

*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
X5022, FAX x2282, Station 11

Item No. 13

TO: City Plan Board

DATE: May 19, 2005

FROM: Planning Division Staff

SUBJECT: Petition 34CPA-05 PB, City of Gainesville. Amend the Future Land Use Element to add a new land use category, Urban Mixed –Use (up to 75 units per acre) Related to Petitions 35TCH-05 PB, 36LUC-05 PB and 37ZON-05 PB.

Recommendation

Planning staff recommends approval of this petition.

Explanation

This is a request to add a new land use category to the Future Land Use Element of the City's 2000 – 2010 Comprehensive Plan. The concept for this new category was developed after a city government fact-finding trip to Norfolk, Va. and New Haven, Conn. After the trip, the City Commission formed the Urban Master Planning Committee. The committee recommended that the City adopt a flexible urban mixed-use land use and zoning district, allowing increased heights and densities, and allowing mixed uses including "tech transfer" uses.

Based on the City Commission's recommendation staff developed the following land use category:

**Urban Mixed-Use (up to 75 units per acre)**

This category allows a mixture of residential, retail and office/research uses. This district is distinguished from other mixed-use districts in that it is specifically established to support biotechnology research in close proximity to the University of Florida. An essential component of the district is orientation of structures to the street and pedestrian character of the area. Retail and office uses located within this district should be scaled to fit into the character of the area.

Residential development that caters to a diverse group of people of varying incomes shall be encouraged. Land development regulations shall set the district size; appropriate densities (up to 75 units per acre); the distribution of uses; design criteria; landscaping, pedestrian, and vehicular access. Land development regulations shall specify the criteria for the citing of public and private schools, places of religious assembly and community facilities within this category.

Applicable Goals, Objectives and Policies:

Future Land Use

Policy 1.2.3 The City should encourage mixed-use development, where appropriate.

Objective 2.1 Redevelopment should be encouraged to promote compact, vibrant urbanism, improve condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

Objective 4.1 The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed-use, office, and professional uses and industrial uses at appropriate locations to meet the need of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH

**Petition 34CPA-05 PB**

City of Gainesville. Amend the Future Land Use Element to add a new land use category—Urban Mixed-Use (up to 75 units per acre). Related to Petitions 35TCH-05 PB, 36LUC-05 PB and 37ZON-05 PB.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained that Petition 34CPA-05 PB involved land use. He indicated that the City was implementing a new land use category within the Comprehensive Plan and Land Development Regulations. He explained that the City Commission did a fact-finding trip to Norfolk, Virginia and New Haven, Connecticut and that the trip resulted in the formation of several committees, one of which was the Urban Master Planning Committee staffed by Community Development Director, Tom Saunders. He noted that the issue was development of a new Urban Mixed-Use District to encourage more flexible zoning and tech transfer from the University of Florida to properties in the adjacent area. Mr. Hilliard stated that the proposed new land use allowed residential up to 75 units per acre, retail, office, and research development. He noted that the zoning would combine several different districts to come up with a mixed-use district. He indicated that the board had the definition for the Urban Mixed-Use District in their packets, as well as information on the uses allowed in the district. He pointed out that there were many uses allowed, any type of office, any any type of retail use would be allowed in the district along with residential development. Mr. Hilliard indicated that the district would allow buildings 6 stories by right and up to 8 stories by Special Use Permit. He noted that there was one correction to be made in the staff report for Petition 35TCH-05 PB on Page 6, Item 5 at the bottom of the page where it stated that, "A Special Use Permit is required for additional stories over 5 stories," and it should state, "...additional stories over 6 stories." Mr. Hilliard presented a map of the areas that made up the new district. He noted that Mr. Saunders had determined that Planned Developments, historic districts, and the P. K. Young School should not be included in the district. He indicated that the district was not extended to the east to include the 5<sup>th</sup> Avenue neighborhood because the density of that neighborhood was much lower than 75 units per acre. Mr. Hilliard concluded his presentation and offered to answer any questions from the board.

