



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 070621

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** January 28, 2008

**FROM:** City Attorney

**CITY ATTORNEY  
FIRST READING**

**SUBJECT:** Ordinance No. 0-07-113, Petition No. 74PDV-07PB  
An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, from "RMF-8: 8-30 units/acre multiple-family residential district" to "Planned Development" commonly known as "Mallory Square Planned Development" located in the vicinity of the 3600 block, east side of Southwest 34<sup>th</sup> Street; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF REPORT

This petition proposes a Planned Development (PD) zoning for two parcels on the east side of SW 34<sup>th</sup> Street in the 3600 block in order to allow for a mixed-use development consisting of residential and non-residential uses. The zoning change is necessary because the current RMF-8 zoning does not allow for the types of non-residential uses being proposed in the PD.

Petition 73LUC-07PB, which is a small-scale Future Land Use Map amendment from RM (Residential medium) to MUL (Mixed use Low Intensity (8-30 units per acre)) is related to this petition. The related land use amendment is required for consistency with the PD proposal and to allow for the types of proposed non-residential uses at the site.

The two parcels total approximately 8.35 acres, and they are currently vacant with the exception of a small recreational volleyball area. The subject property is located near the Archer Road activity center area, which supplies both shopping and employment opportunities. Significant redevelopment and infill development activities are occurring in proximity to the subject parcels.

SW 34<sup>th</sup> Street, which abuts the parcels, is a major 6-lane arterial also known as State Road 121. There are sidewalks on both sides of the street, and two transit routes service this area (Routes 12 and 35). The property is located in Zone C of the City's Transportation Concurrency Exception Area (TCEA) and one of the PD conditions requires that the developer sign a TCEA Zone C

Agreement to mitigate the impact of the associated trips by meeting Concurrency Management Element Policy and 1.1.7 standards.

The proposed name for this development is Mallory Square. The associated PD features buildings fronting along SW 34<sup>th</sup> Street that contain non-residential uses on the ground floor with residential units above. A total of 122 residential units and a maximum of 30,000 square feet of non-residential uses are proposed for the entire project. The project lies within the Idylwild/Serenola Special Area (an area of special environmental concern) and will be subject to the regulations that protect the sensitive environmental conditions existing on site. The Planned Development rezoning will ensure a development that protects the environmental assets on the site such as an endangered vegetative species, as reported by the City of Gainesville Environmental Coordinator, as well as the existence of a high quality hardwood hammock located in the southeastern portion of the project.

The Plan Board reviewed the petition and recommends approval with minor changes to the PD conditions. Plan Board voted 6-0 for approval.

Public notice was published in the Gainesville Sun on October 3, 2007. The Plan Board held a public hearing on October 18, 2007.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of November 19, 2007, authorized the city attorney's office to prepare and advertise the necessary ordinance amending the planned development known as "Mallory Square Planned Development".

Prepared and Submitted by:

  
Marion J. Radson, City Attorney

MJR/afm

Attachment

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ORDINANCE NO. \_\_\_\_\_  
0-07-113

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3  
4       **An Ordinance of the City of Gainesville, Florida; rezoning**  
5       **certain lands in the City, as more specifically described in this**  
6       **Ordinance, from "RMF-8: 8-30 units/acre multiple-family**  
7       **residential district" to "Planned Development" commonly**  
8       **known as "Mallory Square Planned Development" located in**  
9       **the vicinity of the 3600 block, east side of Southwest 34<sup>th</sup> Street;**  
10       **adopting a development plan report and development plan**  
11       **maps; providing conditions and restrictions; providing for**  
12       **enforcement and penalties; providing a severability clause;**  
13       **providing a repealing clause; and providing an immediate**  
14       **effective date.**

15  
16  
17       **WHEREAS**, by initiation of a petition by the property owners, publication of notice of a  
18 public hearing was given that the Zoning Map Atlas be amended by rezoning certain properties  
19 from the zoning category of "RMF-8: 8-30 units/acre multiple-family residential district" to the  
20 zoning category of "Planned Development District"; 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 18, 2007; and

23       **WHEREAS**, notice was given and publication made of a Public Hearing which was then  
24 held by the City Commission on November 19, 2007; and

25       **WHEREAS**, the City Commission finds that the amendment of the Planned Development  
26 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

27       **WHEREAS**, at least ten (10) days notice has been given once by publication in a  
28 newspaper of general circulation prior to the adoption public hearing notifying the public of this

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1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,  
2 City Hall, in the City of Gainesville; and

3           **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose  
4 property will be regulated by the adoption of this Ordinance, ten days prior to the adoption of this  
5 ordinance; and

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

9           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
10 **CITY OF GAINESVILLE, FLORIDA:**

11           Section 1. The Zoning Map Atlas of the City of Gainesville is amended by  
12 rezoning the following described property from the zoning categories of "RMF-8: 8-30  
13 units/acre multiple-family residential district" to the zoning category of "Planned  
14 Development District";

15                         See Exhibit "A" attached hereto and made a  
16                         part hereof as if set forth in full.

