



TO: City Plan Board

Item Number: 7

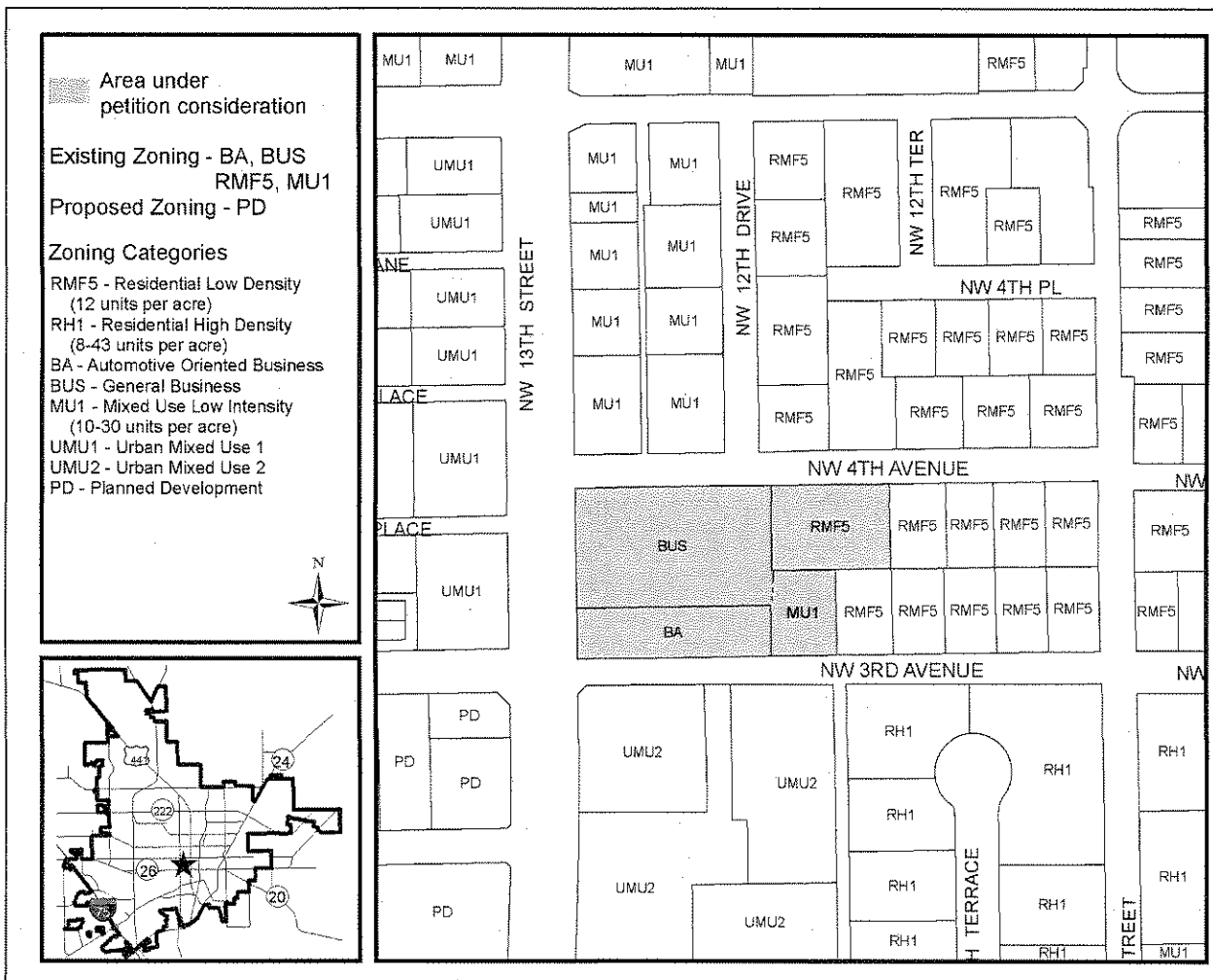
FROM: Planning & Development Services Department Staff

DATE: March 24, 2011

SUBJECT: Petition PB-11-08 PDV. Causseaux, Hewett, and Walpole, Inc., agent for RD Management, LLC. Rezone property from BUS, BA, MU-1, and RMF-5 to PD (Planned development) to allow construction of a retail, office, and residential development. Located at 303 Northwest 13th Street, 1249 and 1227 Northwest 4th Avenue. Related to PB-11-20 PUD.

Recommendation

Staff recommends approval of Petition PB-11-8 PDV with the conditions in this report.



