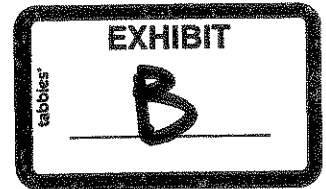


LEGISLATIVE #

120615C



ORDINANCE NO. 060734
0-07-02

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. ~~0406570~~60734 that rezoned certain properties to the zoning category of Planned Development, commonly known as “University Corners”, as more specifically described in this ordinance; generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; adopting revised development plan maps and a revised development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given to amend the Development Plan on certain real property that is zoned “Planned Development”; commonly known as “University Corners”; and

WHEREAS, notice was given and publication made as required by law of a public hearing which was then held by the City Plan Board on ~~November 16, 2006~~ _____, 2012; and

WHEREAS, notice was given and publication made of a public hearing which was then held by the City Commission on ~~January 8, 2007~~ _____, 2012; and

WHEREAS, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

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

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

6 **Section 1.** Sections 3 and 4 of Ordinance No 040657060734 are amended and superseded by
7 the adoption of this ordinance, as more specifically set forth herein.

8 **Section 2.** The development plan report incorporated and made a part of Section 3 of
9 Ordinance No. 040657060734 is amended and superseded by the adoption of a new development plan
10 report (“Amended Report”) attached hereto as Exhibit “1” and made a part hereof as if set forth in full.
11 The terms, conditions, and limitations of the Amended Report shall regulate the use and development
12 of the property described in Section 1 of Ordinance No. 040657060734.

13 **Section 3.** The Development Plan maps incorporated and made a part of Section 3 of
14 Ordinances No. 040657060734 are amended and superseded by the adoption of: 1) new development
15 plan maps consisting of 5 pages entitled “University Corners Amendment to Planned Development”,
16 attached hereto as Composite Exhibit “2” and made a part hereof as if set forth in full; and 2) elevation
17 drawings consisting of 11 pages entitled “PD Elevations for University Corners”, attached hereto as
18 Composite Exhibit “3” and made a part hereof as if set forth in full. In the event of conflict between
19 the provisions of the Amended Report and the new Composite Exhibit “2” and Composite Exhibit “3”,
20 the provisions, regulations, and restrictions of the new Composite Exhibits “2” and “3” shall govern
21 and prevail.

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1 **Section 4.** Section 4 of Ordinance No. 040657060734 is amended as follows:

2 Section 4. The following additional conditions, restrictions and regulations shall apply to the
3 development and use of the land:

4 **Condition 1.** The maximum building height of all buildings is limited to 95110 feet measured from
5 grade level to the top of the building plate with the exception of the building height of the parking
6 garage and tower elements.

7
8 **Condition 2.** The maximum number of mixed-use building stories is limited to ~~eight (8)~~ten (10)
9 stories above grade level, with the exception of the parking garage.

10
11 **Condition 3.** The maximum building height of the parking garage located at north and west
12 property lines, shall be limited to 95110 feet measured from grade level to the top of the 910th-
13 story guard rail, with the exception of the stairs, elevators and elevator machine room.

14
15 **Condition 4.** The site shall be developed and regulated by the College Park Special Area Plan
16 design standards, except where the PD Plan Report, PD Layout Plan and PD Elevations deviate
17 from those development guidelines; the uses are those allowed in the PD report.

18
19 **Condition 5.** Prior to final site plan approval, the owner/developer shall provide the City
20 Manager or designee with a copy of a recorded cross-access and parking agreement between the
21 Place of Religious Assembly and owner/developer.

22
23 **Condition 6.** There shall be no building encroachment (above ground) into any rights-of-way except
24 for the encroachment of raised balconies, up to a maximum of 4 feet beyond the property line. All
25 projections shall comply with Chapter 32, Construction in the Public Right of Way, of the Florida
26 Building Code; or as may be amended or superseded from time to time.

27
28 **Condition 7.** Minor shifts in building location, up to 5 feet, may be authorized by City staff
29 during site plan review, as long as the first floor building lot coverage is not increased by more
30 than 1%, as shown on the PD Layout Plan Maps.