17  
18           **Section 2.** The City Manager or designee is authorized and directed to make the  
19 necessary change in the Zoning Map Atlas to comply with this Ordinance.

20           **Section 3.** The Development Plan attached to this Ordinance, which consists of  
21 the following:

- 1           1.     the development plan report entitled "Mallory Square Planned  
2                    Development Report", last revised November 2007, attached and  
3                    identified as Exhibit "B".
- 4           2.     development plan maps consisting of 4 sheets: 1) "Cover Sheet", dated 9/28/07;  
5                    2) "Existing Conditions Map" dated 9/28/07; 3) "Existing Vegetation" dated  
6                    9/28/07; 4) "Planned Development Layout Plan Map", dated 9/28/07; and 5)  
7                    Building Façade Photos consisting of 3 pages; identified as Exhibit "A" to the  
8                    Planned Development Layout Map; attached hereto as Composite Exhibit "C" are  
9                    incorporated and made a part of this Ordinance as if set forth in full.

10           The terms, conditions, and limitations of the Development Plan shall regulate the  
11           use and development of the land described herein zoned to the category of  
12           Planned Development District as provided in Chapter 30, Land Development  
13           Code of the City of Gainesville (hereinafter referred to as "Land Development  
14           Code"). In the event of conflict between the provisions of the development plan  
15           report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions,  
16           regulations, and restrictions of the development plan maps (Exhibit "C") shall  
17           govern and prevail.

18           **Section 4.** Any provision of this Ordinance to the contrary notwithstanding, the following  
19           additional conditions, restrictions and regulations shall apply and govern the development and use  
20           of the land:

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1 Condition 1. To ensure a mix of residential and non-residential uses, a maximum of  
2 30,000 square feet and a minimum of 15,000 square feet of non-residential uses is  
3 required in this development, as more specifically described in Exhibit "D".

4 Condition 2. All buildings fronting S.W. 34<sup>th</sup> Street shall be oriented towards SW 34<sup>th</sup>  
5 Street.

6 Condition 3. The maximum height for all buildings is three stories or 45 feet maximum,  
7 whichever dimension is lesser. Additionally, all buildings fronting along S.W. 34<sup>th</sup> Street  
8 shall be a minimum of two stories in height.

9 Condition 4. At the time of development plan review, the development shall be required  
10 to submit an application for a Certificate of Final Concurrency.

11 Condition 5. The development shall meet the Concurrency Management Element Policy  
12 1.5.5 landscaping standards for new development, at a minimum, along S.W. 34<sup>th</sup> Street.

13 Condition 6. The owner/developer has signed a TCEA Zone C Agreement for provision  
14 of the required Concurrency Management Element Policy 1.1.7 standards (on file with the  
15 Planning and Development Services Department). At the time of development plan  
16 review, if there are additional trips shown based on revised trip generation calculations,  
17 the owner/developer shall be responsible for meeting additional standards. In the event  
18 that the new net trip generation is less than that provided in said TCEA Zone C  
19 Agreement, the owner/developer shall receive a refund for any excess Policy 1.1.7  
20 standards that were provided, in accordance with provisions in said TCEA Zone C  
21 Agreement.

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1 Condition 7. At the development plan stage, the owner/developer shall provide at its own  
2 cost and expense a traffic study prepared by a licensed professional engineer acceptable to  
3 the City that distributes trips to the ½ mile point, and provides information about the  
4 operational and safety impacts of the development. Any traffic modifications required  
5 due to operational or safety issues is the owner/developer's responsibility, and these shall  
6 not count towards meeting Concurrency Management Element Policy 1.1.7 standards.

7 Condition 8. A minimum 26-foot building setback is required along the eastern property  
8 line of the planned development to buffer the proposed development with the existing  
9 development to the east. The appropriate reviewing board may reduce this building  
10 setback requirement, if requested by the owner/developer, upon a showing of good cause  
11 by the owner/developer provided the appropriate additional buffering is also provided.

12 Condition 9. In order to ensure adequate street trees and landscaping along the S.W. 34<sup>th</sup>  
13 Street frontage, the buildings fronting S.W. 34<sup>th</sup> Street shall be set back a minimum of 25  
14 feet from back of curb. Exact building placement shall be determined at the development  
15 plan stage by the appropriate reviewing board.

16 Condition 10. Stormwater management facilities may be relocated to areas shown on the  
17 PD Layout Plan (see Composite Exhibit "C") within the area shown as residential  
18 building area, if environmental constraints demonstrated by the owner/developer during  
19 development plan review require that the stormwater management facility cannot  
20 otherwise be reasonably located elsewhere on the property.

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1 Condition 11. Any provision to the contrary notwithstanding, there shall be no  
2 stormwater management facilities within one hundred feet of the S.W. 34<sup>th</sup> Street  
3 property line frontage.

4 Condition 12. The building envelopes shown on the Planned Development Layout Plan  
5 (see Composite Exhibit "C") along S.W. 34<sup>th</sup> Street may contain more than one building  
6 within each building envelope as long as the proposed buildings maintain an adequate  
7 framework along and orientation to S.W. 34<sup>th</sup> Street. Exact building placement shall be  
8 determined during the development plan review process by the appropriate reviewing  
9 board.