Mr. Reiskind asked about the area east of 6<sup>th</sup> Street.

Mr. Hilliard explained that the area east of 6<sup>th</sup> Street south of University Avenue to Main Street was considered the downtown, which had densities of up to 150 units per acre.

Chair Cole asked if there could be structures in the district that would be higher than those in the downtown.

Mr. Hilliard indicated that buildings in the downtown could be 12 stories by right and higher by Special Use Permit.

Chair Cole called for comment from the public.

Mr. Bruce DeLaney was recognized. Mr. DeLaney indicated that he served on the Urban Master Planning Committee and was in favor of the petition. He noted, however, that he recommended that the board remove the 75 dwelling units per acre density on residential development. He indicated that there needed to be enough residential density to support some commercial and retail development. Mr. DeLaney presented photos of areas that contained near 150 dwelling units per acre. He suggested that limiting density to 75 units per acre would create more surface parking. He suggested that the board recommend that all density constraints be removed in the Urban Mixed-Use District.

Chair Cole asked what Mr. DeLaney would consider a reasonable cap on the number of units per acre.

Mr. DeLaney stated that the type of residential unit had to be determined first. He pointed out that density in the downtown was 150 units per acre. He pointed out that the building height limitation would control the density.

Mr. Hilliard stated that the State required that there be a density cap and would not allow unlimited units per acre in a residential land use category. He explained that the question involved encouraging development in the downtown area where densities are higher rather than in areas away from downtown. He pointed out that, in order to create a downtown, densities were usually higher than in the surrounding areas. He indicated that the original Duane Plan for College Park stated that 5 stories and 75 units per acre were required to support a community. Mr. Hilliard explained that additional stories were added to the proposed Urban Mixed-Use District in hopes that more ground level retail and office type uses would be developed in the area. He noted that if office and tech transfer businesses moved into the area, there might only be 1 or 2 stories of residential development. Mr. Hilliard stated that the Urban Master Planning Committee presented their recommendations to the City Commission recommended that staff initiate the petition.

Mr. John Fleming, Tri Mark Properties, was recognized. Mr. Fleming indicated that he also opposed the limit of 75 units per acre. He noted that, while there would be more uses allowed in the district, it would lower density for multi-family use in some places. He presented photos of buildings with higher densities. He requested that the board recommend more than 75 units per acre.

Mr. Erik Blevitz, representing Paradigm Properties, was recognized. Mr. Blevitz indicated that he too, supported higher densities. He noted that Paradigm currently had properties that were in excess of the proposed 75 units per acre.

Chair Cole closed the floor to public comment.

Mr. Reiskind asked if Mr. Hilliard suggested that higher densities in the new district would lessen the impetus to develop more density downtown.

Mr. Hilliard explained that it was best if downtowns were a higher density than the surrounding areas. He pointed out that, with unlimited density, there was the potential for development out of the downtown core that would have higher density than downtown itself. He noted that the proposal had been discussed at many committee and City Commission meetings, and none of those groups wished to recommend a different density.

Chair Cole asked why there was a last minute attempt to raise the proposed densities.

Mr. Hilliard suggested that it would allow those requesting higher densities to develop more properties. He pointed out that 80 units per acre by right had been the limit for over 10 years. He noted that the 75 units per acre was by right, and would not require density bonus points.

Chair Cole asked if there were circumstances in which the density could be increased.

Mr. Hilliard indicated that there were none in the proposal, however, there was the possibility with a Planned Development. He pointed out that Planned Developments were more time consuming.

Mr. Tecler asked if Mr. Hilliard was suggesting that if the residential density were higher, other mixed uses could not naturally develop.

Mr. Hilliard explained that Mr. DeLaney and Mr. Fleming seemed to be proposing higher densities in 5 or 6 stories of just residential development. He stated that he believed the concept from the City Commission's trip was to encourage more tech transfer, office, and commercial uses in addition to residential.

