

**Legislative #  
150418**

**ORDINANCE NO. 150418**

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**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.64 acres of property that is generally located at 1206 W University Avenue, as more specifically described in this ordinance, from Urban Mixed-Use District 2 (UMU-2) to Planned Development District (PD); adopting a PD report with land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS,** Planned Development District (PD) zoning is an entirely voluntary method for landowners or developers to submit unique proposals that are not provided for or otherwise achievable in the zoning districts established by the City of Gainesville Land Development Code; and

**WHEREAS,** the City Plan Board, which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on September 24, 2015, and voted to recommend that the City Commission approve this rezoning; and

**WHEREAS,** on December 3, 2015, the City Commission held a public hearing and voted to approve the petition (Petition No. PB-15-69 PDV) associated with this ordinance; and

**WHEREAS,** at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS,** public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

1           **WHEREAS**, the City Commission finds that the rezoning of the subject property  
2 described herein is consistent with the City of Gainesville Comprehensive Plan.

3           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
4 **CITY OF GAINESVILLE, FLORIDA:**

5           **Section 1.**     The Zoning Map Atlas of the City of Gainesville is amended by rezoning  
6 the following described property to Planned Development District (PD):

7           See legal description attached as **Exhibit A** and made a part hereof as if set forth  
8 in full. The location of the property is shown on **Exhibit B** for visual reference.  
9 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

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11           **Section 2.**     The use and development of the property described in Section 1 of this  
12 ordinance shall be consistent with the City of Gainesville Comprehensive Plan and shall be  
13 regulated by the PD Report, attached to this ordinance as **Exhibit C** and made a part hereof as if  
14 set forth in full, and any applicable regulations in the City’s Land Development Code. In the  
15 event of conflict or inconsistency, the order of regulatory precedence shall be as follows, with  
16 number 1 taking precedence over number 2 and so on: 1) the City’s Comprehensive Plan; 2)  
17 **Exhibit C**; and 3) the City’s Land Development Code.

18           **Section 3.**     The development terms and conditions in this ordinance shall remain  
19 effective until such time as, upon either the City or the property owner filing a rezoning petition,  
20 the City adopts an ordinance rezoning the property described in Section 1 of this ordinance to  
21 another zoning district consistent with the Comprehensive Plan and Land Development Code.

22           **Section 4.**     The City Manager or designee is authorized and directed to make the necessary  
23 changes to the Zoning Map Atlas to comply with this ordinance.

1           **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
 2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
 3 finding shall not affect the other provisions or applications of this ordinance that can be given  
 4 effect without the invalid or unconstitutional provision or application, and to this end the  
 5 provisions of this ordinance are declared severable.

6           **Section 6.** All other ordinances or parts of ordinances in conflict herewith are to the  
 7 extent of such conflict hereby repealed.

8           **Section 7.** This ordinance shall become effective immediately upon adoption.

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10           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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\_\_\_\_\_  
 EDWARD B. BRADY  
 MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
 KURT M. LANNON  
 CLERK OF THE COMMISSION

\_\_\_\_\_  
 NICOLLE M. SHALLEY  
 CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

EXHIBIT "A" TO ORDINANCE NO. 150418

LEGAL DESCRIPTION

LOTS ONE (1), TWO (2), SIX (6) AND SEVEN (7), OF UNIVERSITY TERRACE, A SUBDIVISION IN THE EAST HALF OF LOT THIRTEEN (13), BROWN'S ADDITION TO THE CITY OF GAINESVILLE, BEING IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", AT PAGE 115 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LESS AND EXCEPT ALL ROAD RIGHTS-OF-WAY. ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT ONE (1), RUN THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT ONE (1), A DISTANCE OF 10 FEET, RUN THENCE SOUTHWESTERLY 11.18 FEET TO THE SOUTH LINE OF SAID LOT ONE (1) AT A POINT 5 FEET WESTERLY FROM THE POINT OF BEGINNING; RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT ONE (1) A DISTANCE OF 5 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY SURVEYOR:

A PORTION OF LOT 1 AND ALL OF LOTS 2, 6 AND 7, UNIVERSITY TERRACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A", AT PAGE 115 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, UNIVERSITY TERRACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A", AT PAGE 115 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89°22'25" WEST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°22'25" WEST ALONG THE SAID SOUTH LINE OF LOT 1 AND THE SOUTH LINE OF LOT 2 OF SAID PUBLIC RECORDS A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00°42'56" WEST ALONG THE WEST LINE OF LOTS 2, 6 AND 7 OF SAID PUBLIC RECORDS A DISTANCE OF 223.69 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 89°22'25" EAST ALONG THE NORTH LINE OF LOT 7 A DISTANCE OF 125.08 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00°41'40" EAST ALONG THE EAST LINE OF SAID LOTS 1, 6 AND 7 A DISTANCE OF 213.69 FEET TO A POINT LYING 10 FEET NORTHERLY OF THE SOUTHEAST CORNER OF LOT 1; THENCE RUN SOUTH 25°53'03" WEST A DISTANCE OF 11.18 FEET TO THE POINT OF BEGINNING.

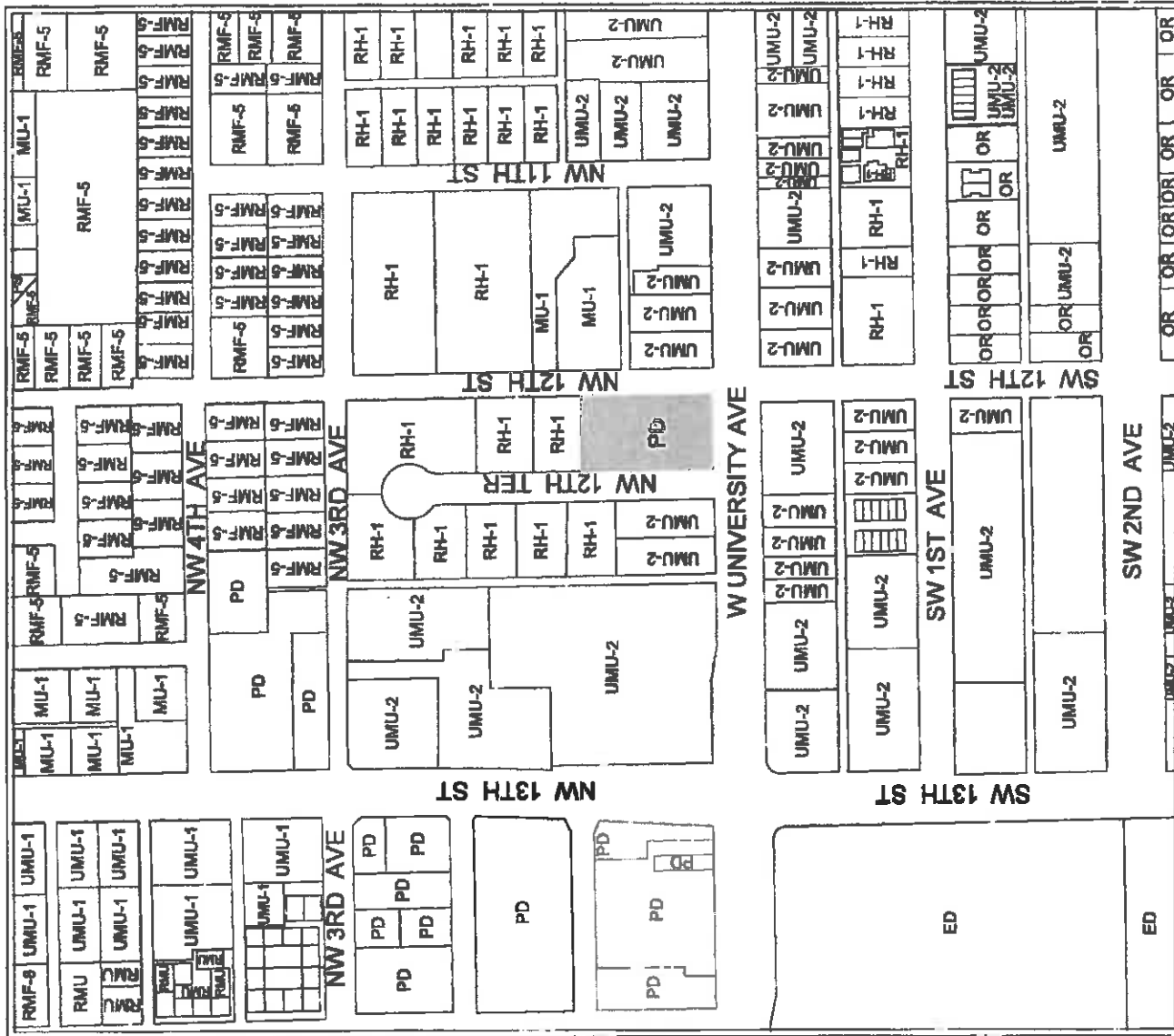
CONTAINING 27,945 SQ. FT. OR 0.64 ACRE MORE OR LESS.