31
32 **Condition 8.** An application for final Concurrency Certification must be filed with the final
33 development plan application submittal.

34
35 **Condition 9.** The site plan submitted in association with this development must comply with all
36 relevant Transportation Concurrency Exception Area (TCEA) requirements in the Concurrency
37 Management Element of the City's Comprehensive Plan.

38
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1 **Condition 10.** Fire wall separation between the Place of Religious Assembly and mixed-use
 2 building, separate means of ingress and egress for each building, and separate systems of
 3 conditioned air shall comply with the Florida Building Code requirements, or as may be amended
 4 or superseded from time to time, that must be considered, related to separate parcels for the place
 5 of religious assembly and mixed-use building/s.

6
 7 **Condition 11.** The exterior building materials for the University Corners shall be as follows:
 8

9 South Block as shown on the PD Elevations for University Corners (Composite Exhibit "3"):

- 10 1. The Retail levels will be a combination of brick, precast, cast stone and stucco with
 11 aluminum storefront, entrances, terrace and balcony railings. The retail glass is clear and
 12 shall be a minimum of ~~35~~50% of the wall surface. The brick and stone shall be a minimum
 13 of ~~50~~35% of the wall surface.
 14 2. The upper levels will be a combination of brick, stucco, precast or cast stone with
 15 aluminum windows and balcony railings. The glass shall be a minimum of ~~30~~25% of the
 16 wall surface. The brick and stone and brick veneer shall be a minimum of 50% of the wall
 17 surface.
 18 3. The roofing materials will be either, metal, ~~ementitious roof tile~~ modified bituminous roof
 19 membrane system or single-ply roofing system ~~or other material to simulate a natural stone~~
 20 ~~pattern.~~

21 Middle Block as shown on the PD Elevations for University Corners (Composite Exhibit "3"):

- 22 4. The Retail levels will be a combination of brick, precast, cast stone and stucco with
 23 aluminum storefront, entrances, terrace and balcony railings. The retail glass is clear and
 24 shall be a minimum of ~~35~~50% of the wall surface. The brick and stone shall be a minimum
 25 of 40% of the wall surface.
 26 5. The upper levels will be a combination of brick, stucco, precast or cast stone with
 27 aluminum windows and balcony railings. The glass shall be a minimum of 30% of the wall
 28 surface. The brick and stone and brick veneer shall be a minimum of 40% of the wall
 29 surface.
 30 6. The roofing material will be either, metal, ~~or~~ modified bituminous roof membrane system
 31 ~~ementitious roof tile or other material to simulate a natural stone pattern.~~

32 North Block – NW 13th Street as shown on the PD Elevations for University Corners (Composite
 33 Exhibit "3"):

- 34 7. The Retail levels will be a combination of brick, precast, cast stone and stucco with
 35 aluminum storefront, entrances, terrace and balcony railings. The retail glass is clear and
 36 shall be a minimum of 50% of the wall surface. The brick and stone shall be a minimum of
 37 20% of the wall surface.
 38 8. The upper levels will be a combination of brick, stucco, precast or cast stone with
 39 aluminum windows and balcony railings. The glass shall be a minimum of ~~40~~25% of the
 40 wall surface. The brick and stone shall be a minimum of 5% of the wall surface.

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1 9. The primary roofs will be flat with a built-up, modified bituminous roof membrane system
 2 or single-ply roofing system. The tower features will be sloped with metal roofs and the
 3 upper level hotel and gym will be sloped metal roofs.

4 North Block – NW 3rd Avenue as shown on the PD Elevations for University Corners (Composite
 5 Exhibit “3”):

6 10. The first two levels shall have a minimum of 5% glass. The brick and stone shall be a
 7 minimum of 60% of the wall surface.

8 11. The upper levels shall have a minimum of 25% glass and 70% decorative screening. The
 9 remainder of the wall surface will be stucco.

10 12. The roofs will be flat with a built-up, modified bituminous roof membrane system or
 11 single-ply roofing system.