Description

The property to be rezoned to Planned Development includes three parcels that total approximately 1.53 acres in size. The 0.3-acre parcel at 303 N.W. 13th Street has Commercial land use and BA (Automotive-oriented business district) zoning and is the site of a vacant car wash. The 0.9-acre parcel located at 1249 N.W. 4th Avenue is home to a bookstore, an Army National Guard recruitment office, and a place of religious assembly. This property has both Commercial and Mixed Use Low land use designations, with BUS (General business district) and MU-1 (8-30 units/acre mixed use low intensity) zoning. The 0.3-acre parcel located at 1227 N.W. 4th Avenue has Residential Low land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning. A single-family dwelling unit located on this parcel is considered a contributing structure to the historical character of the University Heights Historic District – North. All three of the parcels that comprise the 1.53-acre property are located within the Traditional City Special Area Plan area and the Fifth Avenue/Pleasant Street Redevelopment Area. The map on the previous page shows the location of the subject property with the existing and surrounding zoning categories.

Most of the surrounding area along N.W. 13th Street is commercial in nature. To the south of the subject property is land with the Urban Mixed-Use 2 (UMU-2: up to 100 units per acre) land use and zoning designation. It includes a surface parking lot and parking associated with a drive-through restaurant. To the southwest, across 13th Street, is vacant land with PUD (Planned Use District) land use and PD (Planned development) zoning that was approved for the University Corners 8-story mixed-use development. Immediately to the west across 13th Street are retail uses, with Urban Mixed-Use 1 (UMU-1: up to 75 units per acre) land use and zoning. North of the property is a retail store with a large surface parking area with Mixed Use Low land use and MU-1 zoning. To the east and northeast of the property are several single-family dwellings that are contributing structures to the University Heights-North Historic District, and which have Residential Low land use and RMF-5 zoning.

The purpose of the proposed rezoning (and related land use amendment) is to enable the applicant to construct a mixed-use redevelopment project that would include retail, office and multiple-family residential uses. The attached PD Report (Exhibit A-1) outlines the proposed permitted uses within the development and some basic design standards. The allowed uses are a subset of the uses currently allowed by the UMU-2 zoning district, omitting certain uses such as rooming houses, day care facilities, limited automotive services, and hardware stores.

The PD report describes an 8-story building on the site that will transition to a lower height to the east adjacent to the University Heights North neighborhood. The building will utilize a parking garage that will be accessed from entrances on NW 3rd and 4th Avenues. Solid waste collection and freight access will be contained within the garage.

A basic layout for the site is shown on the PD Layout Map (Exhibit A-2), which depicts three zones on the site: Zone A is designated for building area; Zone B is a building setback area from the properties to the east that varies from 25 to 15 feet in width; and Zone C is the urban streetscape area along the three abutting streets. Development standards are listed on the layout map, including the allowed amounts of uses, maximum building height, building coverage, and setbacks. The PD is proposed for 168 dwelling units with a maximum of 230 bedrooms. A

maximum of 26,000 square feet of commercial retail use would be allowed, and between 5,000 and 20,000 square feet of office will be required with the development. Up to 191 units are allowed by the associated PUD, based on a maximum density of 125 du/acre, and so Note 13 on the Layout Map allows for up to 23 new residential units to be substituted for 15,000 square feet of office. The PD Layout Map also requires minimum sidewalk widths of 10 feet on NW 13th Street, and 7 feet along NW 3rd and 4th Avenues.

PD Elevations (Exhibit A-3) are also included with this proposed rezoning, as well as a cross section elevation of the proposed building, and cross sections of the streetscapes along each street (Exhibit A-4). These documents will ultimately be included as part of the adopted ordinance for this planned development. The elevations show all four faces of the building and depict the materials to be used on the exterior. The proposed masonry wall and the relationship of the development to the closest single-family residential structure can be seen on the north and south elevations. A west-to-east step down in the maximum allowed height is also shown on the cross section elevation (from 8-story building, to a 3-4 story parking garage, to surface parking). The street cross sections depict the proposed relationships between the curb, sidewalk, street trees, outdoor cafés, and the building face.

Key Issues

- A 56-inch heritage live oak tree is located in the northeast corner of the site near 4th Avenue. City staff has recognized the tree to be of environmental significance due to its quality and size, and is recommending that it be preserved and incorporated into the development. Based on staff's review, it will be possible to preserve the tree with the majority of its canopy intact, and proposed measures for adequately protecting the tree are contained within PD Condition #16. The parking garage will be located over 30 feet to the west, and only a few smaller branches will likely need to be removed in that location. The rest of the canopy will be preserved and continue to shade NW 4th Avenue, the parking lot, and adjacent properties. Beyond the obvious environmental benefits of the tree, it will also provide a visual transition from the parking structure to the neighborhood and contribute to the development's compatibility with the adjacent single-family structures.
- There is a historic contributing structure in the northeast corner of the site. Originally, staff recommended that the heritage tree and historic house both be preserved within an open space area that could serve the residents and other users of the development. However, it is the understanding of staff that a potential occupant of the development (a grocery store) requires a certain amount of ground-floor parking. Therefore, the proposal of this PD is to remove the historic house to allow for the creation of more parking spaces, while preserving the tree within the surface parking lot area. The petitioners have proposed moving the historic house to another location within the same district, and PD Condition #27 reflects this intent. The Historic Preservation Board has reviewed and conceptually approved the relocation of this historic house.
- The property is currently located within the Traditional City zoning overlay. There are urban design standards (such as building orientation and articulation) contained within

the proposed PD conditions, which are intended to replace those that are presently applicable in the Traditional City overlay.