# Exhibit B to Ordinance No. 150418

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## City of Gainesville Zoning Districts

- RMF5 Residential Low Density (12 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- OR Office Residential (up to 20 du/acre)
- PD Planned Development
- UMU1 Urban Mixed Use District 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use District 2 (up to 100 du/acre)
- ED Educational Services



# PROPOSED ZONING

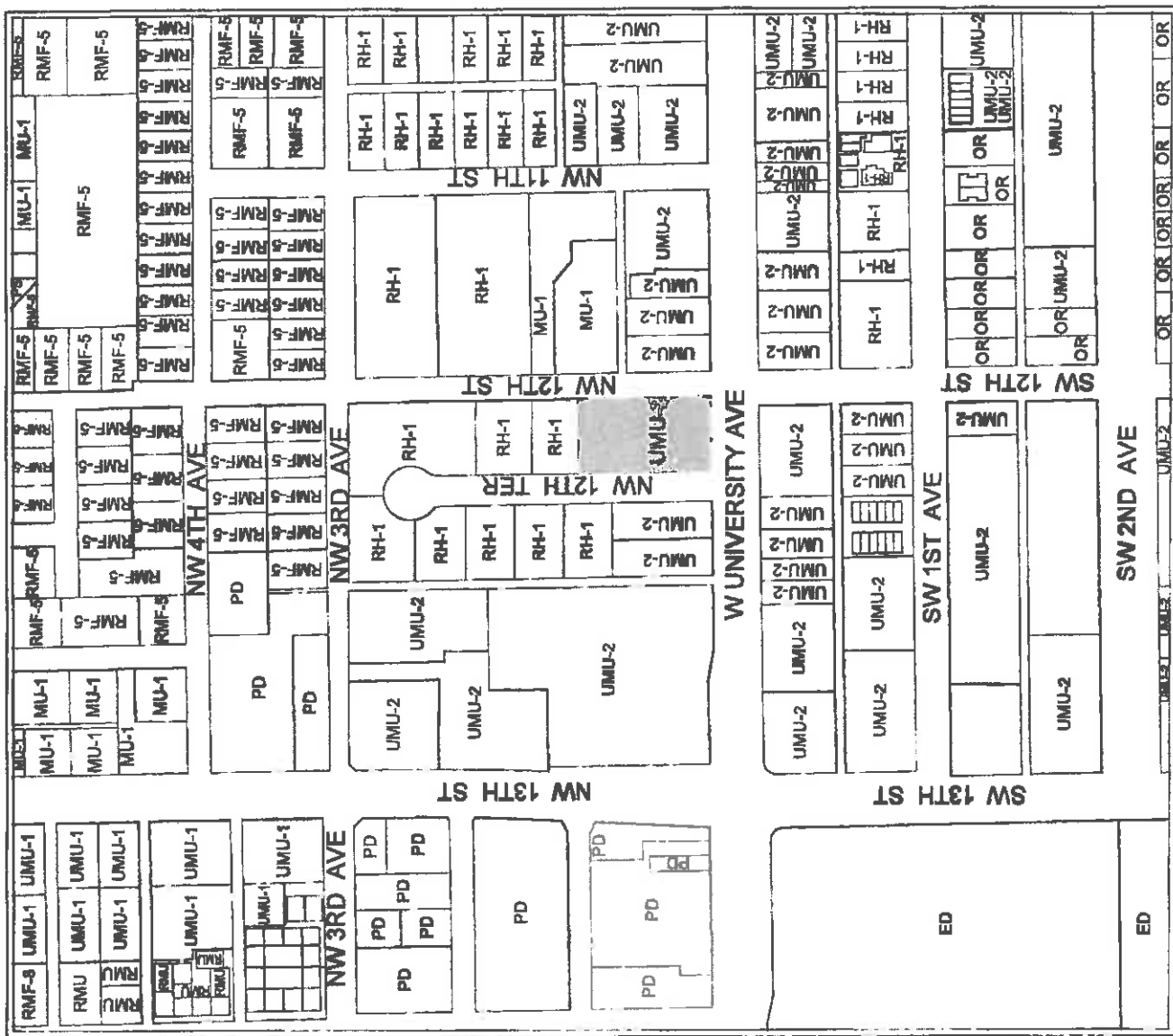
	<p><b>Name</b> Tim Chess, McDonalds USA, LLC agent for Razvi Enterprises, LLC</p>	<p><b>Petition Request</b> Rezone property from UMU-2 (urban mixed-use district) to PD (Planned development district) to allow a restaurant with a drive-through</p>	<p><b>Petition Number</b> PB-15-69 PDV</p>
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# Exhibit B to Ordinance No. 150418

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## City of Gainesville Zoning Districts

- RMF5 Residential Low Density (12 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- OR Office Residential (up to 20 du/acre)
- PD Planned Development
- UMU1 Urban Mixed Use District 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use District 2 (up to 100 du/acre)
- ED Educational Services



### EXISTING ZONING

Petition Number

PB-15-69 PDV

### Petition Request

Rezone property from UMU-2 (urban mixed-use district) to PD (Planned development district) to allow a restaurant with a drive-through

### Name

Tim Chess, McDonalds USA, LLC agent for Razvi Enterprises, LLC



**Exhibit C to Ordinance No. 150418**

# **1206 W. University Avenue Planned Development**

# **PD Report**

**PB-15-69 PDV**

**Developer:**



**January 6, 2016**

**Prepared By:  
CPH, Inc.**

**5200 Belfort Road, Suite 220  
Jacksonville, FL 32256**

**Phone: 904-332-0999 Fax: 904-332-0997**



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**MCDONALD'S USA, LLC  
PLANNED DEVELOPMENT (PD) REPORT**

Submitted in accordance with the requirements of City of Gainesville,  
Land Development Code (LDC) Sections 30-211, 213, 214, 216, 217, and 221

**Section 30-214(3)(c)(2)(i) Purpose and Intent**

The PD is on a ±0.64 acre parcel located in Section 5, Township 10 South, Range 20 East, Gainesville, Florida (Parcel Identification Number 13996-000-000). The property is within an existing urbanized area, characterized by hotel, retail and restaurant development along the University Avenue corridor and student housing along NW 12<sup>th</sup> Terrace and NW 12<sup>th</sup> Street. The existing zoning is UMU-2 (10—100 units/acre, and up to 25 additional units/acre by special use permit, urban mixed-use district), which does not permit drive-through facilities on the property. The purpose of the PD is to allow residential and non-residential uses on the property, including drive-through facilities as accessory to eating places. The PD will also allow design standards to be implemented on the property that are site specific and unique. The high density area surrounding the property is well suited for the uses permitted within the PD.

The PD will provide design standards which are largely consistent with the UMU-2 zoning district. Design standards not addressed in the PD will be regulated per the UMU-2 zoning district and other sections of the City of Gainesville's Land Development Code (LDC), as may be amended from time to time. In the case of any conflicts, the PD language will take precedence over the current LDC. The PD design standards are intended to implement the City's future vision for development within this corridor. Specific differences are described throughout the PD report.

The PD will permit residential and non-residential uses as would be appropriate and unique to the location. These targeted uses will provide essential services proximate to a very large student population.

Specific permitted uses are as described below in *Table 1: Permitted Uses*.

**Table 1: Permitted Uses**

SIC	Uses	Conditions
	Multi-family dwellings	Minimum and maximum densities and dimensional requirements are set forth in the UMU-2 zoning district
	Incidental residential accessory uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and	

SIC	Uses	Conditions
	their guests	
	Dormitory	Must not abut property designated single-family on the future land use map
	Rooming houses and boarding houses	
	Consolidated apartment management offices	
	Bed and breakfast establishment	
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multi-family residential development and in accordance with Article VI
	Community residential homes with more than 14 residents	In accordance with Article VI
	Outdoor cafes	In accordance with Article VI
	Eating places	Drive-through facilities as an accessory use in accordance with the provisions of the Transportation Mobility Program Area (TMPA)
	Food trucks	In accordance with Article VI
	Research and development in the physical, engineering and life sciences	
	Scooter sales	Only within enclosed buildings in accordance with <u>Section 30-67(g)</u> . Facilities to service scooters are permitted as an accessory use when such facilities do not exceed 45% of the gross floor area of the enclosed building.
MG-43	U.S. Postal Service	
GN-	Arrangement of passenger transportation	Offices only, with no operation of passenger

SIC	Uses	Conditions
471		tours on site
GN-483	Radio and television broadcasting stations	Accessory transmission, retransmission, and microwave towers up to and including 100 feet in height in accordance with Article VI, excluding cellular telephone services
MG-53	General merchandise stores	
MG-54	Food stores	Excluding gasoline pumps
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishing, and equipment stores	
MG-59	Miscellaneous retail	Excluding GN-598 Fuel Dealers
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developer (IN-6553)
Div. J	Public administration	Excluding correctional institutions (IN-9223)
MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-701	Hotels and motels	
MG-79	Amusement and recreation services	Excluding go-cart rental and raceway operations, commercial sports, and simulated gambling establishments. Must be located within enclosed structures.
MG-80	Health services	

SIC	Uses	Conditions
MG-81	Legal services	
MG-82	Educational services	
	Accessory uses customarily and clearly incidental to any permitted principal use.	Applies only to permitted principal uses within the PD.

### Section 30-214(3)(c)(2)(ii) Statistical Information

**Table 2: Statistical Information**

Description	PD Total Area (Maximum, unless otherwise noted)
Site Acreage	0.64 acres
Maximum Building Coverage	80%
Maximum Impervious Ground Coverage	90%
Maximum and Minimum Number of Dwelling Units and Residential Density in each Residential Use Area	Minimum and maximum densities and dimensional requirements are set forth in the UMU-2 zoning district.
Building Height	6 Stories, 8 Stories by Special Use
Non-Residential Land Use Type and Size Permitted (Gross Leasable Area)	Retail/Commercial – 20,000 s.f.
<b>The Maximum Acreage Of Each Use Area</b>	
Development Area	0.58 acres
Buffer / Landscaping	0.06 acres
<b>Area of Land Devoted to Publicly Owned</b>	
Usable Open Space, Publicly Owned Recreational Areas, Publicly Owned Plazas, Common Area Usable Open Space, Common Area Recreational Areas and Common Area Plazas	0%

### Section 30-214(3)(c)(2)(iii) Stormwater Management Plan

The PD will include an on-site Stormwater Management Facility (SMF) to provide water quantity treatment and rate/volume attenuation for the 100-year design storm event. Due to property size constraints, facilities may be constructed underground. All SMF facilities will be privately owned and maintained and all SMF facilities will employ best management practices.

**Section 30-214(3)(c)(2)(iv) Design Standards**

***Building Design and Orientation***

Consistent with the City of Gainesville’s Comprehensive Plan, the PD will focus development internally, while providing connection to adjacent roadways. Building facades will be designed to complement both internal and external views. In addition, buildings will support the principles of Crime Prevention Through Environmental Design (CPTED) by putting eyes on the street. External building facades will be designed to present pleasant and distinctive design elements for passers-by.

The building facades will present an architectural style that invites residents and neighbors into the property and enhances the existing street-design elements. The facades will present a pleasing appearance not only to the internal portions of the property, but also to external passers-by. Design standards shall include a building location near the street, building orientation towards the more primary street, and building façade articulation. Additionally, dimensional requirements shall be per the City of Gainesville’s Land Development Code, Section 30-65.2(d)(1), except as shown below in *Table 3: Dimensional Requirements*.

