrian relationships rather than typical surrounding automobile industry facilities.
7. The Auto Town Center is designed around the pedestrian experience that includes lush landscaping, well coordinated building placement, and pedestrian scale architecture. Internal drives and parking areas are small-scale, well-connected, and have planned terminated vistas.

Section 30-214(3)c2(ii-iv) PD Report

The proposed PD amendment does not impact the approved **statistical information, stormwater management concept plan, or design standards** adopted as part of the original PD ordinance. The changes being requested are demonstrated below.

Section 30-214(3)c2(v) Development Schedule

This project will consist of two (2) phases. Phase one (1) includes the development of Building #1, the perimeter road, and the roundabout along with associated parking, landscaping and retention, which are all completed. The second (2nd) phase allows additional buildings consisting of other dealerships, a multi-use building permitted to have the educational services, a café, and/or office space, a 1,000 square foot gasoline/service station with up to 6 outdoor fueling stations, associated parking, and landscaping. The revised development schedule is as follows:

Phase 1: 2008-2010

Phase 2: 2010-2015

Section 30-214(3)c2(vii) Enumeration of Differences

The property owner is requesting a PD amendment in order to facilitate a multi-tenant auto dealership, more in accordance with market demand. The permitted uses will remain as automotive dealers, automotive repair, and accessory uses (car washes) incidental to the principal use. **The following list of permitted uses has been amended from the originally approved PD to more closely resemble the City's Land Development Code. No additional uses are being proposed.**

<i>Uses</i>	<i>Conditions</i>
Any accessory use customarily incidental to a permitted principal use	-
Eating places	Including outdoor cafes
Automotive dealers	-
Gasoline service stations	A maximum number of six (6) fueling pump stations, including the sale of alternative fuels for automobiles and where the alternative fuels is the principal portion of the dispensing of gasoline
Automotive repair, services, and parking	Only as accessory to the principal use of automotive dealers
Carwashes	Only as accessory to the principal use of automotive dealers
Educational Services	

Section 30-213 Minimum Criteria for Planned Development (PD)

An application for a PD rezoning must present evidence that justifies the PD rezoning. The amendment justification is as follows:

1. The PD District has provided the subject property with the ability to locate a unique automobile dealer model in an area of Gainesville specifically zoned for such uses, as set forth in the City's Comprehensive Plan, *Policy 4.2.5*. The proposed dealership is unique to the City because it provides for a master-planned commercial site encompassing internal pedestrian-friendly walkways between adjoining auto dealerships, coordinated retention areas, and other urban design features, instead of traditional strip or smaller-scale commercial sites that cause excess traffic, congestion, and unsightly and uncoordinated architectural features.

A channelized swale to maintain natural drainage flows has been retained along the sites western boundary. Completed mitigation for the removal of on site wetlands has occurred. The perimeter waterway was contoured around stormwater management facilities, providing a more sensitive design than previously existed.

The location of the site, proximate to residential and other auto intensive commercial uses provided an opportunity to use master planning, shared infrastructure, and commercial design elements to set higher standards than

traditional strip development. The transition from the single-family residential uses to intensive commercial requires appropriate use separation, landscape buffering, and perceived nuisance attenuation (i.e. noise and light). The original approved PD appropriately provided and continues to ensure continuity with the surrounding residential area. The proposed PD amendment will continue to meet the requirements stipulated in the original PD for use separation, landscape buffering, and nuisance (i.e. noise and light) attenuation.

2. The approved PD zoning facilitated a multiple automotive dealership center. The PD continues to provide the following:
 1. Better descriptions and control of typical auto dealer perceived nuisances such as noise and lights;
 2. Enhanced buffers along the western and northern property boundary to protect the adjacent residential housing; and
 3. More compatible zoning that is less intensive than the existing (BUS) district, but includes the necessary "Business Automotive" (BA) uses needed to permit the proposed project.

Both the BUS and BA zoning districts are consistent with the City of Gainesville Comprehensive Plan underlying "Commercial" Future Land Use designation. All other regulations, not set forth in the PD, will be per the City of Gainesville Land Development Code.