Justification

The PD zoning district was established specifically to allow for unique proposals which are not provided for by the standard zoning districts. The minimum requirements within Section 30-213 define the reasons that are needed to justify a rezoning to the planned development district. This section states that a rezoning to PD must meet one or more of the following:

- (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 districts in the land development code would not allow the use and associated design elements of the proposed project.*

The 13th Street Mixed-Use PD is unique in its proposed vertical mixture of uses (retail, office, and residential) and that it also includes a parking structure incorporated into the building design. The inclusion of a parking structure on this site is necessary to achieve the mix of uses and urban densities that are promoted in this part of Gainesville by the Comprehensive Plan. A PUD land use amendment is associated with this PD rezoning.

- (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.*

The proposed PD will cover almost an entire block within the University Heights area and must be designed in a manner that appropriately relates to the surrounding streets, residential properties, and the historic district. The subject property included in the rezoning currently has four different zoning districts, with four accompanying different sets of standards and allowed uses. The integrated mixed-use development proposed by this PD would not be possible under the existing mix of zoning districts.

- (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.*

This is an urban infill project and therefore complex in its relationship to existing uses and infrastructure. The property is currently underutilized and is the site of a vacant car wash (a non-conforming use), a surface parking lot, one-story commercial buildings, and a vacant single-family structure. The proposed size of the development and its direct proximity to single-family uses and a historic district warrants special treatments in the design of the development that cannot be achieved with a straight rezoning. Staff is also recommending a condition that will specifically prohibit auto-oriented uses (drive-through uses and gasoline pumps) consistent with the Traditional City overlay. These

uses would increase traffic congestion and be incompatible with the neighborhood and Traditional City requirements.

Basis for Recommendation

The Planned Development meets the following criteria for Planned Development approval in Section 30-216 of the adopted land development code:

1. Conformance with the PD objectives and the comprehensive plan

The proposed Planned Development, with the conditions recommended by staff, is in conformance with the objectives in Section 30-211(b), as follows:

- (1) *Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide 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.*

This proposal is for a vertically mixed building that is oriented toward the three adjacent streets, incorporates facilities for pedestrians, bicyclists, and transit, and includes a mix of office, commercial, and residential uses. Pedestrian facilities will be constructed in the form of new wide sidewalks with street trees on NW 13th Street, 3rd Avenue, and 4th Avenue, and a pedestrian connection through the parking garage. Bicycle parking will be required along the street and within the development, and a bus stop with shelter will be incorporated along 13th Street.

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

The PD allows for a range of office and commercial uses to be adjusted according to market conditions.

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

The development will be required to preserve an existing heritage live oak that is the most outstanding landscape feature on the site.

- (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.*

This development will utilize existing utilities in the vicinity and will access the existing street system within University Heights.

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

This is an infill development proposal, which will consolidate several properties with different zoning districts, and remove the existing low-rise buildings on this currently underutilized site. This redevelopment would also remove a non-conforming use (the car wash) that previously existed on the site.

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

The building design will be regulated as part of this PD through the submitted building elevations. The elevations depict a building design that successfully coordinates different architectural styles and thereby relates separately to the commercial areas along 13th Street and to the single-family areas to the east. The Historic Preservation Board has conceptually reviewed these elevations and advised the Planning Department that they are compatible with the adjacent historic district.

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

This proposal will create a traditional urban streetscape along the three public streets, with wide sidewalks, street trees, and entrances facing the street. Structured parking will be incorporated to the rear of the building.

This planned development is the implementing zoning for the associated PUD, and is consistent with the proposed requirements of that land use amendment. The proposed planned development amendment is also consistent with the City's Comprehensive Plan, particularly with Future Land Use Element Objective 4.2 regarding "the coexistence and integration of various land uses".

2. **Concurrency**

The development is located within Zone A of the TCEA. At the development plan stage, any redevelopment of this property will be required to meet the Concurrency Management Element Policy 1.1.4 standards. The site is served by existing utilities. Official review from the School Board of Alachua County indicates that there is sufficient capacity at the assigned schools that would serve this development.