12 North Block – NW 14th Street as shown on the PD Elevations for University Corners (Composite
 13 Exhibit “3”)

14 13. The first two levels shall have a minimum of 2% glass. The brick and stone shall be a
 15 minimum of 60% of the wall surface.

16 14. The upper levels shall have a minimum of 25% glass and 20% decorative screening. The
 17 remainder of the wall surface will be stucco.

18 15. The roofs will be flat with a built-up, modified bituminous roof membrane system or
 19 single-ply roofing system.

20
 21 **Condition 12.** The facade of the garage and/or other retail/commercial use, should be designed so that
 22 it (facade) replicates the general design, texture, and color of the principal structures. Streetscape shall
 23 include canopies, street shade trees and pedestrian scale lighting.

24
 25 **Condition 13.** The loading/mechanical/service area/s shall be screened or made less obtrusive, by
 26 utilizing a combination of decorative screening walls, wrought-iron type fences or gates,
 27 vegetation and textured or painted materials.

28
 29 **Condition 14.** The cooling tower/s shall be located internally on the northern block site so that
 30 they (cooling towers) have minimal impact on the neighborhood to the north of Northwest 3rd
 31 Avenue and west of Northwest 14th Street.

32
 33 Condition 14a. The owner/developer shall insulate all of the machinery that is located within the
 34 mechanical-chiller rooms to help prevent/lessen vibrations throughout the North Block building.
 35 The mechanical-chiller room/s shall be soundproofed utilizing “Best Construction Practices” and
 36 additional insulation materials.

37
 38 **Condition 15.** No commercial uses shall be permitted to front on Northwest 14th Street or
 39 Northwest 3rd Avenue.

40
 41 **Condition 16.** There shall be no drive-through facilities (banks, fast-food, etc.) allowed within
 42 this planned development.

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1
2 **Condition 17.** There shall be no communication towers (transmitting or receiving) that extend
3 beyond the highest point of the roof system of the planned development. Any and all towers shall
4 be located internally on the site, at least 25 feet from the nearest property line. Where possible,
5 communication transmitters and receivers shall be mounted on the building itself.
6

7 **Condition 18.** The maximum building lot coverage for the site shall be 75%.
8

9 **Condition 19.** The maximum impervious area of the site shall be 98%.
10

11 **Condition 20.** Useable open space (open air plaza, open air arcades on the ground level, and
12 open air pool/rec. areas on multiple building levels) shall not be less than 3144% of the site area, or
13 680,000 square feet.
14

15 ~~**Condition 21.** The owner/developer represents to the City that the proposed development does not
16 and will not exceed the thresholds of a development of regional impact (DRI) as defined in Chapter
17 380, F.S. All pertinent development thresholds (e.g., number of residential dwelling units, office square
18 footage, and retail/service square footage) shall be confirmed by the City Manager or designee at the
19 time of 'Development Plan Review' that the thresholds have not been exceeded. The
20 owner/developer shall include those thresholds in the final Planned Development Report, under
21 'Statistical Information', and also include a statement that the development does not exceed any
22 threshold that requires the development to undergo development of regional impact review. This
23 ordinance does not permit or allow any development that would constitute a development of regional
24 impact or any development that would require a development of regional impact review.~~
25
26

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DRI ANALYSIS
UNIVERSITY CORNERS

Total Site Area (SF): 192,056 (4.409 Acres) _____

Building Summary

	Parking	Com- mercial	Resi- dential DU	Lobby/ Condo/ Hotel	Place of Religious Assembly	Plaza and Open Space	Service & Loading	Garage	Total
Spaces	1,000								1,000
Units			247	243					490
Total Gross SF		115,000	325,000	225,000	30,000	60,000	80,000	350,000	1,185,000

DRI Threshold Requirements:

	Commercial	Residential DU	Lobby/Condo/Hotel
Units		247	243
Total Gross SF	115,000	325,000	225,000
DRI Threshold	400,000	1,000	350
-Percentage Threshold	28.8%	24.7%	69.4%
Total Percentage:			122.9%
Total Allowable Percentage:			160.0%

