

### 13<sup>th</sup> Street Mixed-Use PD (PB-11-8) Conditions

As revised by City Plan Board on March 24, 2011

1. Development within this Planned Development shall be developed and regulated by the Land Development Code, except where the standards in these conditions, in the PD Report or on the PD Layout Map and other adopted documents specifically deviate from those development guidelines.
2. The Development Review Board is the appropriate reviewing board for development plan review associated with this Planned Development.
3. The allowed uses are multi-family, commercial, and office as specifically listed in the PD Report. 'Drive-throughs' and 'gasoline pumps accessory to Food Stores (MG-54)' shall be excluded.
4. The location and amount of the allowed uses shall be as shown on the PD Layout Map. The total number of residential units shall not exceed 191. Commercial uses shall not be allowed east of the eastern NW 12<sup>th</sup> Drive right-of-way line.
5. The planned development is valid for a period of five years from the date of final adoption of the Ordinance. The City Commission may grant an extension, up to two additional years, if a request for good cause is filed in writing with the Clerk of the Commission at least 60 days prior to the expiration date. The City Commission shall be the sole arbiter of good cause and its decision shall be final. The development order approval by this PD Ordinance shall expire and be deemed null and void after the five-year period unless an extension is granted by the City Commission. After receiving final development plan approval, the development must file for a building permit within ~~one~~ **two years**. In the event a building permit is issued but the development or portion of the development fails to proceed to completion with due diligence and in good faith resulting in the expiration of a building permit or other development order, then this development order shall expire and be deemed null and void after the expiration of five years from the date of final adoption of the Ordinance. If any time period expires with no extension being requested or granted and the development order is void, then the City will designate other appropriate zoning consistent with the Comprehensive Plan.
6. Building area shall be located as shown on the PD Layout Plan. Minor shifts in building location (up to ten feet) may be authorized during development plan review, consistent with other requirements.
7. Building heights shall not exceed 8 stories and shall meet the step-down height limits as shown on the PD Layout Map. No buildings are permitted within Zone B as shown on the PD Layout Map.
8. The building shall be constructed with the exterior design as generally depicted on the adopted elevations. The exterior building material shall be brick on the first two floors of the building and a combination of brick, precast, cast stone or stucco on the floors above.

The roofing material used shall be metal. Visible portions of the façade of the parking structure shall be designed to be consistent with the general design, texture, and colors of the principal buildings with the intent of making it appear similar to the principal building. The developer shall provide sample building materials, color paint chips, and color elevations for development plan review. Prior to the development receiving development plan approval, the design, materials and colors for the final building elevations must be approved by the Development Review Board, and the Community Redevelopment Agency (CRA) if they are providing tax increment project financing.

9. The development shall demonstrate to the Development Review Board during development plan review that it meets CRA streetscape standards that are in effect at the time of final development plan review for the design and materials for sidewalks, crosswalks, handicap ramps, bicycle racks, and other relevant streetscape fixtures.
10. In the event that the owner/developer enters into a Development Agreement with the CRA, the CRA may require that certain elements of this project adhere to additional standards, which would be defined at the time of an agreement between the two parties. These elements may include (but are not limited to) building materials, façade materials, façade design, color palette, infrastructure improvement, and streetscape standards. However, these standards shall be consistent with the development plan approval and the requirements of the Ordinance and all applicable code requirements.
11. The location of elements of the streetscape (street trees, sidewalk, outdoor cafés and bus shelters) shall be generally as depicted on the thematic cross sections. A minimum unobstructed width of 5 feet must be maintained along all street sidewalks.
12. The owner/developer shall provide a bus shelter to be located on N.W. 13<sup>th</sup> Street, at a location to be coordinated with RTS (Regional Transit System) and the Public Works Department through the development review process. The shelter shall be designed to be architecturally consistent with the building.
13. Bicycle parking spaces shall be provided along the streets and in appropriate locations internal to the site, at a rate of 1 space per every 4 bedrooms and 1 space per every 2000 feet of commercial or office floor area. The development shall also provide a minimum of 10 scooter spaces.
14. On all three street frontages, buildings shall provide a minimum of 50% glazing within the area between 3' and 8' above grade. This required glazing must be 80% transparent and shall not utilize painted glass, reflective glass or other similarly treated windows. Entrances with glazing may be counted toward meeting this minimum glazing requirement.
15. Individual uses on the ground floor shall provide functional entrances that face the street. The length of a street-fronting building façade without an intervening entrance shall not exceed 150 feet.