Mr. Tecler suggested that, if increasing density created more residential development and less mixed-use development, it would indicate that the need for residential in the area had not been fulfilled.

Mr. Hilliard pointed out that 80 units per acre was currently permitted in the area and none of the newer projects had come in at that high of a density.

Mr. Tecler asked if Mr. Hilliard would feel more comfortable letting the market dictate what was needed in different areas. He cited a concern about the City micromanaging the density.

Mr. Rwebyogo asked if the board's decision was final or if the petition went to the City Commission.

Mr. Hilliard indicated that it would go on to the City Commission.

Mr. Mimms stated that it would also go for state agency review since it involved a large scale Comprehensive Plan amendment.

Mr. Gold noted that he would support the petition. He noted that it was very late in the process to be changing something as significant as the maximum number of units per acre.

Mr. DeLaney indicated that Mr. Saunders, Community Development Director, advised him to come to the meeting and speak to the Plan Board.

Mr. Gold pointed out that it seemed like there were a number of meetings where the matter could have been discussed. He indicated that he also had a problem with scale and 75 units per acre seemed appropriate and he did not believe the regulations would inhibit development.

Mr. Tecler indicated that he had a concern about passing a petition that had what he considered flaws.

Mr. Reiskind indicated that he tended to favor high density between 13<sup>th</sup> Street and Main Street, which he considered the center of the City. He suggested that a broad vision could be mixed with market forces. He stated that he would not be opposed to some increase in residential density, but he was also interested in providing commercial and retail elements. He stated that he would like to see the results of the Urban Master Planning Committee's work.

Mr. Cohen pointed out that a great deal of thought had gone into the petitions before the board and dramatically increasing the density would be a major decision with many implications. He indicated that he would not wish to increase the density without going back through the process that developed the proposals. He noted, however, several citizens who had done a lot of development were uncomfortable with the proposal. He

suggested that the petitions be continued, and he did not believe that 30 days would make a difference. He stated that Mr. DeLaney and others could have dialog with Mr. Saunders and Mr. Hilliard on the matter.

Mr. Rwebyogo agreed that the petition should be continued. He indicated that he did not believe the district would be competing with the downtown area. He suggested that people who invested their money in projects were experts.

Ms. Turner-Pinkoson indicated that, as the School Board representative, she would not say that unlimited density was appropriate. She agreed that the impact on public schools would be minimal, but unlimited would not be appropriate.

Chair Cole agreed that it was ultimately up to the investors. He asked if there was any easier way to allow an increased density on a case-by-case basis.

Mr. Hilliard stated that there was no way for increased density on a case-by-case basis other than the Planned Development method, which allowed unique proposals.

Chair Cole asked about objections to the PD process or if there was an increase in density that would be acceptable.

Mr. Fleming stated that the PD, PUD process was lengthy and was expensive. He noted that dropping the number of allowed units from current 80 to 75 infringed upon current property owner's rights.

Chair Cole asked about the concept that increasing the number of residential units per acre encouraged that use and discouraged retail or other uses.

Mr. Fleming suggested that retail would work best with a specific number of residents to support it. He indicated that he believed 150 units per acre would be more appropriate for the new district.

Mr. Gold suggested that the petition be continued.

Chair Cole requested comment from staff on the matter. He asked if staff had any opposition to the requested 150 units per acre.

Mr. Hilliard explained that he had met with the Community Development Director and it had never been indicated that anything above 75 units per acre was under consideration. He pointed out that most of the area proposed for the new district would actually receive an increase in density with the 75 units per acre, including areas along University Avenue that were now 30 units per acre. Mr. Hilliard stated that the petition was at the end of the Comprehensive Plan cycle for the year and if delayed, would not go forward until next year.