10 Condition 13. Drive-through uses are prohibited.

11 Condition 14. All signage associated with this Planned Development shall be regulated  
12 by the City of Gainesville Land Development Code.

13 Condition 15. Building facade elevations as shown in Exhibit "A" to the Planned  
14 Development Layout Plan (see Composite Exhibit "C") shall be used as the basis for final  
15 architectural designs for the project at the development plan review stage. Designs may  
16 vary as long as they are in keeping with the general style of the conceptual drawing,  
17 subject to approval by the appropriate reviewing board.

18 Condition 16. The development shall comply with or exceed the Central Corridors  
19 Design Standards as provided in the City's Land Development Code.

20 Condition 17. All mechanical equipment shall be located on the building rooftops  
21 (screened by a parapet wall) or to the side or rear of the buildings that are screened from



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1 public view by use of decorative masonry walls or material with similar noise attenuation  
2 and durability and vegetation, subject to approval by the appropriate reviewing board.

3 Condition 18. The Plan Board is the appropriate reviewing board for the development  
4 layout plan and architecture design associated with this Planned Development.

5 Condition 19. The "Mixed Use Building Area" as shown on the Planned Development  
6 Layout Plan (see Composite Exhibit "C") along S.W. 34<sup>th</sup> Street shall contain non-  
7 residential uses on the ground floor, as identified in Exhibit "D".

8 Condition 20. A maximum of 2,000 additional square feet of office space, devoted to  
9 management of the residential portion of this planned development is allowed and shall  
10 not be counted as part of the maximum 30,000 square feet of non-residential uses  
11 allowable for this development.

12 Condition 21. A maximum of 122 residential units is permitted.

13 Condition 22. The non-residential uses within the planned development are listed in  
14 Exhibit "D".

15 Condition 23. At the development plan review stage, the owner/developer shall delineate  
16 on the development plan the hardwood hammock located within the southeast quadrant of  
17 the Planned Development.

18 Condition 24. During development review, the owner/developer shall provide to the City  
19 Arborist an evaluation of the existing tree canopy. The owner/developer also shall submit  
20 to the City Arborist a landscape and tree management plan that complies, at a minimum,

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1 with the Landscape and Tree Management Plan requirements of Article VII of the Land  
2 Development Code.

3 Condition 25. During development plan review, the owner/developer shall provide the  
4 locations on the development plan of all plant and animal endangered and/or threatened  
5 species listed in official Federal, State, or international treaty lists, i.e., "listed" species.

6 Condition 26. At the development plan stage, the owner/developer shall provide a three-  
7 year vegetative management plan for the planting schedule and the removal of exotic  
8 species. The vegetative management plan must be submitted and approved by the City  
9 Arborist prior to receiving final development plan approval.

10 Condition 27. The development shall conform with the Idylwild/Serenola Special Area  
11 requirements as delineated in the Future Land Use Element of the City's Comprehensive  
12 Plan and the City's Land Development Code.

13 Condition 28. At the development plan stage, the developer shall coordinate with the  
14 Regional Transit System for provision of an appropriate number of bus shelters to serve the  
15 development. A maximum of two bus shelters shall be constructed and maintained by the  
16 owner/developer and shall be located on S.W. 34<sup>th</sup> Street and/or S.W. 35<sup>th</sup> Place. The bus  
17 shelters associated with this development shall be architecturally consistent with the  
18 development.

19 Condition 29. There shall be pedestrian/sidewalk connectivity between the public sidewalk  
20 along S.W. 34<sup>th</sup> Street and all buildings fronting S.W. 34<sup>th</sup> Street. The design and location  
21 of the sidewalk connections shall be determined at development plan review.

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1 Condition 30. All sidewalk connections within the development shall be a minimum of 5  
2 feet in width and shall be hard surfaced.

3 Condition 31. The development order approved by the adoption of this Planned  
4 Development Zoning Ordinance will be valid for a period of three years from the date of  
5 final adoption of this Ordinance. A building permit must be issued prior to the expiration  
6 date. The City Commission may grant an extension of time for a period of one year, only if  
7 the owner/developer's request is filed in writing with the Clerk of the Commission at least  
8 30 days prior to the 3-year expiration date. If the original approval period expires with no  
9 extension being request or granted, the development order approved by the Planned  
10 Development Zoning Ordinance shall be void and of no further force and effect. The City  
11 then will designate other appropriate zoning consistent with the Comprehensive Plan.

12 Condition 32. The common areas, as shown on the Planned Development Layout Plan  
13 (Exhibit "C"), will be maintained by the developer/owner(s) of the "Mixed-Use Building  
14 Area(s)" and "Residential Building Area(s)", as shown on the Planned Development Layout  
15 Plan (Exhibit "C"), as further detailed in a Declaration of Covenants, Restrictions, and  
16 Easements Agreement or through establishment of an owner's association. Either, or a  
17 combination thereof, will be established and included as part of the development plan  
18 approval process, subject to the approval of the City Attorney.