Condition 22. ~~On information provided by the owner/developer and the Alachua County Department of Environmental Protection, the proposed project site has dry-cleaning solvent contamination on a portion of the site, and that site is currently listed in the State of Florida Dry-cleaning Solvent Cleanup Program. As a condition of development, the owner/developer agree to provide the City with a legally binding agreement that the owner/developer agree to indemnify and hold the City harmless including, without limitation its commissioners, attorneys, employees, agents, and assigns from and against any and all suits, actions, legal or administrative proceedings, demands, fines, penalties, losses, injuries, claims, damages, costs and expenses, including interest and reasonable attorney's and paralegal's fees, liabilities and all other obligations (including third party claims for personal injury or real or personal property damage) which owner/developer may incur or be exposed to which result from, are caused by, arise out of or are attributable to any claims arising out of owner/developer's development and use of the property. Furthermore, owner/developer shall agree to perform the appropriate studies to verify that the proposed development will not have a negative impact on the onsite contamination, or owner/developer shall remove the onsite contamination and/or perform the required remediation as required per state guidelines.~~

Condition 213. Vehicular access to the property shall be limited to ingress and egress from Northwest 14th Street, Northwest 3rd Avenue and Northwest 13th Street (US 441). Pedestrian and bicycle traffic shall be able to access the site from sidewalks that surround the four sides of the property. There shall be a system of plazas, arcades and sidewalks that will provide access to all uses throughout the site.

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1
2 **Condition 224.** All construction vehicles shall utilize Northwest 14th Street and Northwest 3rd
3 Avenue for ingress or egress to the site during the construction process, as approved by the City
4 Public Works Department. Construction vehicles shall not access or leave the site through the
5 College Park Neighborhood to the north or west. Access to the site from West University
6 Avenue and Northwest 13th Street (U.S. 441) shall be regulated by FDOT. Work on Northwest
7 14th Street and 3rd Avenue or construction staging on 14th and 3rd shall be regulated by the City
8 Public Works Department.
9

10 **Condition 235.** The owner/developer shall provide custom-designed bus shelter/s at their
11 mixed-use development on either West University Avenue or Northwest 13th Street (US 441), or
12 both, at a location/s coordinated with the City Manager through the RTS (Regional Transit
13 System) and the Gainesville Public Works Department.
14

15 **Condition 246.** Sidewalks abutting NW 13th Street and University Avenue shall be a minimum of
16 12 feet in width. Except where reduced to 9 feet for a limited 40-50 foot portion of the
17 Northwest 13th Street sidewalk located in the southern block. The exact location will be worked
18 out during the site plan review process.
19

20 **Condition 257.** Any pedestrian walkway systems that cross an entrance, driveway, or parking area
21 needs to be painted and/or textured and identified as a pedestrian crossing on the preliminary and final
22 site plans.
23

24 **Condition 268.** All pedestrian and bikeways must be ramped for accessibility purposes.

25 **Condition 279.** The two local streets, Northwest 1st Avenue and Northwest 2nd Avenue,
26 authorized for vacation by Ordinance Nos. 040655 and 041262 shall not be physically closed to
27 local pedestrian and vehicular traffic until the owner/developer has received a building permit
28 from the City of Gainesville and the owner/developer moves construction vehicles/equipment onto
29 the vacated streets.
30

31 **Condition 2830.** The development order approved by the adoption of this Ordinance No.
32 ~~060734~~_____ will be valid for a period of two years from the date of adoption. A
33 building permit must be issued prior to expiration of said period. The City Commission may grant
34 an extension of time for a period of one year, only if the request is in writing to the Commission
35 prior to the 2-year expiration date. The planned development shall be completed within 5 years
36 from the issuance of the building permit. The City Commission may grant an extension to the
37 completion requirement upon good cause shown. Any extension request for the development
38 order period on the completion requirement must be filed with the City at least 1 month prior to
39 the respective expiration date. If the aforesaid time periods expire with no action being taken, the
40 development order approved by this Ordinance shall be void and have no further force and effect.

