

LEGISLATIVE #

120326E

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

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

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

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

12 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
13 rezoning the following described property from the zoning category of "UMU-1: Up to
14 75 units/acre urban mixed-use district" and "RMU: Up to 75 units/acre residential mixed
15 use district" to the zoning category of "Planned Development District";

16 See Exhibit "A" attached hereto and made a
17 part hereof as if set forth in full.
18

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

21 **Section 3.** The Development Plan attached to this Ordinance which consists of

22 the following:

- 1 1. the development plan report entitled "Planned Development Report",
2 dated October 13, 2008, attached and identified as Exhibit "B"; and
- 3 2. development plan maps consisting of 7 sheets: 1) "Cover Sheet", dated October
4 13, 2008, revised November 12, 2008; 2) "Existing Conditions Map" dated October 13,
5 2008; 3) "PD Layout Plan Map" dated October 13, 2008, revised November 5, 2008; 4)
6 "NW 1st Ave Frontage – Hotel and Retail"; 5) "NW 2nd Ave Frontage – Townhome
7 Apartments"; 6) "NW 2nd Ave Frontage"; and 7) NW 17th Street Frontage and NW 18th
8 Street Frontage"; identified as Exhibit "C"; are incorporated and made a part of this
9 Ordinance as if set forth in full.

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

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

- 20 1. Except as expressly provided herein, the regulations and development of the property
21 shall be governed as if this land were zoned "UMU-1: Up to 75 units/acre urban mixed-use
22 district".
23

- 1 2. The Development Review Board is the appropriate reviewing board for development plan
 2 review associated with this Planned Development.
 3
- 4 3. The allowed uses on the subject property are a hotel, parking garage, apartment units and
 5 commercial uses as enumerated in Exhibit "D". The types of uses shall be located as
 6 generally shown on the PD Layout Plan. (Exhibit "C") The development shall include
 7 between 12,000 and 14,000 square feet of commercial uses.
 8
- 9 4. The planned development is valid for a period of three years from the date of final
 10 adoption of this Ordinance. The City Commission may grant an additional one year
 11 extension if a request for good cause is filed in writing with the Clerk of the Commission
 12 at least 60 days prior to the expiration date. The City Commission shall be the sole
 13 arbiter of good cause and its decision shall be final. The development order approval by
 14 this PD Ordinance shall expire and be deemed null and void after the three year period
 15 unless an extension is granted by the City Commission. After receiving final
 16 development plan approval, the development must file for a building permit within one
 17 year. In the event a building permit is issued but the development or portion of the
 18 development fails to proceed to completion with due diligence and in good faith resulting
 19 in the expiration of a building permit or other development order, then this development
 20 order shall expire and be deemed null and void after the expiration of three years from the
 21 date of final adoption of this Ordinance. If any time period expires with no extension
 22 being requested or granted and the development order is void, then the City will designate
 23 other appropriate zoning consistent with the Comprehensive Plan.
 24
- 25 5. This Ordinance does not eliminate the necessity to obtain any required federal, state, local
 26 and special district permits or authorizations prior to the start of any activity approved by
 27 this Ordinance. This Ordinance does not convey to the owner/developer or create in the
 28 owner/developer any property right, or any interest in real property, nor does it authorize
 29 any entrance upon or activities on property which is not owned or controlled by the
 30 owner/developer, or convey any other rights or privileges not expressly provided in this
 31 Ordinance.
 32
- 33 6. There shall be no communication towers that extend beyond the highest point of the roof
 34 system, except PWS antennae in accordance with Section 30-98(h) of the Land
 35 Development Code.
 36

37 **THE FOLLOWING ITEMS SHALL BE SUBJECT TO DEVELOPMENT PLAN**
 38 **REVIEW:**
 39

- 40 7. Except as expressly provided in the Planned Development Report (Exhibit "B"), all
 41 signage shall be regulated by and in conformance with the City of Gainesville Land
 42 Development Code.
 43