**Table 3: Dimensional Requirements**

	Nonresidential and Vertically Mixed Use Buildings
Lot depth (minimum)	90 feet
Interior side (minimum)	0 feet, or 25 feet when abutting property designated single-family or residential low-density on the future land use map
Rear (minimum)	0 feet, or 25 feet when abutting property designated single-family or residential low-density on the future land use map.
Lot coverage (maximum)	80%
Building frontage <sup>1</sup>	50% minimum on storefront streets; 20% minimum on local streets.
Density (minimum) <sup>2</sup>	N/A
Density (maximum)	100 du/acre, or up to 125 du/acre by special use permit.
Height and Stories	Non-single-family buildings shall have a minimum height of 18 feet.
	A maximum of six stories is permitted by right. Unless otherwise specified, a maximum of eight stories is permitted by special use permit.
	A maximum of three or four stories for a distance of 50 feet, as measured from the property line located adjacent to the University Heights Historic Districts, as depicted in Figure 3.0.

Notes to Table:

<sup>1</sup> Insets for the purpose of creating articulation and architectural interest in the building façade will be deemed to meet the build-to line and shall be included in computing the building frontage.

Streetscape dimensional requirements shall be per the City of Gainesville’s Land Development Code, Section 30-65.2(e)(6), except as shown below in *Table 4: Streetscape Dimensions*. During project planning, it was discovered that utilities exist along all rights-of-way. Due to the property’s unique design and to maintain utility separation requirements, it was required that the build-to line dimensional requirements in this section be modified to be specific to this PD.

Section 30-65.2(e)(6) Build-to line.

- a. The build-to line shall be measured from the back of curb.
- b. The build-to-line shall be calculated as the sum of the required landscape zone, sidewalk zone and required setback from the sidewalk zone.
- c. The build-to line standards of this section shall not result in structures being built in the public right-of-way. If the build-to line dimensions result in a build-to line within the public right-of-way, the actual build-to line shall be established at the property line adjacent to the public right-of-way.

**Table 4: Streetscape Dimensions**

	Storefront streets <i>W. University Avenue</i>	Local streets or private streets <i>NW 12<sup>th</sup> Terrace/NW 12<sup>th</sup> Street</i>
Landscape zone (minimum)	5 feet Landscape zone can be accomplished by planting street trees in tree grates, where necessary to meet utility spacing requirements, or a separate 5 foot landscape zone can be planted in addition to the sidewalk zone. Landscape zone may be located on parcel, public right-of-way, or both.	9 feet Landscape zone can be accomplished by planting street trees in tree grates, where necessary to meet utility spacing requirements, or a separate 9 foot landscape zone, measured from the back of curb, can be planted in addition to the sidewalk zone. Landscape zone may be located on parcel, public right-of-way, or both.
Street tree spacing	35 feet (minimum) to 50 feet (maximum), on center	35 feet (minimum) to 50 feet (maximum), on center
Sidewalk zone (minimum)	5 feet Measured from the back of curb.	6 feet Measured from the back of curb with street trees in tree grates, and measured from the landscape zone without street trees in tree grates. Sidewalk zone may split landscape zone or be separate. Sidewalk zone may be located on parcel, public right-of-way, or both.

	Storefront streets <i>W. University Avenue</i>	Local streets or private streets <i>NW 12<sup>th</sup> Terrace/NW 12<sup>th</sup> Street</i>
Build-to-line (nonresidential uses)	10 feet (minimum) to 20 feet (maximum), measured from the back of curb; A larger build-to-line may be allowed to accommodate utility separation requirements	9 feet (minimum) to 60 feet (maximum), measured from the back of curb

**Sidewalks**

Sidewalks will be located along all roadway corridors (W. University Avenue, NW 12<sup>th</sup> Street and NW 12<sup>th</sup> Terrace) external to the development if not already established. Sidewalks along NW 12<sup>th</sup> Street and NW 12<sup>th</sup> Terrace shall be reconstructed so a landscape strip separates the sidewalk from the roadway. Sidewalk construction within the abutting public right of ways is subject to City and State guidelines as applicable.

**Landscaping**

Landscape improvements shall be per the City of Gainesville’s LDC, Division 2, Subdivision I, with the exception of Section 30-252 as modified below. Streetscaping will be provided to enhance the pedestrian connection to development including sidewalks connections, internal circulation, and landscaping along public roadway frontage.

All vehicular use areas shall be subject to the perimeter landscaping requirements in Sec. 30-352(1)(a), except along W. University Avenue where the required landscape area can be achieved by planting street trees in tree grates within the sidewalk zone.

Additionally, landscaping should be heavy enough to adequately screen any drive-through facility from adjacent roadways in accordance with Policy 10.4.4 of the Transportation Mobility Element, specifically 10.4.4(d), minimization of the visual impacts of drive-through lanes on street frontage areas. Alternatively, if landscaping cannot fully screen the drive-through facilities from W. University Avenue, a three foot high opaque wall designed to match the principal building shall be installed adjacent to the drive-through facilities.

**Vehicular Use Areas**

On-site driveways, parking facilities, general vehicular use areas, and pedestrian facilities will be designed to comply with the standards defined in the City of Gainesville’s LDC, except as modified by this PD. Landscaping of vehicular use areas will be consistent with Section 30-252 of the LDC, with the exception of Section 30-252(1)(a) as described above. Vehicle loading and service facilities will be designed to provide adequate maneuvering areas internal to the property, rather than using public streets and rights-of-ways and shall meet LDC Section 30-334.

On-site parking will be provided to ensure that safe and efficient circulation is available. Parking areas will be designed consistent with Section 30-330 of the LDC. The number of parking spaces based upon the table of uses in Section 30-332 of the LDC will apply, except there shall be no minimum vehicle parking requirement for non-residential uses and the maximum parking allowed shall be one space per 200 sf of building area for non-residential uses. The minimum number of bicycle and motorcycle parking spaces required will be consistent with Section 30-332 of the LDC. Scooter parking shall be provided for



residential uses at a rate of one space for every four residential units. Excess parking requirements shall be consistent with Section 30-333 of the LDC.

#### ***Dumpsters***

Dumpsters will be regulated per the UMU-2 zoning district, except dumpster enclosures will not be required to be connected to the principal structure and may be remote, stand-alone structures. The City of Gainesville's Public Works Department shall direct placement of the solid waste collection facility(s).

#### ***Energy Conservation***

Buildings shall be designed to promote energy efficiency standards, xeriscaping, and other landscaping elements to create a more inviting space and reduce energy consumption. Building design shall include energy saving elements such as awnings, energy star mechanical equipment, and architecture that can allow for natural light into interior building areas.

#### **General PD Development Standards**

1. A 10-foot high screen wall shall be constructed along the north property line. The screen wall shall consist of 8-foot high precast panels mounted on columns with a 2-foot high fence mounted on top. The screen wall material shall match the exterior of the principal building on the property.
2. If developed with a drive-through facility, the owner/developer/occupant shall dedicate an employee to monitor traffic on the property during all hours of operation to ensure that vehicles entering and leaving the property do not cause traffic congestion on W. University Avenue, NW 12<sup>th</sup> Terrace and NW 12<sup>th</sup> Street. The employee shall be required to wear an ANSI Type II reflective vest while directing traffic and shall not be within the public right-of-way.
3. Except as expressly provided in the PD Ordinance and this PD Report, the subject property shall be governed as if it were zoned UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district), as that zoning district may be amended from time to time in the City Land Development Code.

#### **Section 30-214(3)(c) (2)(v) Development Schedule**

The PD will allow for phasing of associated development plans.

#### **Section 30-214(3)(c)(2)(vi) Signage Plan**

The PD shall comply with the signage requirements in the City Land Development Code.

#### **Section 30-214(3)(c)(2)(vii) Enumeration of Differences**

The PD will allow uses which are largely consistent with the City of Gainesville's UMU-2 zoning district and other applicable sections of the LDC. Specific permitted uses have been described in the table on pages 3-6. Other deviations have been described in this PD and summarized below:

All vehicular use areas shall be subject to the perimeter landscaping requirements in Sec. 30-352(1)(a), except along W. University Avenue where the required landscape area can be achieved by planting street trees in tree grates within the sidewalk zone. If landscaping cannot fully screen the drive-through facilities from W. University Avenue, a three foot high opaque wall designed to match the principal building shall be installed adjacent to the drive-through facilities.

The number of parking spaces shall be based upon the table of uses in Section 30-332 of the LDC, except there shall be no minimum vehicle parking requirement for non-residential uses.

Dimensional requirements and streetscape dimensional requirements per the City LDC, Section 30-65.2(e)(6), are modified to be specific to the property's unique design and to maintain utility separation requirements. Refer to Section 30-214(3)(c)(2)(iv) Design Standards.

### **Section 30-211(b)(1-7) PD Objectives**

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

Due to the property being located on a principal arterial roadway in the City, this PD will permit outstanding and innovative residential and nonresidential developments. Building orientation shall be towards streets and sidewalks, providing a design which promotes travel by foot, bicycle and transit.

The property will provide connection to external pedestrian and bicycle circulation networks and will allow residents of neighboring developments to take advantage of the residential and non-residential uses and opportunities provided within the PD.

Parking facilities will be provided for guests on the property. Parking facilities will be located behind buildings and drive-through facilities will be screened from view from adjacent roadways.

Sidewalks will be provided along all adjacent roadways to provide convenient access to and from the property. The property is located along Bus Route 5 and very close to stops servicing Bus Routes 8, 10, and 29, which allows for easy access to transit riders. Persons with special needs, such as the elderly and physically-challenged, can also easily access the property and utilize its offerings without imposition.

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

The proposed PD rezoning will provide the property owners flexibility to meet changing market and consumer needs by allowing the property to be utilized by a variety of uses, including those utilizing a drive-through facility for eating places. The proposed permitted uses are intended to serve the existing and future residents in the area by providing social and work-related supporting uses within a short walking distance.