3. The proposed development does not have access onto local residential roads. All vehicular ingress and egress will occur from North Main Street. Therefore, there will be no vehicular impact on adjacent residential uses, which was a concern to the area. The PD also reduces or eliminates noise and glare on the adjacent residential development to the north and west of the project. This was achieved through careful design and proposed buildings orientation, parking areas, and vehicular uses areas.

Section 30-211(b)(1-7)

PD Objectives

The concepts and aspects of the approved PD related to promotion of **outstanding and innovative non-residential development, providing flexibility to meet changing needs, economics, technologies, and consumer preferences, preservation of landscape features, creation of compact development patterns, promotion of infill development, promotion of a unified architectural style, and quality of life design features** remain unchanged by the proposed amendment. Therefore, the PD is and will continue to be consistent with LDR Section 30-211(1-7).

Section 30-216

Requirement & Evaluation of PD

The proposed PD amendment does not impact the existing approved PD's **concurrency, internal compatibility, external compatibility, the overall permitted intensity, usable open space, environmental constraints, external transportation access, internal transportation access, provision for the range of transportation choices** adopted as part of the original PD ordinance.

The following describes how this PD addresses each criterion within Section 30-216.

1. Comprehensive Plan.

As previously stated in this document, the Auto Town Center Planned Development (PD) was approved in September, 2008 as a PD. Information submitted as part of that approved process outlines the project's consistency with the Comprehensive Plan. That consistency information still applies to the requested PD amendment.

2. Concurrency.

Proof of meeting the concurrency standards was provided in the existing approved PD Report. Additional calculations are not required as no additional demands are created as a result of this PD amendment.

3. Internal Compatibility.

The approved mixture of uses within the Auto Town Center are compatible with one another, as they are all related on serving vehicular needs and promoting the advancement of vehicular technology. The PD Layout plan illustrates the internal circulation focused on accommodating pedestrians through wide sidewalks, appropriately scaled buildings, and lush landscaping. Buildings are sited to safely and efficiently coordinate vehicle sales and service and promote infrastructure functionality.

4. External Compatibility.

Auto Town Center is located along North Main Street where the majority of automobile dealerships and auto-related service providers are located. Therefore, the land uses within Auto Town Center are compatible with and support surrounding properties. The site's western boundary is adjacent to residential uses, which have been adequately buffered through the approved PD. Project site design located the stormwater management facility and large landscape buffers that exceed what is generally prescribed by the Land Development Code adjacent to the neighboring residents. Parking and buildings are sited so that large landscape buffers and stormwater management facilities

provide screening, which minimize light and noise impacts and enhance the privacy of adjacent residents.

5. Intensity of Development.

The proposed PD amendment does not seek to increase or decrease entitlements.

6. Usable Open Spaces.

The site's focal point is a central plaza/common area that showcases the products sold at the automobile dealerships. Additional open space is located to the site's rear and doubles as a stormwater management facility.

7. Environmental Constraints.

The removal of wetlands was mitigated and the stormwater management facilities have been approved and constructed. The completed mitigation and stormwater management facilities limit environmental impacts and increase on-site and off-site protection from hazards associated with flooding.

8. External Transportation Access.

Auto Town Center is located on the North Main Street/NW 39th Avenue intersection's northwest quad. As a result, sidewalks, bike lanes, and NW 39th Avenue transit stops are accessible from the Auto Town Center site, as required in Article IX, additional development standards, and Chapter 23. Additionally, a formal trip generation report was submitted with the original, approved PD.

9. Internal Transportation Access.

All PD permitted uses front a central plaza/common area that is directly linked to the site's primary access. The main access accommodates multiple transportation modes, including automobiles, bicycles, and pedestrians.

10. Transportation Choices.

Transportation choice is promoted through ample sidewalks, a connected street network, and sufficient parking for a variety of transportation vehicles. All perimeter greenways, sidewalks, bike lanes, and transit stops are accessible from the site.