19 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists,  
20 the City Manager may issue and deliver an order to cease and desist from such violation to correct a  
21 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The

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1 City Manager, through the City Attorney, may seek an injunction in a court of competent  
2 jurisdiction and seek any other remedy available at law.

3 **Section 6.** Any person who violates any of the provisions of this ordinance shall be deemed  
4 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided  
5 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
6 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
7 offense.

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 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
17 2000-2010 Comprehensive Plan adopted by Ordinance No. 070620 becomes effective as  
18 provided therein.

19 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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1/9/2008

Pegeen Hanrahan, Mayor

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2  
3 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

4  
5  
6  
7  
8 \_\_\_\_\_  
9 Kurt Lannon,  
10 Clerk of the Commission

\_\_\_\_\_

Marion J. Radson, City Attorney

11 This ordinance passed on first reading this day of , 2008.

12 This ordinance passed on second reading this day of , 2008.

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14  
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LEGAL DESCRIPTION PARCEL 1 (O.R. BOOK 1328, PG. 241):

A TRACT OF LAND LOCATED IN BLOCKS 9 AND 10 AS SHOWN ON THE PLAT OF THE SUBDIVISION OF LOT 3 AND 4 OF THE GARY GRANT IN TOWNSHIP 10 SOUTH, RANGE 19 EAST, SAID SUBDIVISION BEING RECORDED IN PLAT BOOK "A", PAGE 36 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SW CORNER OF SAID BLOCK 10; THENCE RUN NORTH 5°12'00" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF ROCKY POINT ROAD A DISTANCE OF 301.83 FEET TO A CONCRETE MONUMENT MARKING THE POB; THENCE FROM SAID POB CONTINUE NORTH 5°12'00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 266.17 FEET TO A CONCRETE MONUMENT MARKING THE NW CORNER OF THE PROPERTY DESCRIBED IN DEED BOOK 291, PAGE 391 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 84°48'00" EAST, ALONG THE NORTH LINE OF THE PROPERTY DESCRIBED IN SAID DEED BOOK 291, A DISTANCE OF 711.65 FEET TO A CONCRETE MONUMENT MARKING THE NE CORNER OF SAID PROPERTY DESCRIBED IN DEED BOOK 291; THENCE RUN SOUTH 5°12'00" EAST, A DISTANCE OF 266.17 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 84°48'00" WEST, A DISTANCE OF 711.65 FEET TO CLOSE ON SAID POB.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY OF S.W. 34TH STREET AS PER OFFICIAL RECORDS BOOK 1869, PAGE 2383 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

LEGAL DESCRIPTION PARCEL 2 (as furnished):

A PARCEL OF LAND SITUATED IN LOT 10 OF THE SUBDIVISION OF LOTS 3 AND 4 OF THE GARY GRANT, SAID SUBDIVISION OF LOTS 3 AND 4 OF THE GARY GRANT BEING RECORDED IN PLAT BOOK "A", PAGE 36, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF THE GARY GRANT AND RUN SOUTH 05°03'32" EAST ALONG THE EAST LINE OF SAID GARY GRANT, 1441.25 FEET; THENCE RUN SOUTH 69°05'27" WEST, 938.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 69°05'27" WEST, 363.53 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 34TH STREET; THENCE RUN SOUTH 05°13'37" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE 479.15 FEET; THENCE RUN NORTH 84°54'41" EAST, 350.00 FEET; THENCE RUN NORTH 05°13'37" WEST, 578.26 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE NORTHERLY 80 FEET.

LESS AND EXCEPT ADDITIONAL RIGHT-OF-WAY OF S.W. 34TH STREET AS PER OFFICIAL RECORDS BOOK 1869, PAGE 2383 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

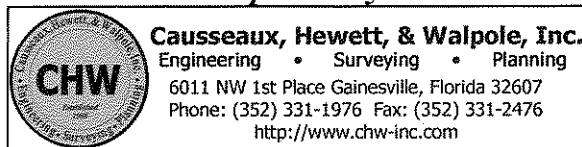
**EXHIBIT "A"**

**Mallory Square**  
*Planned Development Report*

*Prepared for Submittal to:*  
City of Gainesville, Florida

*Prepared on Behalf of:*  
Gainesville Real Estate Management

*Prepared by:*



June 2007  
Revised July 2007  
Revised August 2007  
Revised October 2007  
Revised November 2007

**EXHIBIT "B"**

# **Mallory Square Planned Development Report**

Submitted in accordance with the requirements of  
Sections 30-211, 213, 214, and 216 City of Gainesville, Land Development Code (LDC)

## **Section 30-211 Purpose and Intent of PD District**

The PD has been proposed to create a unique development which is able to respond to the unique existing site constraints and to provide for appropriate mixed-use development consistent with the surrounding context area. Among these constraints and uses are:

- (a) limitation of types of allowable uses on the site;
- (b) desire to transition from Commercial and right-of-way to residential uses; and
- (c) allowance for vertically mixed-use development including residential, office, and neighborhood retail opportunities.