16. The 56-inch live oak tree shall be preserved on the site within a surrounding unpaved area at least ~~400~~ 500 square feet. The adjacent surface parking spaces and drive aisle shall utilize pervious pavement. If deemed necessary by the City Arborist, the development shall provide an air-water exchange system designed to provide water and air to the tree roots beneath the pavement. ~~The proposed parking structure shall be located a minimum distance of 30 feet from the west side of the tree.~~
17. Large shade street trees (reaching at least 40 feet in height at maturity) shall be planted at no more than 30 foot intervals along the adjacent streets. Understory trees may be substituted for shade trees within the canopy area of the 56-inch live oak tree.
18. The vehicular entrances to the parking garage shall be located as shown on the PD Layout Plan. No vehicular access is permitted from NW 13<sup>th</sup> Street.
19. A minimum 4-foot wide pedestrian pathway shall be provided through the parking garage vehicular access that connects to the sidewalks on NW 3<sup>rd</sup> Avenue and NW 4<sup>th</sup> Avenue.
20. An 8-foot ~~brick~~ garden wall shall be constructed along the shared property lines with tax parcels 14021-000-000 and 14013-000-000 and where surface parking is adjacent to the street. The material of the wall shall be primarily brick, but may also incorporate stucco or cement materials, as approved during the development review process. The wall shall be architecturally compatible with the adjacent development within the historic district and with the building constructed on the property.
21. The owner/developer shall install an FDOT approved traffic separator on NW 13<sup>th</sup> Street from NW 3<sup>rd</sup> Avenue to NW 5<sup>th</sup> Avenue along the existing center turn lane. The traffic separator will generally be a 2-foot-wide concrete separator for the entire length with a full width median separator at the center of the block for a distance of approximately 100 feet. The final design of the traffic separator shall be approved by the FDOT by permit.
22. Prior to receiving a certificate of occupancy, the developer shall improve NW 12<sup>th</sup> Drive from NW 4<sup>th</sup> Avenue to NW 5<sup>th</sup> Avenue as follows:
  - (1) ~~Provide a minimum of two 12-foot travel lanes.~~ The developer shall evaluate whether the typical section including pavement widths, thickness and the non-curbed condition can support the projected traffic loading for two-way travel. If found to be insufficient, the typical section shall be widened and a structural course overlay and curbing of the entire roadway length may be required.
  - (2) Install a 6 foot wide sidewalk along one side of the street.
  - (3) Re-grade the northern terminus (approximately 25 feet) of the roadway to eliminate the valley gutter and dip. Install Type F curb and gutter radius returns at the intersection with NW 5<sup>th</sup> Ave.
23. Per the requirements of Concurrency Management Element Policy 1.1.4, transportation modifications required due to operational or safety issues are the owner/developer's responsibility.

24. At the time of development plan review, the owner/developer shall be required to file with the City an application for a Certificate of Final Concurrency.
25. Due to the development's location in the University of Florida Context Area, prior to the second reading of the planned development ordinance the owner/developer shall sign a Context Area Transit Agreement for the 168 multi-family units that meets the Concurrency Management Element Policy 1.1.14 requirements.
26. In the event that multi-family units are substituted for allowable non-residential square footage, this shall trigger a requirement for a new Context Area Transit Agreement for the net, new multi-family units. The agreement shall be executed prior to issuance of the final development order.
27. The historic structure on the site shall not be removed until final development plan approval has been received. At the time of final development plan approval, it must be demonstrated that the structure will be relocated to a suitable site within the University Heights North Historic District.
28. Plans depicting construction staging areas must be provided during development plan review. Construction staging shall be contained on the site to the extent possible.
29. During the construction process, all construction vehicles shall enter the site only from NW 3<sup>rd</sup> or 4<sup>th</sup> Avenues via NW 13<sup>th</sup> Street, as approved by the City Public Works Department. Construction vehicles shall not travel to or from the site along the neighborhood streets to the east.
30. If construction is not proceeding within one year after the existing buildings have been removed from the site, the site should be planted with grass and properly maintained.