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

The proposed PD Layout Plan will incorporate the theme of the area by placing buildings close to the roadway with a large sidewalk area adjacent to the roadway for pedestrian use and gathering. Streetscape will be accomplished by planting street trees in tree grates and providing an outdoor eating area. The remainder of the property will be landscaped with street trees and shrubbery designed to shield vehicular use areas and adjoining uses.

- (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.*

The property is located proximate to existing urban amenities such as public utilities, roadways, transit routes, bike lanes, and sidewalks. Development within areas adjacent to public facilities promotes an efficient and compact development pattern providing greater cost saving and long-term sustainability of shared infrastructure facilities.

Furthermore, the PD is designed to support the abundant residential units adjacent to the property, allowing for coordination among land uses and filling in one of the few remaining vacant lots in the area.

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

The uses and design standards allowed within the PD are consistent with existing development in the area surrounding the property. Since the property has been vacant for longer than a year, the PD will facilitate infill development and continuity in the development pattern of the neighborhood.

The PD promotes flexible standards and it supports a variety of uses that strengthen the ability to meet changing market trends, market demand, and local tastes. The PD also promotes an atmosphere utilizing alternative modes of transportation, such as bicycles and mass transit.

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

The PD provides variable articulated facades. The PD also provides on-site parking and internal circulation for pedestrians, vehicles, and bicycles. Despite regulatory and on-site utility constraints, the PD preserves the corridors aesthetic by coordinating architectural scale with surrounding development and shielding vehicular use areas from the adjacent roadway's view shed.

- (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.*

The PD provides appropriate pedestrian scaled elements such as sidewalks, lighting and outdoor eating areas. Vehicular use areas will be located at the rear of the building. Vegetation and/or screening walls, where practicable, create a secluded atmosphere and attractive vistas both inside and outside the property. Coordination with Gainesville Regional Utilities will occur throughout the

development review process. Historically, parking, circulation, and landscaping have been permitted uses within easements areas.

### **Section 30-213 Minimum Criteria for Planned Development (PD)**

An application for a PD rezoning must present evidence that justifies the rezoning. Justification must include 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 district(s) in the City of Gainesville's LDC would not allow the use and associated design elements of the proposed project.*

The PD is unique, yet still consistent with the City Comprehensive Plan. The existing zoning district would not allow a drive-through use, nor did other zoning district(s) in the City's LDC allow associated design elements of the PD. Providing a drive-through facility on the property, which shall be designed to be pedestrian-friendly, has created unique design standards.

*(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.*

Since the existing zoning classification would not permit a drive-through facility through other processes, an approval outside of the PD process would not be possible. Also, existing utility easements make the layout and design of the building difficult to manage utilizing existing code regulations.

*(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.*

The PD will include flexible design standards to address design constraints, such as the limited size of the property and utility easements. The design standards of the PD will also enhance the usefulness of the property and reflect the surrounding uses and theme of the neighborhood.

### **Section 30-216 Requirements and Evaluation of Planned Development**

#### ***Conformance with PD Objectives***

Consistency with the objective set forth in the City of Gainesville Land Development Regulations Section 30-211(b) has been demonstrated throughout this report. The City of Gainesville Future Land Use Map indicates the property has an Urban Mixed-Use 2 (UMU-2) land use classification. A PD zoning district is consistent with this land use category.

#### ***Concurrency***

The PD lies within Zone A of the City's Transportation Mobility Program Area and will meet the provisions of Transportation Mobility Element Policy 10.1.4.

**Internal Compatibility**

The PD will function in conjunction with an existing populated community, and shall not have any undue adverse impact on any of the neighboring uses. Building orientation shall be towards streets and sidewalks, providing a design which promotes travel by foot, bicycle and transit. The PD will provide connection to external pedestrian and bicycle circulation networks and will allow residents of neighboring developments to take advantage of the residential and non-residential uses and opportunities provided within the PD. Parking facilities will be provided for guests within the site. Parking facilities will be located behind buildings and drive-through facilities will be screened from view from adjacent roadways. Sidewalks are provided along all adjacent roadways to provide convenient access to and from the property.

**External Compatibility**

The surrounding properties are classified with the same land use and zoning classifications, with the exception of the student housing located to the North. The PD brings a live, work, and recreate environment to the area, while preserving and enhancing the existing neighborhood by providing urban infill development.

**Table 5: Surrounding Future Land Use and Zoning Classifications**

Direction	Future Land Use	Zoning Classification	Property Use
North	Residential High-Density	Residential High Density	Single- and Multi-Family Dwellings/Student Housing
East	Urban Mixed-Use 2/Mixed-Use Low-Intensity	Urban Mixed-Use 2/Mixed-Use Low Intensity	NW 12 <sup>th</sup> Street/Convenience Store
South	Urban Mixed-Use 2	Urban Mixed-Use 2	W. University Ave./Vacant Commercial
West	Urban Mixed-Use 2/Residential High-Density	Urban Mixed-Use 2/Residential High Density	NW 12 <sup>th</sup> Terrace/Eating Place/Single-Family Dwelling

To the greatest extent practicable, the PD’s SMFs, driveways, common space, and utility locations will be designed to utilize and preserve the existing and outstanding landscape features on the property. Where possible, the landscape features on the property shall be incorporated as aesthetic elements.

The PD will comply with the City LDC for the purposes of lighting. The location of luminaries will be determined during development plan review.

**Intensity of Development**

As previously shown, the maximum building coverage is limited to 80% of the property’s total acreage. The intensity of the property is consistent and compatible with the physical characteristics of the property and that of the surrounding properties.

**Usable Open Spaces**

On-site open space, although adequate for guests, is limited due to the compact design form. Stormwater management facilities shall be designed underground when adequate open space does not exist. Interior space will provide urban-type landscape amenities and moderate shade tree coverage. Those areas along NW 12<sup>th</sup> Street and NW 12<sup>th</sup> Terrace will be designed to blend with the surrounding context area using typical urban-type streetscaping elements.

**Environmental Constraints**

The property was previously a regulated hazardous materials facility (Texaco Gas Station). The property is an inactive petroleum cleanup site with documented groundwater contamination. Impacts will be evaluated through appropriate environmental reports and any necessary design considerations will be implemented during construction plan preparation.

**External Transportation Access**

Vehicular access to the property will be allowed by a full access driveway on NW 12<sup>th</sup> Street and another full access driveway on NW 12<sup>th</sup> Terrace. No direct vehicular access to W. University Avenue will be allowed. The internal circulation system will accommodate pedestrian and bicycle traffic, as well as traditional vehicular circulation. Circulation design will ensure safe and efficient routes are designed.

Trip Generations are based upon the ITE Trip Generation manual, 9<sup>th</sup> Edition. The complete traffic study, prepared by CPH, Inc., is included under separate cover and analyzes not only the trip generation, but also the distribution of trips generated by the development, the potential modal split, and the impact on intersection operation.

Land Use	Size	Weekday			PM Peak Hour of the Generator		
		Entry	Exit	Total	Entry	Exit	Total
934 – FAST FOOD WITH DRIVE-THROUGH	94 seats	918	917	1835	47	42	89
	Pass-by Capture	-459	-459	-918	-24	-21	-45
	Total New Trips	459	458	917	23	21	44

**Internal Transportation Access**

The sidewalks, pedestrian lighting, and streetscape improvements will be installed to allow for safe internal movement of visitors on the property. Sidewalks provide connection from the parking area to the facility as well as from the preexisting sidewalks located along all roadways.

**Range of Transportation Choices**

Transportation to and from the property is accommodated via pedestrian, bicycle, mass transit, and personal vehicles.

**Section 30-217 Unified Control**

The applicant, McDonalds USA, LLC, is under a land lease agreement with Razvi Enterprises, LLC, to be in complete, legal and unified control of the entire area of the proposed PD. Sufficient evidence will be provided to the City Attorney, including all agreements, contracts, guarantees and other necessary documents and information that may be required.

# **EXHIBIT A**

**LEGAL DESCRIPTION/BOUNDARY AND TOPOGRAPHIC SURVEY**



**LEGAL DESCRIPTION**

LOTS ONE (1), TWO (2), SIX (6) AND SEVEN (7), OF UNIVERSITY TERRACE, A SUBDIVISION IN THE EAST HALF OF LOT THIRTEEN (13), BROWN'S ADDITION TO THE CITY OF GAINESVILLE, BEING IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", AT PAGE 115 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LESS AND EXCEPT ALL ROAD RIGHTS-OF-WAY. ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED LAND:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT ONE (1), RUN THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT ONE (1), A DISTANCE OF 10 FEET, RUN THENCE SOUTHWESTERLY 11.18 FEET TO THE SOUTH LINE OF SAID LOT ONE (1) AT A POINT 5 FEET WESTERLY FROM THE POINT OF BEGINNING; RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT ONE (1) A DISTANCE OF 5 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION PREPARED BY SURVEYOR:

A PORTION OF LOT 1 AND ALL OF LOTS 2, 6 AND 7, UNIVERSITY TERRACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A", AT PAGE 115 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, UNIVERSITY TERRACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A", AT PAGE 115 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89°22'25" WEST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°22'25" WEST ALONG THE SAID SOUTH LINE OF LOT 1 AND THE SOUTH LINE OF LOT 2 OF SAID PUBLIC RECORDS A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00°42'56" WEST ALONG THE WEST LINE OF LOTS 2, 6 AND 7 OF SAID PUBLIC RECORDS A DISTANCE OF 223.69 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 89°22'25" EAST ALONG THE NORTH LINE OF LOT 7 A DISTANCE OF 125.08 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 00°41'40" EAST ALONG THE EAST LINE OF SAID LOTS 1, 6 AND 7 A DISTANCE OF 213.69 FEET TO A POINT LYING 10 FEET NORTHERLY OF THE SOUTHEAST CORNER OF LOT 1; THENCE RUN SOUTH 25°53'03" WEST A DISTANCE OF 11.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,945 SQ. FT. OR 0.64 ACRE MORE OR LESS.