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1 The City has the option to designate other appropriate land use and zoning consistent with the
2 City's Comprehensive Plan.

3
4 **Condition ~~293~~ 293**. The orderly construction and completion of the various buildings and uses is an
5 essential component of the development order approved by this ordinance, as more specifically set
6 forth in Condition 302. The project shall be developed in two phases, with ~~three~~ Blocks in Phase I
7 designated the North Block, Middle Block and South Block, as shown on the PD Layout Plan and
8 Master Plan (Composite Exhibit "2"). Phase I shall be the development of the North Block, the
9 Middle Block and the South Block, Phase II shall be the development of the Place of Religious
10 Assembly. Construction of Phase I and II may occur independently (different owners and contractors),
11 however, they may be constructed concurrently.

12
13 **Condition 302**. Phase I shall be developed in the North, Middle, and South Blocks, as illustrated on
14 the PD Layout Plan and Master Plan (Composite Exhibit "2"). Construction of the buildings and
15 ancillary facilities shall begin with the "North Block" and proceed to the Middle and South Blocks.
16 Construction shall commence on all of the buildings in the "Middle Block" and "South Block" prior to
17 the Building Department issuing any type of certificate of occupancy for any building or structure in the
18 "North Block". For purposes of this Condition, commencement of construction means the completion
19 of the pouring of foundations for all buildings. No certificate of occupancy for any building or
20 structure in the "Middle Block" and "South Block" shall be issued until all buildings and all streetscape,
21 infrastructure, landscaping and the amenities for the Middle and South Blocks have been completed.

22
23 ~~Construction of the Place of Religious Assembly (Phase II), as shown on the PD Layout Plan and~~
24 ~~Master Plan (Composite Exhibit "2"), may be constructed independently of the North, Middle and~~
25 ~~South Block buildings and may be issued a certificate of occupancy separately from the aforesaid~~
26 ~~buildings. Construction of the Streetscape for the sidewalks located south and west of the Place of~~
27 ~~Religious Assembly shall be completed after or concurrently with the completion of the Place of~~
28 ~~Religious Assembly.~~

29
30 In addition to the phasing requirements above, no certificate of occupancy shall be issued for the
31 parking structure in the "North Block" as shown on the PD Layout Plan and Master Plan (Composite
32 Exhibit "2"), or any residential unit in any building, until the first certificate of occupancy has been
33 issued for commercial or retail space.

34
35 **Condition 313**. Phase I ~~University Corners~~ shall include a ~~minimum of 70,000 square feet with a~~
36 ~~maximum of 150,000 square feet on the first and second (mezzanine) stories of those non-~~
37 ~~residential uses listed under Allowable Uses in the Planned Development on page 2 and 3 of the~~
38 ~~Amended Report, (Exhibit "1").~~

39
40 **Condition 324**. All signage shall comply with the College Park Special Area Plan requirements, as
41 may be amended from time to time.

42
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1 **Section 5.** Except as expressly amended herein, the remaining Sections of Ordinance No
2 ~~040657060734~~ shall remain in force and effect.

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

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

13 **Section 8.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
14 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
15 validity of the remaining portions of this ordinance.

16 **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
17 conflict hereby repealed.

18 **Section 10.** This ordinance shall become effective immediately upon final adoption; however,
19 the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010
20 Comprehensive Plan adopted by Ordinance No. ~~060733~~ _____ becomes effective as
21 provided therein

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1 PASSED AND ADOPTED this _____ day of _____, 2012~~07~~

2
3
4
5
6
7
8
9

~~Pegeen Hanrahan~~Craig Lowe, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

10 _____
11 Kurt Lannon,
12 Clerk of the Commission

Marion J. Radson, City Attorney

13 This ordinance passed on first reading this _____ day of _____, 2012~~07~~.

14
15 This ordinance passed on second reading this _____ day of _____,
16 2012~~07~~.

17
18 H:\Marion Radson\Planning\149PDA-06 pet.DOC

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