In addition, the proposed PD meets the requirements identified in the City of Gainesville's Land Development Code, Chapter 30, Article VII - Division 4 for rezoning property to a PD. This request will permit outstanding and innovative neighborhood design principles and foster urban infill through the merits of the proposed PD.

External facades of buildings will be designed to present a pleasant and distinctive design element for passers-by. Facades will present a unified architectural style which invites residents and neighbors into the site and enhances the existing street-design elements.

Properties surrounding the site currently exist in the RMF-8 zoning districts. To the east of the site are the existing Homestead Apartments (252 units) and Serenola Manor Apartments (40 units). South of the site is the Aspen Ridge Apartment complex (120 units) and New Horizons, a social service home. West of the site, across Southwest 34<sup>th</sup> Street, is Stoneridge Apartments (186 units) as well as vacant land with Commercial land use. North of the site is an automobile-oriented commercial neighborhood convenience center.

The overall gross density of 15 du/ac will merge seamlessly into the context area. In addition, this PD will provide housing alternatives that are needed in this community to meet changing economic needs, technologies, economics, and consumer preferences. The PD brings a live, work, and play environment to the Southwest 34<sup>th</sup> Street corridor context area while preserving and enhancing the existing neighborhood by providing neighborhood-scaled commercial services.

To the greatest extent practicable, the PD's stormwater management facilities, driveways, common space, and utility locations will be designed to utilize and preserve the site's existing landscape features. Where possible, the site's landscape features shall be



incorporated as aesthetic elements, both internally and externally, from the site for passive recreation and for buffering purposes.

Where practicable, development and building costs will be lowered by sharing existing utilities presently serving adjacent development. Furthermore, the proposed development on a compact site plan will limit the amount of vehicular circulation area necessary. The promotion of high-quality in-fill development also increases economic development.

The PD is located in a strategic portion of town, along the Southwest 34<sup>th</sup> Street corridor. Development of this site will provide an opportunity to fill gaps in the development stretching along the corridor. Furthermore, the use of a unified site plan containing both residential and non-residential development will allow for planned building relationships which will enhance the site's integration with natural features.

The PD incorporates the use of traditional quality-of-life design features with its pedestrian and transit friendly location. The provision of pedestrian circulation features will scale the parking facilities to the individual person.

### **Consistency with Section 30-213**

This PD district will provide for site design flexibility and an integration of uses which are integral to produce a unique project. The Mallory Square PD will incorporate the residential uses envisioned by the RMF-8 zoning district, portions of the commercial allowances of the MU-1 zoning district, and the preservation of surface water features on the site. This development will emphasize mixed-use elements championed by the Comprehensive Plan, and also afford natural areas the protection envisioned therein.

In addition, the design of the site will allow the connection of built elements by walkways which will encourage pedestrian movement throughout the site. The connection of these internal walkways to existing sidewalks around the site will allow for the easy access of pedestrian traffic into the site. The increased activity generated by the residents and neighbors of the PD will reinforce the type of environment promoted by the use of Crime Prevention Through Environmental Design (CPTED) techniques.

**Consistency with Section 30-214(3)c.2**

**Statistical Information**

The Mallory Square Planned Development (PD) is an excellent example of type of site design allowed by the PD zoning overlay district. The purpose of this PD is to vertically integrate mixed-uses to provide for up to 122 residential dwelling units and a maximum of 30,000 square feet of non-residential uses, consistent with the MU-1 zoning category. In addition, this PD will integrate development with the surrounding communities around on the site. As such, a portion of the site will be set aside, allowing for the clustering of development on the southern portion of the site.

**Table 1: Statistical Information and Dimensional Requirements**

Total Acreage of site	±8.35 acres
Maximum Building Coverage	19%
Maximum Impervious Area	75%
Maximum Allowable Residential Density (overall)	15 du/ac
Minimum Non-residential Square Footage	15,000 sq. ft.
Maximum Non-residential Square Footage	30,000 sq. ft.
Surface Water and Buffer Area	0.44 Acres / 5.6%
Minimum Building Setback from Southwest 34 <sup>th</sup> Street (measure from back of curb)	25'
Minimum Building Setback from Rear and Side Property Lines	26'
Minimum building height	2 stories
Maximum building height	3 stories (45 feet)

The location of this neighborhood commercial center will provide conveniences for surrounding residential areas which can be reached by foot, bicycle, and transit, as well as more traditional vehicular methods. The PD will allow buildings on the site to be either vertically or horizontally mixed-use, allowing for a variety of housing opportunities including residential-over-commercial and multi-family units. The proposed site is located proximate to numerous multi-family residential developments and delivers an opportunity to provide commercial services within walking distance, rather than driving distance, to thousands of citizens in the City of Gainesville.

The site is currently zoned with City of Gainesville zoning category of RMF-8. The PD will allow for accommodation of existing environmental features, compatibility with surrounding existing development, and the restriction of less desirable uses in the context area.

The Minimum Building Setback of 26' along the eastern property line will reduce any potential negative impacts of the development on adjacent properties. This setback may be reduced by the appropriate reviewing board upon showing of good cause by the developer and with provision of appropriate buffering.