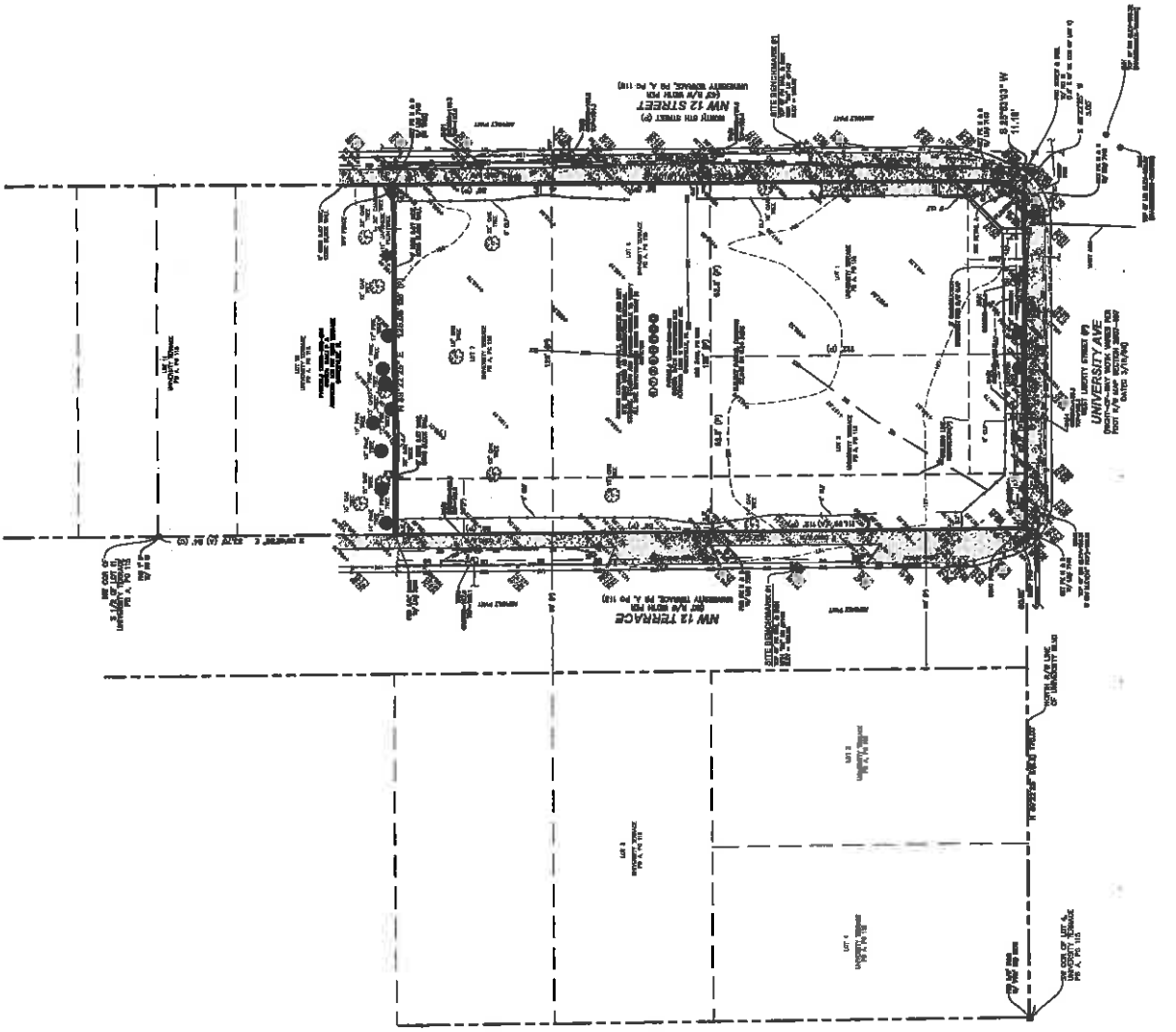
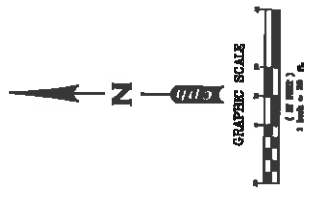
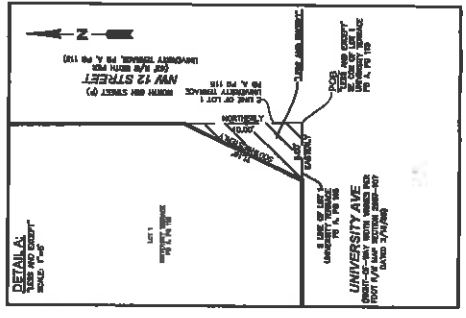






A-3

NOTE:  
This survey was conducted in accordance with the Florida Board of Professional Engineers and Professional Land Surveyors, Chapter 461, F.S., and the Florida Board of Professional Engineers and Professional Land Surveyors, Chapter 461, F.S., and the Florida Board of Professional Engineers and Professional Land Surveyors, Chapter 461, F.S.

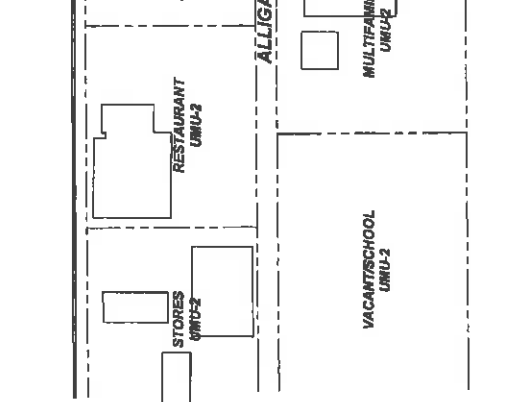
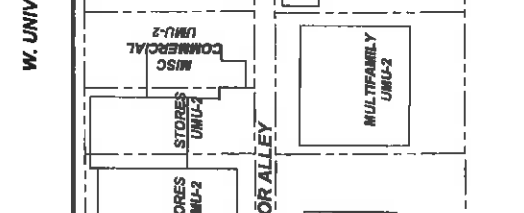
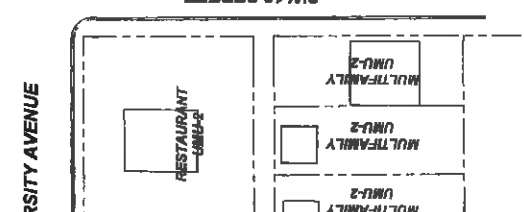
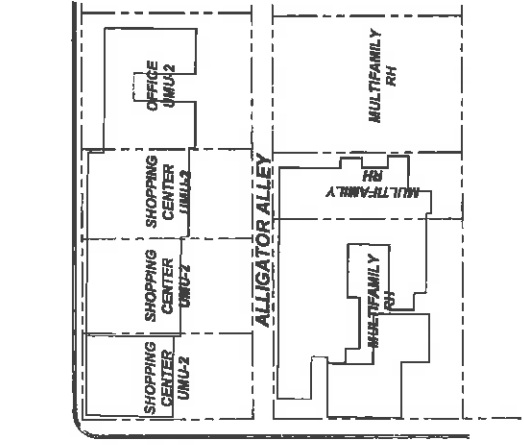
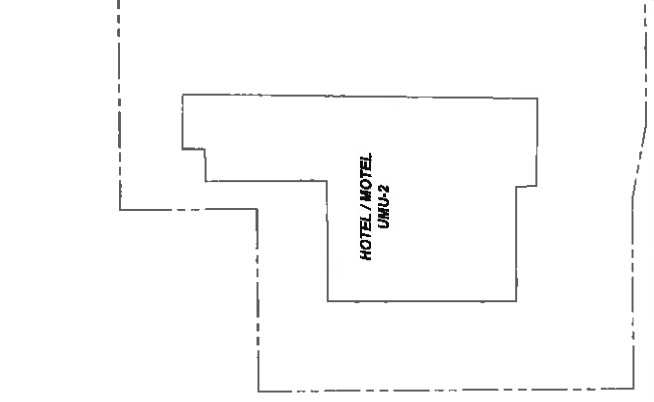
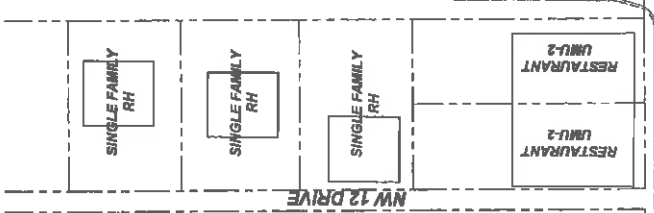
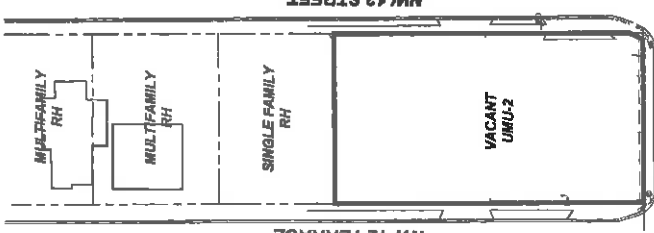
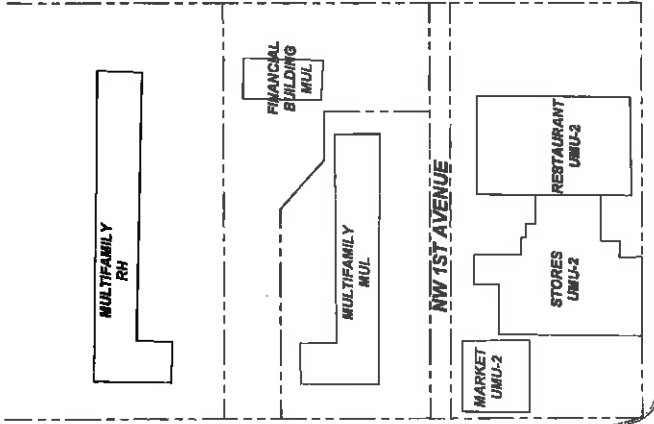
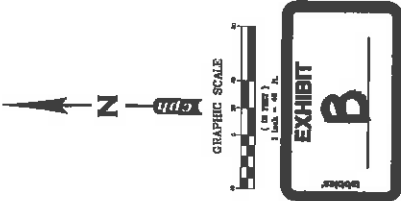