- 1 8. The site shall be developed and regulated by the College Park Special Area Plan design
2 standards and the Land Development Code, except where the Planned Development
3 Report, PD Layout Plan, and elevations (see Exhibit "C") specifically deviate from those
4 development guidelines.
5
- 6 9. Buildings shall be located as shown on the PD Layout Plan (Exhibit "C"). Minor shifts in
7 building location (up to ten feet) may be authorized during development plan review,
8 consistent with other requirements.
9
- 10 10. The buildings shall be constructed with the exterior design, materials and colors as they
11 are generally depicted on Sheets PD-4 thru PD-7 of the development plan maps (Exhibit
12 "C"). The developer shall provide sample building materials, color paint chips, and color
13 elevations for development plan review. Prior to the development receiving development
14 plan approval, the design, materials and colors for the final building elevations must be
15 approved by the Development Review Board and the Community Redevelopment
16 Agency (CRA) if they are providing tax increment project financing.
17
- 18 11. Building heights for principal structures shall not exceed six stories or 80 feet at the top
19 horizontal plate. The highest horizontal level surface of the parking garage shall not be
20 higher than 80 feet, and shall be enclosed by a vertical wall not less than four feet in height.
21 Except for structures containing elevators and stairs serving the parking and liner structures
22 which shall not extend higher than 108 feet for the elevators and 90 feet for the stairs,
23 architectural elements of the parking structure shall not extend higher than 85 feet.
24
- 25 12. Service areas and mechanical equipment shall be located internal to the buildings and
26 shall not be visible from the street.
27
- 28 13. Visible portions of the façade of the parking structure shall be designed to be consistent
29 with the general design, texture, and colors of the principal buildings with the intent of
30 making it appear similar to the principal building.
31
- 32 14. The parking garage shall contain a maximum of 610 vehicular spaces. The development
33 shall also provide a minimum of 20 scooter spaces. Bicycle parking spaces shall be
34 provided, as required by the College Park Special Area Plan and shall be located, where
35 possible, along the streets and in appropriate locations internal to the site. Bicycle
36 parking facilities included within the required streetscape improvements shall count
37 toward meeting the bicycle parking requirements of the College Park Special Area Plan.
38
- 39 15. Vehicular access to the development shall be limited to primary ingress and egress NW
40 18th Street and secondary access from NW 2nd Avenue.
41
- 42 16. Offsite construction staging areas must be reviewed during development plan review.
43

- 1 17. The development shall provide a mid-block pedestrian crossing on NW 1st Avenue that
 2 provides access from the hotel entrance directly to the commercial areas on the south side
 3 of the street prior to the issuance of a final certificate of occupancy on the project.
 4
- 5 18. If permitted by the owner of Hurley Hall, the development shall replace the existing
 6 wooden fence along the boundary of the Hurley Hall property on NW 1st Avenue and NW
 7 17th Street with either a new fence or masonry wall consistent with the College park
 8 Special Area Plan prior to the issuance of a final certificate of occupancy on the project.
 9
- 10 19. The development shall demonstrate to the development review board during development
 11 plan review that it meets CRA streetscape standards that are in effect at the time of final
 12 development plan review for the design and materials for sidewalks, crosswalks, handicap
 13 ramps, bicycle racks, and other relevant fixtures.
 14
- 15 20. In the event that the owner/developer enters into a Development Agreement with the
 16 CRA, the CRA may require that certain elements of this project adhere to additional
 17 standards, which would be defined at the time of an agreement between the two parties.
 18 These elements may include (but are not limited to) building materials, façade materials,
 19 façade design, color palette, infrastructure improvement, and streetscape standards.
 20 However, these standards shall be consistent with the development plan approval and the
 21 requirements of the Ordinance and all applicable code requirements.
 22
- 23 21. The developer shall consult and coordinate with the City Public Works Department and
 24 CRA to determine the feasibility of modifying the NW 17th Street and NW 1st Avenue
 25 intersection to enhance pedestrian, bicycle and automotive vehicular safety whether
 26 traffic signal phasing and timing adjustments can be made for the intersections of NW
 27 17th and NW 18th Streets and University Avenue. Such improvements shall be made at
 28 the expense of the developer.
 29
- 30 22. Any traffic modifications required due to operational or safety issues are the
 31 owner/developer's responsibility.
 32
- 33 23. At the time of development plan review, the development shall be required to file with
 34 the City an application for a Certificate of Final Concurrency.
 35

36 **THE FOLLOWING ITEMS SHALL BE ENFORCED BY CODE ENFORCEMENT:**
 37

- 38 24. During the construction process, all construction vehicles shall enter the site only from
 39 NW 18th Street or NW 2nd Avenue, as approved by the City Public Works Department.
 40 Construction vehicles shall not travel to or from the site along the neighborhood streets to
 41 the north, and instead shall travel south to and from University Avenue.
 42
- 43 25. Construction staging shall be contained on the site to the extent possible.

1
2 26. Delivery vehicles servicing the hotel and commercial uses shall utilize interior access
3 from the parking garage or on-street loading/unloading spaces along NW 1st Avenue.
4

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

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

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

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

LEGAL DESCRIPTIONS

Note: Lots 1 & 2 not included in PD Zoning Submittal

TP# 15013-001-000

LOTS 3, 4, 7, 8, 9, 10, 12, 13, and 14, BLOCK 7 OF COLLEGE PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A". PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TP# 15013-002-000

LOTS 15 AND 16, BLOCK 7 OF COLLEGE PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A". PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TP# 15014-000-000

LOTS 5 AND 6, BLOCK 7 OF COLLEGE PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A". PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TP# 15017-001-000

LOT 11, BLOCK 7 OF COLLEGE PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A". PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

EXHIBIT "A"