## **Stormwater Management Plan**

The project development will include on-site stormwater management facilities to provide water quality treatment and rate/volume attenuation for the 100-year design storm event. All facilities will be privately owned and maintained and all facilities will employ best management practices. Water quality treatment will meet or exceed the City of Gainesville LDC and Saint Johns River Water Management District criteria. Water quantity treatment will reduce post-development rates of discharge to pre-development rates and volume of discharge for the 100-year design storm event. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared to address erosion control and water quality maintenance provisions during the course of construction, consistent with Florida Department of Environmental Protection NPDES program.

## **Proposed PD Design Guidelines – Infrastructure Design Standards**

Consistent with the City of Gainesville’s Comprehensive Plan, the Mallory Square PD will focus development internally, while providing connection to external development. With facades designed to complement both internal and external views, Mallory Square will integrate with surrounding development. In addition, buildings with multiple facades will strengthen community crime prevention by putting eyes on the street.

A unified architectural style for all building facades will be required. The facades must present a pleasing appearance not only to the internal portions of the site, but also to external passers-by. The unified design should create an inviting and comfortable feel with open space elements creating a pedestrian-friendly environment. Final development plans will be consistent with the Central Corridors Design standards. Rendered architectural elevations adopted as Exhibit ‘A’ will be the basis for final architectural elevations.

On-site driveways, parking facilities, general vehicle use areas and pedestrian facilities will be designed to comply with the standards defined in the City of Gainesville’s Land Development Code. Vehicle loading and service facilities will be designed to provide adequate maneuvering areas internal to the site, rather than using public streets and rights-of-ways. Coordination with City of Gainesville’s Solid Waste Division will ensure appropriate placement of the solid waste collection facilities.

## **External Noise and Lighting Impacts**

This PD proposes commercial uses proximate to existing multi-family residential developments. In addition, the site will develop additional residential units within the mixed-use area, creating a horizontal and vertically mixed-use development. On-site lighting will be designed to provide for safe circulation throughout the site for pedestrians and vehicles. Site design will incorporate landscaping and best management practices to limit the amount of noise that may be generated by the development. Based on surrounding development patterns, it is not anticipated that surrounding area will be negatively impacted.

**Sidewalks**

Consistent with the Goals of the City of Gainesville’s Comprehensive Plan, the development will have both internal and external sidewalks with a minimum of 5 feet of clear widths. Sidewalks may be lined with street trees on one side, as appropriate, and shall be connected to internal sidewalks. Areas where pedestrian pathways cross vehicular circulation must be appropriately designated or marked.

New sidewalks will be designed to connect to existing sidewalks along the Southwest 34<sup>th</sup> Street corridor at multiple locations. These connections will allow residents of Mallory Square access to the existing multi-modal transportation corridor, as well as allowing for pedestrian access to commercial facilities on the site. Sidewalks will be designed to safely conduct pedestrians across vehicular circulation areas and may include marked or raised pedestrian crossings and signage.

**Landscaping**

All plant material will be Florida #1 grade or better as outlined by Grades and Standards for Nursery Plants, Division of Plant Industry, Florida Department of Agriculture and Consumer Services. The street yard buffer area shall be calculated from the back of curb to the face of the structures. Landscape improvements within the street yard buffer shall contain appropriate materials as defined in the City of Gainesville Land Development Codes. The basins, if any, will be planted at a minimum of 25% and shall include the equivalent of at least one shade tree per 35 linear feet of basin perimeter and other species conducive to growth in or around wet detention systems. Consistent with the site’s location within the TCEA, landscaping on the site shall meet the requirements of Concurrency Management Element Policy 1.5.5, at a minimum.