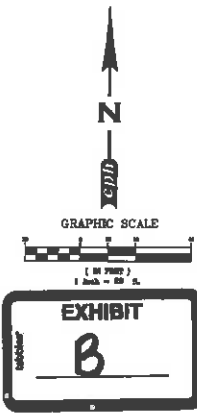
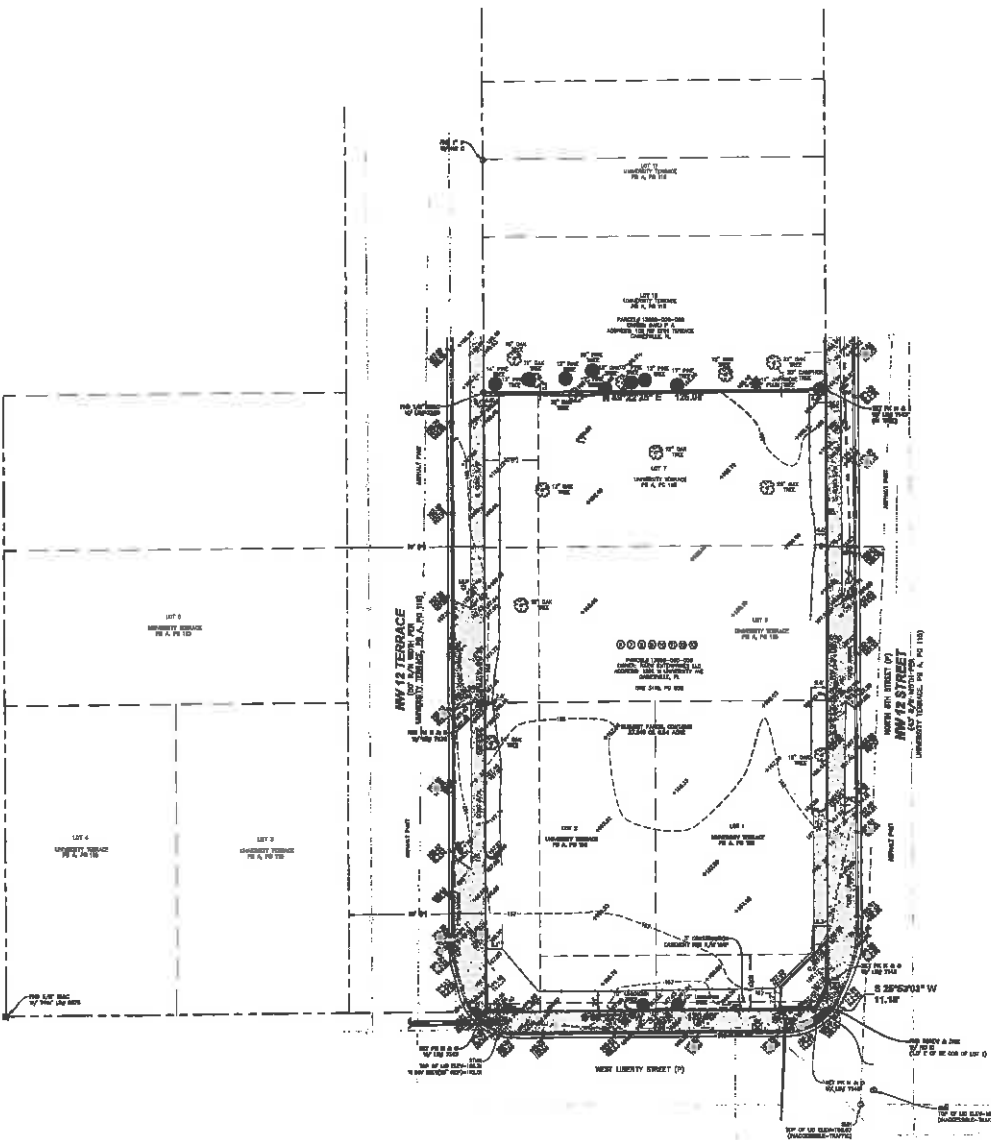
# **EXHIBIT B**

## **EXISTING CONDITIONS MAP**

Field	Drawn By	Checked By	Date
Field			
Drawn By			
Checked By			
Date			

**McDonald's**  
 EXISTING CONDITIONS MAP  
 1200 W. UNIVERSITY AVE  
 CITY OF GAINESVILLE, FLORIDA





**cph**

www.cphcorp.com

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- Planners
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Office In:

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- Puerto Rico
- Connecticut
- Maryland
- Texas

GRAPHIC SCALE  
( 1" = 200' )  
1 inch = 20' 5"

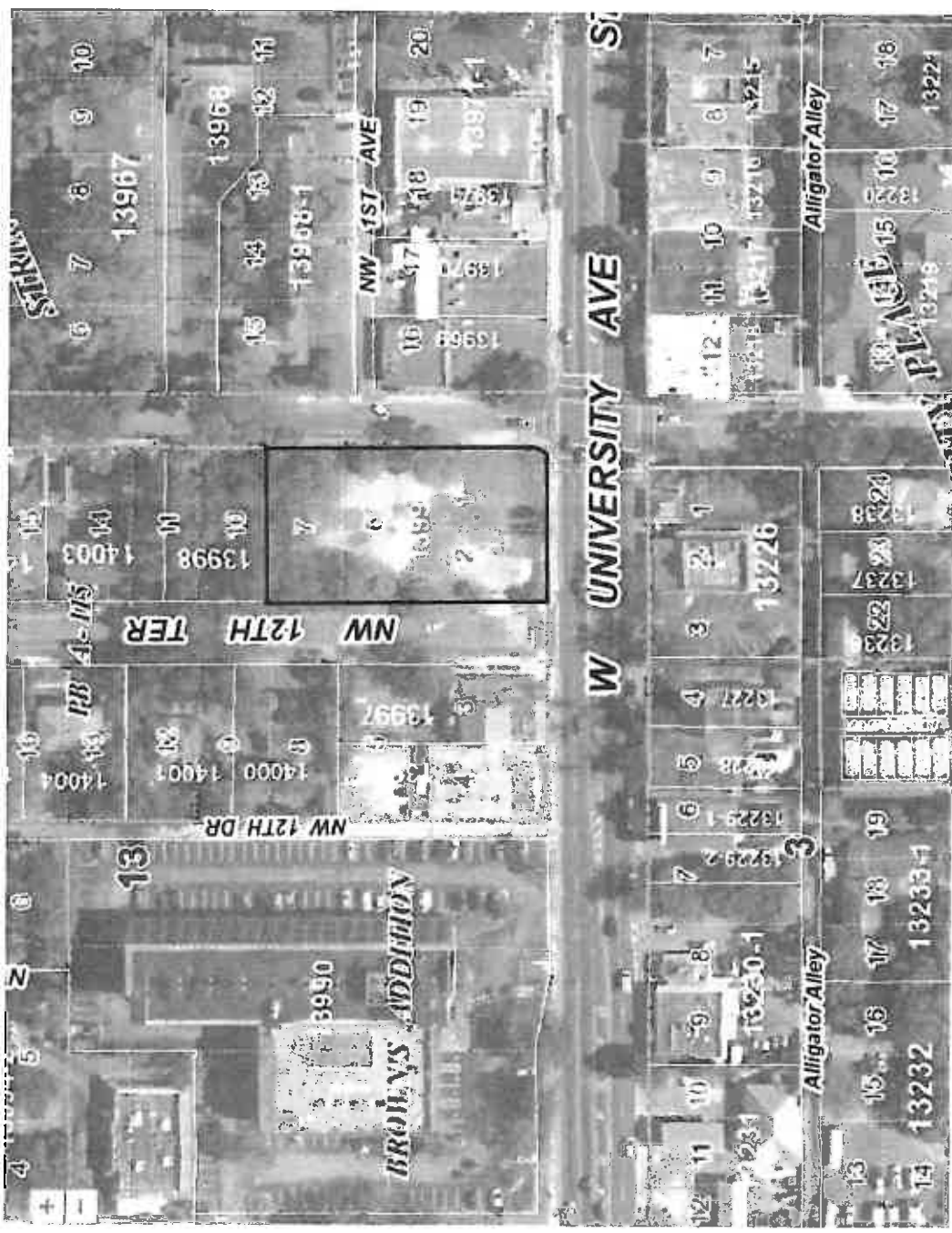
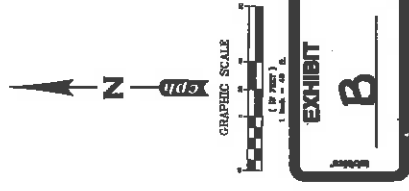
**EXHIBIT**  
**B**

Rev.	Description	By	Date
1	AS BUILT	JFA	08/20/13
2	REVISION	AS BUILT	08/20/13
3	REVISION	AS BUILT	08/20/13
4	REVISION	AS BUILT	08/20/13
5	REVISION	AS BUILT	08/20/13
6	REVISION	AS BUILT	08/20/13
7	REVISION	AS BUILT	08/20/13
8	REVISION	AS BUILT	08/20/13
9	REVISION	AS BUILT	08/20/13
10	REVISION	AS BUILT	08/20/13

Prepared and Plotted by:  
C.M. [Name]  
001 West Palm St.  
Boca Raton, FL 33433  
Phone: 561.995.2100  
Fax: 561.995.2101  
P.O. Box 111, Addison  
Tennessee, TN 37003

EXISTING CONDITIONS MAP  
BOUNDARY & TOPOGRAPHIC SURVEY  
**McDonald's**  
1308 W. UNIVERSITY AVE  
CITY OF GAINESVILLE, FLORIDA

**B-2**



# **EXHIBIT C**

## **PD LAYOUT PLAN MAP**



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 A.S.E. Firm

Architect  
 Landscape Architect  
 Planning  
 Surveying  
 Traffic / Transportation