3. **Internal compatibility**

Development on the site is comprised of a multi-story building that will contain a mix of office, commercial and residential, and an accessory parking structure. The site is located

in an area that is appropriate for this mixture of uses. The development is proposed in a manner that will provide a transition across the site from the existing commercial uses along NW 13th Street to the single-family residential uses to the east.

4. External compatibility

The site is generally adjacent to commercial businesses on the west side and single-family development on the east side. There are also several multi-family developments within a few blocks to the south and west. The PD proposes a transitional step down in heights from the commercial area on NW 13th Street to the historic single-family neighborhood to the east. The elevations show 8 stories, then a parking lot that is equivalent to a 3-4 story building, and then a surface parking lot enclosed by a wall. Preserving the existing heritage live oak on the site will also help the transition to the single-family neighborhood area. A special screening requirement (8-foot masonry wall) is being proposed to separate the commercial surface parking from nearby structures in the historic district and from the adjacent public streets. Street trees will be required along the abutting streets, and these will help to soften the appearance of the large building from the public right of way and create a pleasant environment for pedestrians on the public sidewalks.

5. Intensity of development

The proposed development on the site is of a relatively high density and intensity, but is consistent with the limitations in the Comprehensive Plan for high-density residential or mixed-use areas (per Future Land Use Element Policy 4.1.1, the UMU-2 designation allows 8 stories and 100 units per acre).

6. Usable open spaces, plazas and recreation areas

The proposed open space on the site will be designed primarily to protect the existing heritage live oak tree on the site. Staff originally proposed preserving the historic house and tree within a larger open area that could serve as a usable open area within the development.

7. Environmental constraints

The only significant environmental feature on the site is the 56-inch live oak located near NW 4th Avenue. This tree will be preserved with the redevelopment of the site. Due to the previous uses on this property, Alachua County Environmental Protection has identified this as a potential site for contamination. The petitioner has also provided information that reveals underground contamination from offsite sources. During the development review process, further investigation will be recommended in the form of soil sampling, and development of the site will likely require some degree of excavation and cleanup prior to new construction.

8. External transportation access

This mixed-use development will provide vehicular access from two local roads: NW 4th Avenue and NW 3rd Avenue. This is preferable to providing access from NW 13th Street,

which is heavily traveled by vehicles, bicycles and pedestrians at this location. Pedestrian traffic will access the development directly from the surrounding sidewalks through street-level entrances. There will also be a pedestrian connection constructed through the garage that will allow for pedestrians to move freely from NW 3rd Avenue to NW 4th Avenue. Some improvements will be made to NW 12th Drive so that it can carry the truck traffic from this development and still provide safe travel for pedestrians. Currently there are no sidewalks along this street, but PD Condition #22 will require the construction of a 6-foot-wide sidewalk along one side.

9. Internal transportation access

The proposed development will include a central parking structure that will provide internal vehicular access to the offices, commercial uses, and residential units. Public sidewalks will be constructed on three sides of the building to provide pedestrian access to the entrances along the street. Loading and unloading will take place in the garage.

10. Provision for the range of transportation choices

Facilities will be available to access the site via public transit, automobile, bicycle, or by foot. PD Condition #13, as proposed, will require adequate bicycle parking in the appropriate locations and also some scooter parking spaces on the ground floor of the parking area. Transit access will be required through a proposed PD condition for a bus shelter on NW 13th Street.

Additional Considerations

1. Unified control

The subject property is under the complete, unified, legal control of the petitioner, as demonstrated by the documents submitted with the PD application.

2. Phasing

The Planned Development proposes a single phase of construction, and the conditions will ensure that the necessary improvements to public infrastructure are completed prior to receipt of the first certificate of occupancy.

3. Development time limits

The Planned Development is proposed for completion within five years of the date of ordinance approval. A single 2-year extension of this time frame may be granted by the City Commission, per proposed PD Condition #5.

Recommended Conditions:

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 12th 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 year. 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. 13th 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 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 13th 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 3rd Avenue and NW 4th Avenue.
20. A 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.
21. The owner/developer shall install an FDOT approved traffic separator on NW 13th Street from NW 3rd Avenue to NW 5th 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 12th Drive from NW 4th Avenue to NW 5th 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 5th 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 3rd or 4th Avenues via NW 13th 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.

Respectfully submitted,



Ralph Hilliard
Planning Manager

Prepared by:



Scott A. Wright
Senior Planner

List of Appendices

Appendix A Supplemental Documents (e.g., PD Layout Plan, traffic study)

A-1 – PD Report

A-2 – PD Layout Map

A-3 – Building Elevations

A-4 – Street Cross Sections

Appendix B Application and Neighborhood Workshop

Appendix C Technical Review Committee Comments