Mr. Cohen pointed out that the purpose of the petition was not just to create urban residential density, but also to encourage high tech transfer. He explained that, if the board changed that purpose by saying that there should be higher density residential, then the process needed to be examined and perhaps should be delayed. He indicated that if the purpose was high tech transfer, it should be debated whether the proposed zoning would encourage such development. He noted that the board had not discussed the potential effectiveness of the proposed zoning.

*These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.*

r. Reiskind suggested that the areas under discussion might deserve two different considerations. He noted that the area to the north might have increased residential density and the area in the south might be associated more with the high tech transfer. He indicated that he did not see high tech transfer taking place along University Avenue and the area from University down to 5<sup>th</sup>, and between 13<sup>th</sup> and 6<sup>th</sup>.

Mr. Cohen indicated that the petition was important and should not miss the Comprehensive Plan cycle, but it seemed that the plan board was not satisfied. He suggested that there be a brief, special Plan Board meeting scheduled for 2 weeks from the present meeting.

Chair Cole suggested that the board approve the petition with comments that the board felt that the matter needed to be discussed before it went to the City Commission. He explained that the board would let the Commission know that they had strong reservations about with the proposed density.

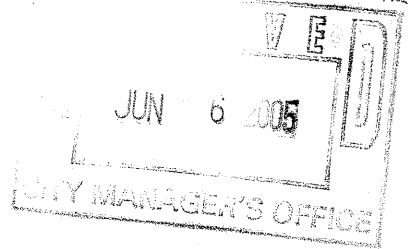
Mr. Cohen asked if the Chair was suggesting that the petition be approved with comments that some of the issues should be worked out before the City Commission meeting. He pointed out that the Commission would have the board's minutes to understand the concerns.

Chair Cole agreed. He explained that the board would be approving the petition with the understanding that the board was uncomfortable with the proposed density of 75 units per acre and it should receive further review.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Rwebyogo
<u>Moved to:</u> Approve Petition 34CPA-05 PB, with the recommendation that, before the petitions are presented to the City Commission, all involved parties have further discussion regarding the maximum number of units allowed per acre in the new Mixed Use category.	<u>Upon Vote:</u> Motion Carried 6 – 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Tecler, Cole




College Park/University Heights Advisory Board to the Gainesville Community Redevelopment Agency



# Memo

**To:** Barbara Lipscomb, Executive Director, Gainesville Community Redevelopment Agency

**From:** Brad Pollitt, Chair, College Park/University Heights Advisory Board 

**CC:** College Park/University Heights Advisory Board

**Date:** 06/02/05

**Re:** CPUH Recommendation regarding Urban Mixed Use Land Amendment

At the June 1, 2005 meeting, the College Park/University Heights Advisory Board agreed to provide a recommendation to the City Commission via the Community Redevelopment Agency regarding the new urban mixed-use land use and zoning category set for the June 13 Commission agenda. Because the Community Redevelopment Agency will not meet before the City Commission discusses this matter, we request that you forward this information to the Commission for their consideration.

The College Park/University Heights Advisory Board has agreed to provide our enthusiastic support for the creation of the new urban mixed-use land use and zoning category. The creation of this land use and zoning category is a step forward towards creating our vision for the College Park/University Heights district.

However, the Board has agreed that there is one flaw that needs to be fixed prior to adoption: the density cap of 75 dwelling units per acre. That flaw is potentially fatal, as the scale of construction we envision will be dramatically smaller with this density limitation. While 75 dwelling units per acre sounds big, it is not. Many older multi-family buildings in our district already greatly exceed 75 dwelling units per acre, yet the district does not currently match our ultimate urban vision. Our fear is that the density limitation will result in more suburban-oriented three to four story buildings with surface parking lots, not the urban, mixed use form of development that we see as critical to creating a walkable and sustainable community.

In order to help us reach our shared vision for College Park/University Heights, please increase the density substantially, perhaps up to the same density as the adjacent CCD district.