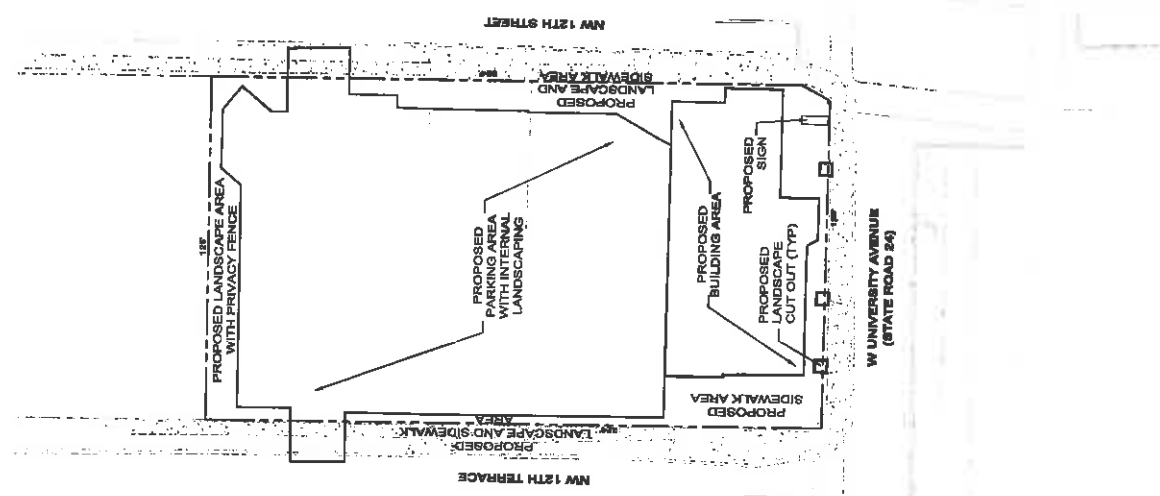
Office: 10  
 Phone: 352-246-1100  
 Fax: 352-246-1100  
 1000 University Avenue, Suite 1100  
 Gainesville, FL 32601

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**PROPOSED RESTAURANT**  
 1206 W. UNIVERSITY AVENUE  
 CITY OF GAINESVILLE / FLORIDA

PO LAYOUT PLAN MAP

Sheet No.  
**C-1**





# **EXHIBIT D**

## **CONCEPTUAL ARCHITECTURAL & SIGNAGE ELEVATIONS**



CORNER ELEVATION  
W UNIVERSITY AVENUE & NW 12<sup>th</sup> TERRACE



ELEVATION  
NW 12<sup>1/4</sup> TERRACE



ELEVATION ( NON Drive-Thru)  
W UNIVERSITY AVENUE

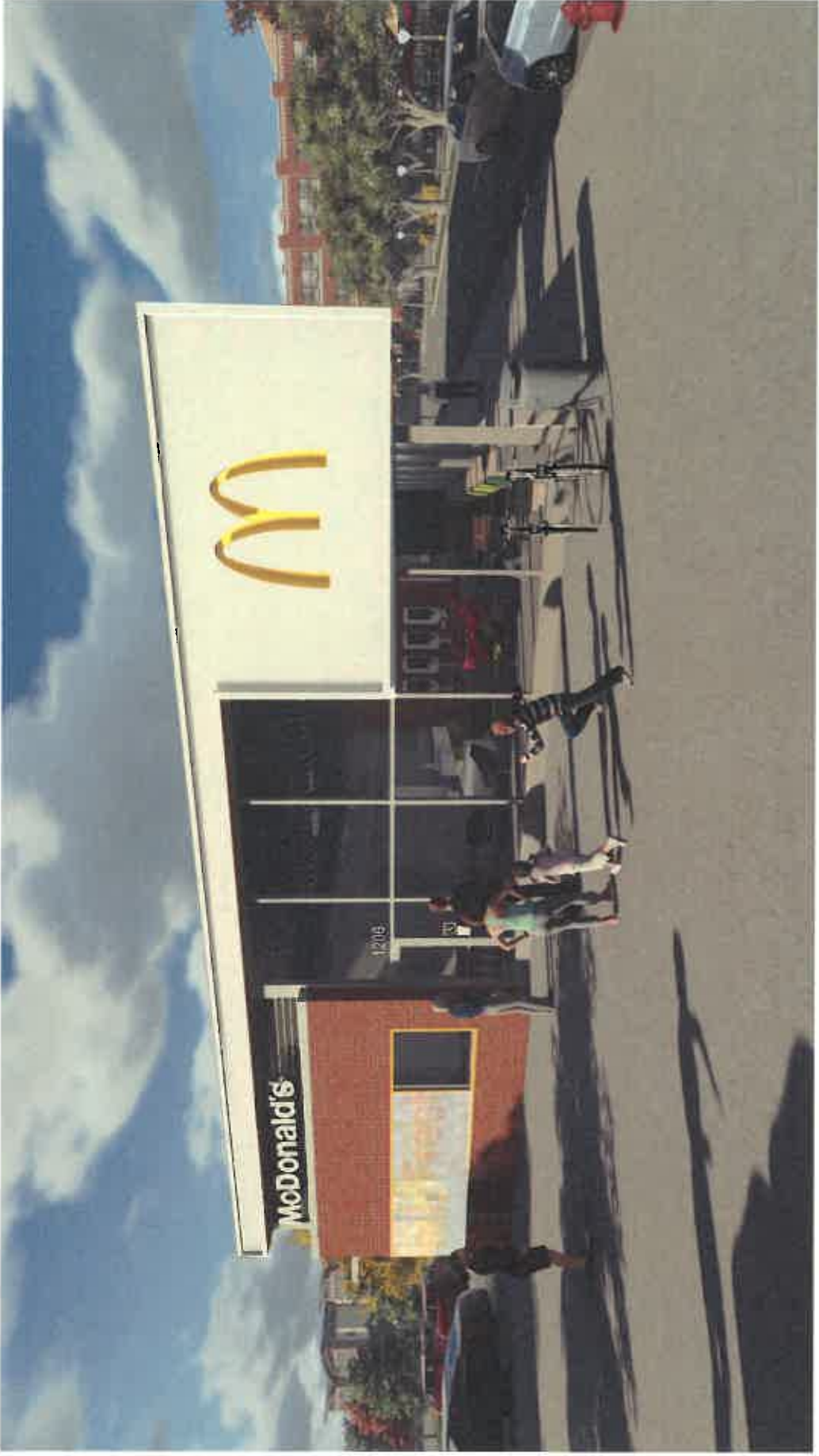


ELEVATION  
NW 12<sup>th</sup> TERRACE



DRIVE-THRU ELEVATION





D-7









**D-10**





**Next Gen Monument Sign with Feature Panels**

**Illumination:** LED

**Electrical:** 4.8 Amps @ 120 Volts

**Power Supply:** Agilight PS12-60W-100/277V

**Face Detail:** Laser cut aluminum faces with illuminated push thru arch.

**Available Panels -**



**Maximum Copy Area: 62.5 s.f.**



Base provided by others

**Maximum Height: 10-ft**

**D-12**

# OPO Outdoor Menu Board

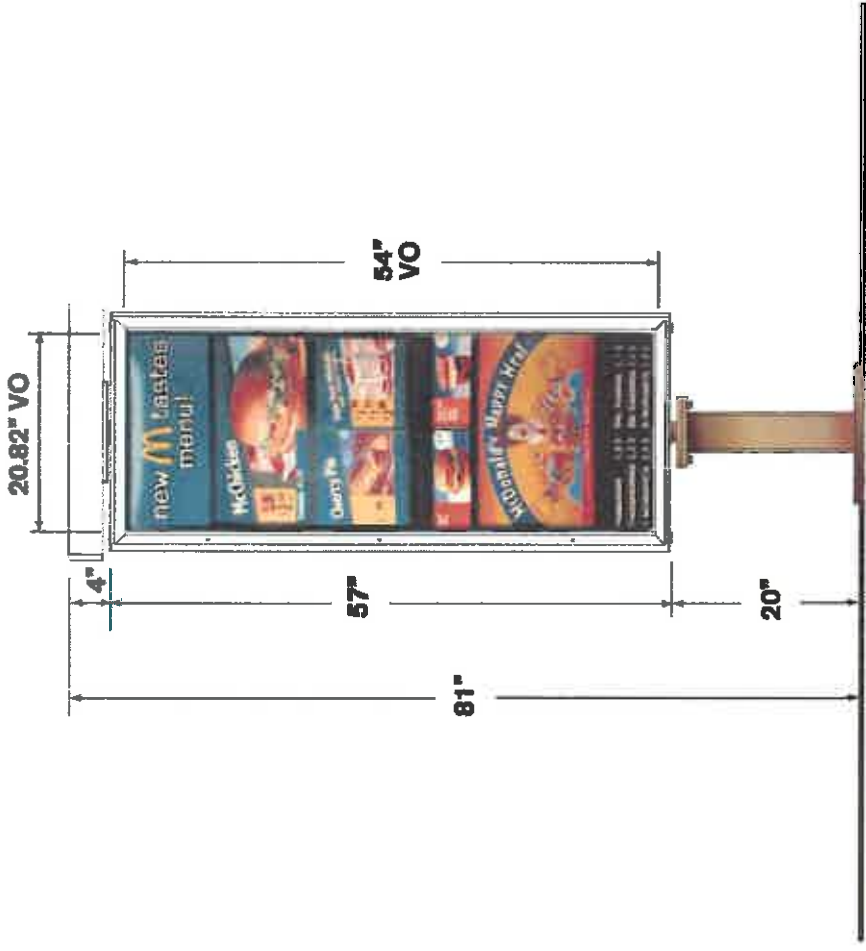


- Illumination:** LED
- Electrical:**
  - First Circuit: 120/1/60, 15 amp
  - Second Circuit: 120/1/60, 15 amp
- Ship Weight:** 1,313 lbs.
- Other:**
  - Please call IMS for graphics, 800-937-7671
  - Triangular design for increased graphic options
  - Available in an manual or automated version. Automated version must be ordered directly from Florida Plastics.



Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI, 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

# OPO Pre-Sell Board



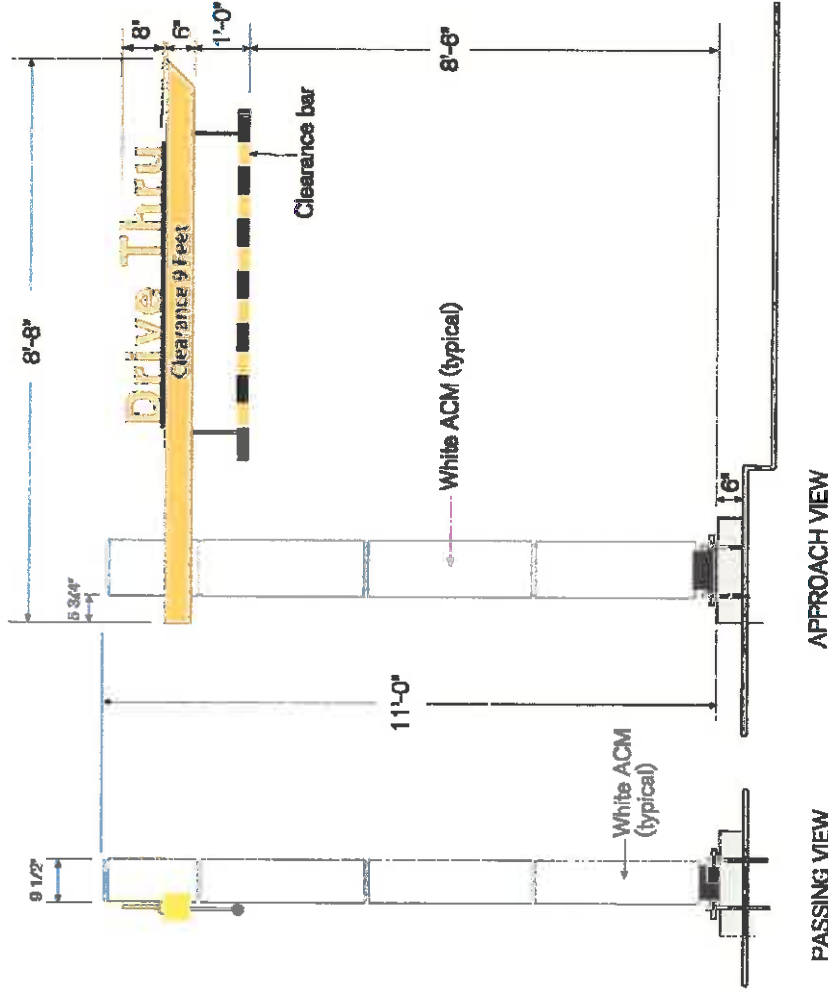
**Illumination:** LED

**Electrical:** First Circuit: 120/1/60, 15 amp  
Second Circuit: 120/1/60, 15 amp

**Ship Weight:** 243 lbs.

- Other:**
- Please call IMS for graphics, 800-937-7671
  - Triangular design for increased graphic options
  - Available in an manual or automated version. Automated version must be ordered directly from Florida Plastics.

# Welcome Point Gateway



**Illumination:** N/A  
**Ship Weight:** 790 lbs.  
**Other:** • Non-illuminated clearance sign with spring loaded break away clearance arm.  
• Adjustable bang bar.

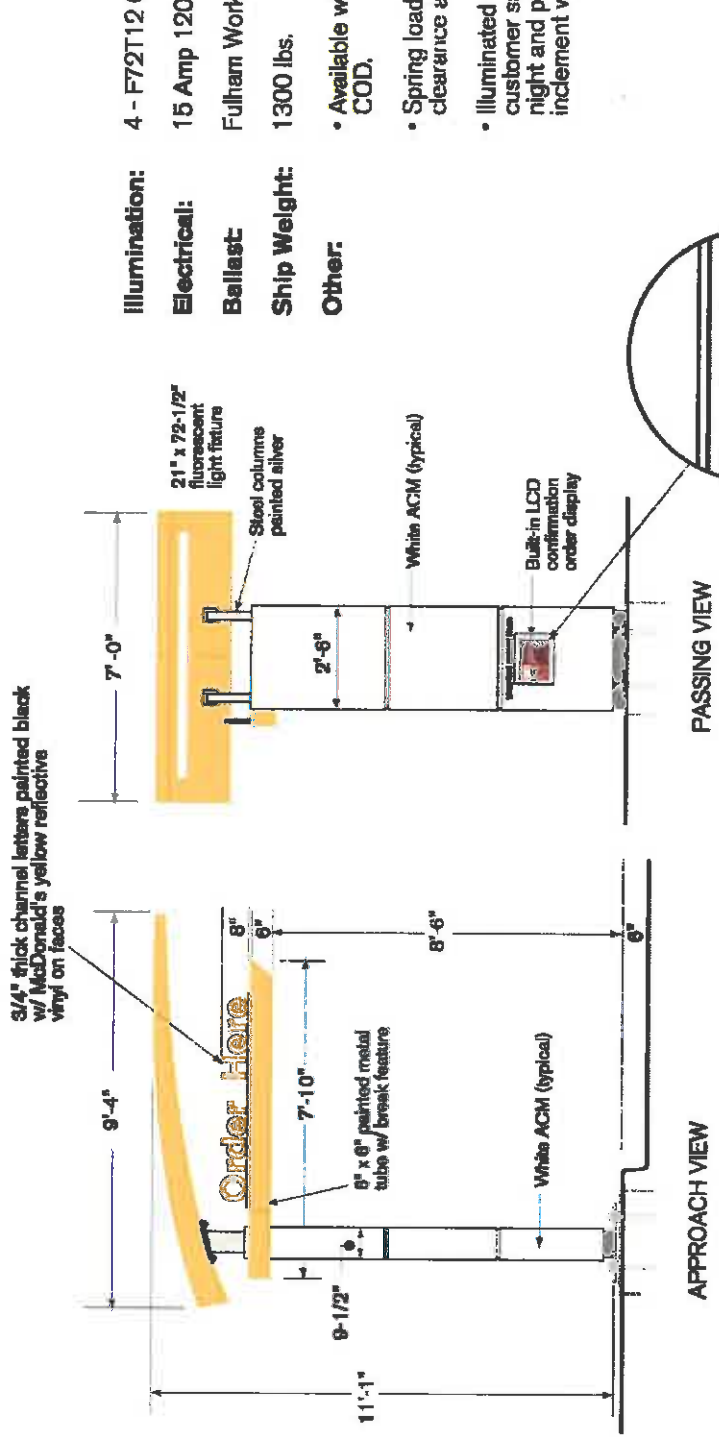
Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI, 53172 P: 888-857-4078 F: 877-430-7363 www.everbrite.com

## D-15





# Drive-Thru Twin Pole Canopy w/ Built-In COD (Preferred) LCD Confirmation Order Display

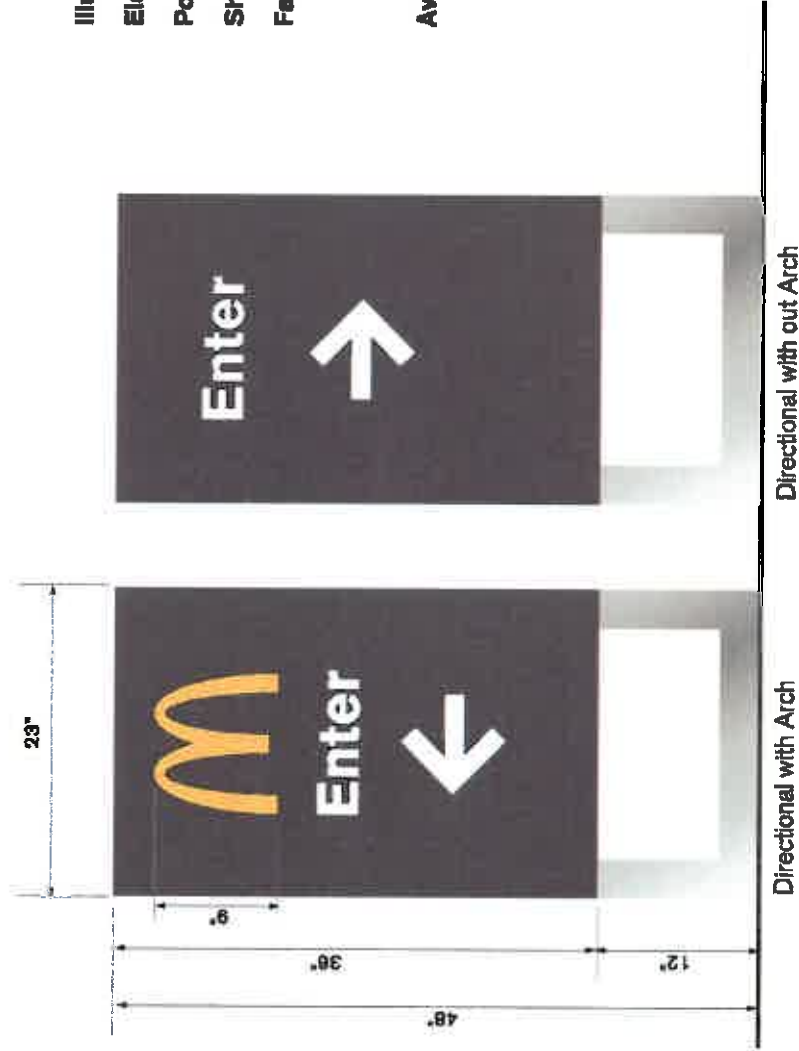


- Illumination:** 4 - F72T12 CW/HO
- Electrical:** 15 Amp 120 Volt
- Ballast:** Fulham Workhorse 7
- Ship Weight:** 1300 lbs.
- Other:**
  - Available with LED or LCD COD.
  - Spring loaded swing away 9' clearance arm
  - Illuminated awning provides a customer safe environment at night and protection from inclement weather

Built-in LCD confirmation order display

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI, 53172 P: 888-857-4078 F: 877-430-7363 [www.everbrite.com](http://www.everbrite.com)

## Next Gen Directional



- Illumination:** LED
- Electrical:** .25 amps
- Power Supply:** Amperor ANP90-30P1
- Ship Weight:** 130 lbs.
- Face Details:** Laser cut aluminum faces painted charcoal, white illuminated copy and arrow. Optional illuminated gold arch.
- Available Copy:**
  - Enter
  - Exit
  - Welcome
  - Thank You
  - Drive-Thru

Everbrite, LLC, 315 Marion Ave., South Milwaukee, WI, 53172 P: 888-857-4078 F: 877-430-7363 [www.everbrite.com](http://www.everbrite.com)