**Enumeration of Differences between the Current Zoning District Standards and Proposed Standards**

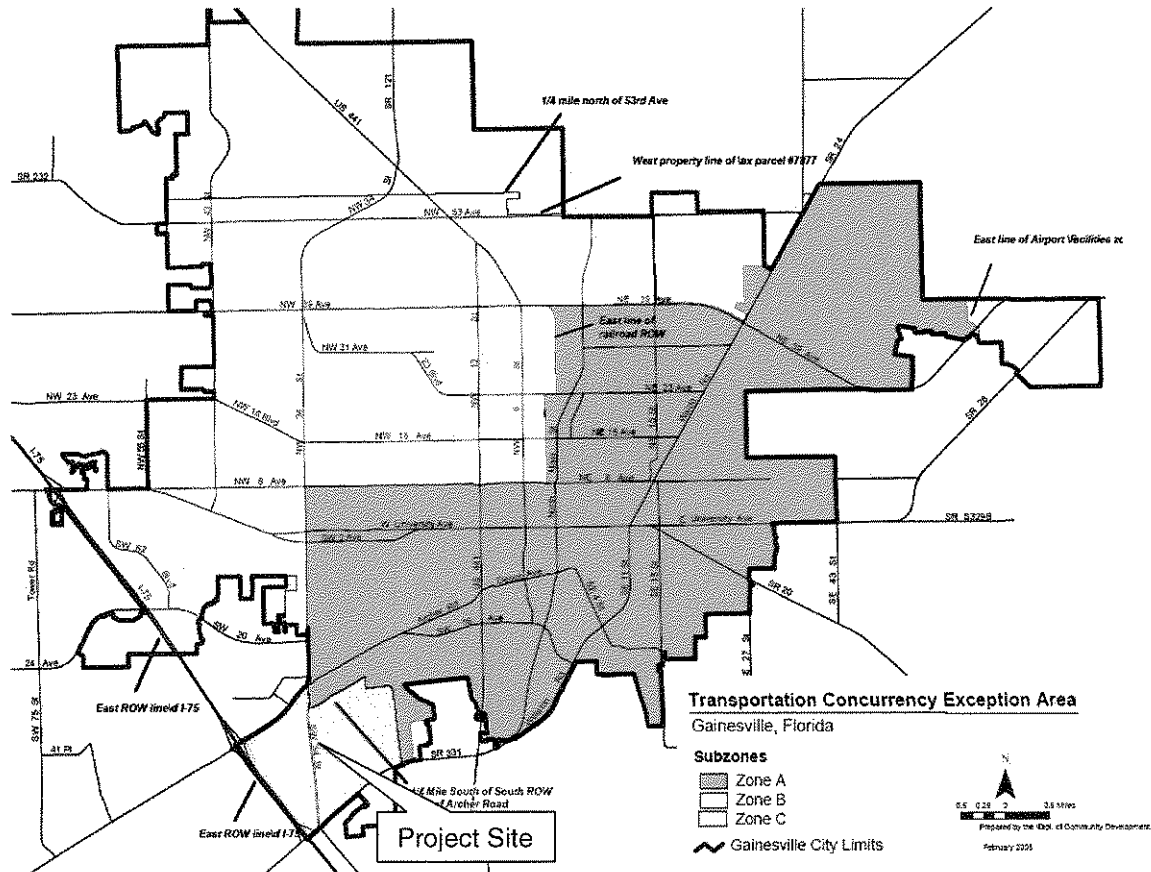
	<b>RMF-8 (existing)</b>	<b>PD (proposed)</b>
<b>Density</b>	8-30 du/ac	15 du/ac
<b>Maximum Density by Right</b>	20	15
<b>Minimum Lot Area (MF)</b>	8,700 sq. ft.	8,700 sq. ft.
<b>Minimum Lot Width (MF)</b>	90 ft.	90 ft.
<b>Minimum Yard Setbacks (MF)</b>	45 degree angle of light obstruction	Side and Rear – 26 ft. Front – 25 ft. from back of curb
<b>Maximum Building Height</b>	3 stories by right, 5 stories by SUP	3 stories (45 feet)
<b>Maximum Lot Coverage</b>	35%	17%

In addition to the differences in dimensional standards, the PD will allow additional uses as compared to the existing zoning. These uses are commercial and are illustrated in the table of allowable uses as in Exhibit ‘B’.

## Section 30-216 Requirements and Evaluation of PD

### Concurrency

The project site is located within TCEA Zone 'C', as shown in the accompanying illustration. Therefore, the PD will meet relevant standards of Policies 1.1.5 and 1.1.7 of the Concurrency Management Element. Prior to second reading of the PD ordinance at the City Commission, the developer will sign a TCEA Zone C Agreement for provision



of the required standards. The submittal of a site plan application will require the submittal of an application for a Certificate of Final Concurrency and a traffic study consistent with applicable methodologies for agencies involved.

### Internal Compatibility

The PD is comprised of a mix residential and commercial uses that will exist harmoniously with each other. The provision of neighborhood-scale commercial will function in conjunction with a vibrant residential community. The site will provide multi-modal access through its proximity to existing bicycle and transit facilities. In addition, connection to external pedestrian and bicycle circulation will allow residents of neighboring developments to take advantage of the commercial opportunities provided in this PD.

**External Compatibility**

The project’s proposed overall gross density is 15 dwelling units/acre (du/ac). The PD overlay will allow the overall gross density in a manner that is consistent and complimentary to both the surrounding context area and the character of the site.

As shown in the Table 2, the existing zoning adjacent to the site includes Residential Multi-Family and Business. Introduction of the project into the context area will promote neighborhood vitality and sponsor numerous secondary support activities such as retail, commercial and service demand. In addition, employment opportunities will be created during construction and in the future management, marketing, and maintenance of the site.

**Table 2: Surrounding Zoning Categories**

Direction	Zoning	Existing Use
North	BUS/RMF-8	Neighborhood Shopping Center/Apartments
East	RMF-8	Apartments
South	RMF-8	Apartments
West	RMF-8/BUS	Apartments/Vacant Land

**Intensity of Development**

The project’s proposed intensity and density of development is consistent with the City’s LDC requirements for PDs. The project’s intensity is commensurate with the location. This location is proximate to similar medium density, multi-family residential type development. In addition, the compact design of this development will exist in harmony with the environmental features toward the southern end of the site.

The project’s proposed density of 15 du/ac, and intensity including 30,000 square feet of non-residential commercial, will not have undue adverse impacts on the physical and environmental characteristics of the site and surrounding neighborhoods. The architectural character of the buildings, streetscaping, and walkways, will enhance the urban character of this neighborhood commercial center. These elements also will assist in defining the pedestrian space and the outdoor room defined by the areas surrounding the project.

**Usable Open Spaces**

Common area exists throughout the site. Common areas surrounding the surface water feature and in the eastern portion of the site may contain amenities encouraging their enjoyment.

**Environmental Constraints**

As shown on the PD Layout Plan, an on-site surface water area exists on the site and is delineated on the survey. This surface water will be buffered by a 35’ minimum buffer

from the top-of-bank. The surface water may also have additional common areas around it.

An isolated remnant mesic-calcareous hammock exists on the southeastern corner of the site. The area includes 12 trees which meet heritage tree criteria defined in the City’s Unified Land Development Code. During development plan review, these trees will be located. Consideration will be given to these trees in developing a finalized site plan.

The endangered plant species *Matelea floridana* (Florida spinypod) has also been identified on a portion of the site. During the development of the project, a plan for maintenance of these plants on the site will be submitted.

**External Transportation Access**

Access to the site will be via an existing full access median point for Homestead Apartments on the northern end of the project site. An additional right-in/right-out is proposed toward the middle of the project site, as shown on the PD Layout Plan. No additional access points are proposed.

Trip Generations are based upon the latest edition of the ITE Trip Generation Manual, 7<sup>th</sup> Edition.

**Table 3: Average Vehicle Trip Generation**

Land Use (ITE Code)	Description	24-Hour Two Way	AM Peak Hr Enter/Exit	PM Peak Hr Enter/Exit
Apartment (220)	122 Units	884	13/51	55/30
Specialty Retail (814)	30,000 sq. ft.	1,321	N/A	42/52
Total	N/A	2,205	13/51	97/82

**Internal Transportation Access**

All facilities on site will have access to Southwest 34<sup>th</sup> Street via an internal private drive. This transportation network will accommodate pedestrian and bicycle traffic, as well as traditional vehicular circulation. While buildings may not front directly on public roadways, access from each facility to the external transportation network will be guaranteed by placing driveways and access points into a common area. Circulation design will ensure safe and efficient circulation.

**Provision for the Range of Transportation Choices**

Transportation to and from the site is accommodated via pedestrian, bicycle, mass transit and personal vehicles. The sidewalks, pedestrian lighting, and streetscape improvements will comply with, and in many cases exceed, City standards. Sidewalk continuity will be created along the site’s perimeter, with crosswalks indicating pedestrian movement at the entrance drives on Southwest 34<sup>th</sup> Street. On-site bicycle parking will be provided to comply with the City requirements. Mass transportation is accommodated by the existing RTS Routes 12 and 35 along Southwest 34<sup>th</sup> Street. At the development plan stage,



coordination with RTS will provide for up to two (2) bus shelters that are architecturally consistent with surrounding development.

Parking on the site will be provided so as to ensure that safe and efficient circulation is available. Bicycle and motorcycle parking is included in the PD's design and will be accommodated by onsite designated parking. Bicycle and motorcycle parking spaces may be located within residential building areas or onsite common areas.

## **EXHIBIT "C"**

(Due to bulk and size, Exhibit "C" is not attached, but is on file in the Office of the Clerk of the Commission.)

EXHIBIT "D"

*Permitted Uses:*

SIC	Uses	Conditions
	<b>USES BY RIGHT:</b>	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Compound uses	
	Eating places	
	Outdoor cafe	As defined in article II and in accordance with article VI
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	As defined in article II and in accordance with article VI
	Repair services for household needs	As defined in article II
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
GN-078	Landscape and horticultural services	
MG-27	Printing, publishing and allied industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site

MG-48	Communications	Offices and services only.
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	No accessory gasoline and alternative fuel pumps allowed
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Direct selling establishments (IN-5963) and fuel oil dealers (IN-5983) with inside storage, display and sales only
Div. H	Finance, insurance and real estate	Excluding cemetery subdivisions and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
MG-73	Business services	Excluding outdoor advertising services (IN-7312, heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359); and including disinfecting and pest control services (IN-7342), in accordance with article VI.
MG-76	Miscellaneous repair services	Excluding miscellaneous repair shops and related services (GN-769), and including repair services for household needs as defined in article II
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also excluding commercial sports (GN-794)
MG-80	Health services	Including nursing and personal care facilities (GN-

		805) in accordance with article VI, and excluding hospitals (GN-806) and rehabilitation centers.
MG-81	Legal services	
MG-82	Educational services	Private schools in accordance with article VI
MG-83	Social services	Including day care as defined in article II and in accordance with article VI, excluding rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in article II
GN-841	Museums and art galleries	
MG-86	Membership organizations	
MG-87	Engineering, accounting, research, management and related services	Excluding testing laboratories, (IN-8734) and facility support management services (IN-8744)
MG-89	Services, not elsewhere classified	
Div. J	Public administration	