

ORDINANCE NO. 120615

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3 **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**
4 **Atlas and rezoning to “Planned Development District” (PD) certain property**
5 **known as “University Corners” generally located between West University**
6 **Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th**
7 **Street (US 441) on the East, and Northwest 14th Street on the West, as more**
8 **specifically described in this ordinance; adopting PD maps, a PD report, and**
9 **development conditions; providing for enforcement; providing a severability**
10 **clause; providing a repealing clause; and providing an effective date.**
11

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

16 **WHEREAS,** on May 23, 2005, the City Commission adopted Ordinance No. 040657,
17 which rezoned the subject property from Mixed use low intensity district (MU-1) and Residential
18 mixed use district (RMU) to Planned Development District (PD) and included certain PD maps,
19 a PD report, and land development regulations; on June 12, 2007, the City Commission adopted
20 Ordinance No. 060734, which amended Ordinance No. 040657 by adopting amended PD maps, a
21 PD report, and land development regulations; and

22 **WHEREAS,** Section 30-224(a) of the City of Gainesville Land Development Code
23 provides that, with certain exceptions, an amendment to a previously approved Planned
24 Development (PD) must be accomplished only by a rezoning petition and ordinance
25 accompanied by a new proposed Planned Development (PD); and

1 **WHEREAS**, by initiation of a petition by the owners of the subject property, notice was
2 given as required by law that the subject property’s Planned Development District (PD) zoning
3 be amended; and

4 **WHEREAS**, notice was given as required by law and a public hearing regarding the
5 petition was held by the City Plan Board on December 3, 2012; and

6 **WHEREAS**, notice was given as required by law and a public hearing regarding the
7 petition was held by the City Commission on January 3, 2013; and

8 **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a
9 newspaper of general circulation notifying the public of this proposed ordinance and of public
10 hearings in the City Hall Auditorium, First Floor, City Hall, in the City of Gainesville; and

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

14 **WHEREAS**, the City Commission finds that the amendments to the Planned
15 Development District (PD) zoning for the property described herein is consistent with the City of
16 Gainesville Comprehensive Plan, as amended by Ordinance No. 120616.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
18 **CITY OF GAINESVILLE, FLORIDA:**

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

21 See legal description attached as Exhibit “A” and made a part hereof as if set forth
22 in full. The location of the property is shown on Exhibit “B” for visual reference.
23 In the event of conflict or inconsistency, Exhibit “A” shall prevail over Exhibit
24 “B.”

1
2 **Section 2.** The use and development of the property described in Section 1 of this
3 ordinance shall be regulated by this ordinance and shall be consistent with the Planned Use
4 District Ordinance No. 120616. The following exhibits are attached to this ordinance and made a
5 part hereof as if set forth in full:

- 6 1. Exhibit “C” consisting of the following PD Maps:
- 7 a. 5 page document titled “University Corners Amendment to Planned
8 Development,” dated April 1, 2013, that includes existing conditions maps, a
9 public facilities map, and the PD layout plan, and
 - 10 b. 8 pages of elevation drawings.
- 11 2. Exhibit “D” consisting of the PD Report titled “Planned Development Zoning Narrative
12 Amended Report,” dated November 7, 2012, and amended April 1, 2013.

13 In the event of conflict or inconsistency, the order of precedence shall be as follows, with number
14 1 taking precedence over number 2 and so on: 1) the land development regulations set forth in
15 Section 3 of this ordinance; 2) Exhibit “C”; 3) Exhibit “D”; and 4) The City’s Land Development
16 Code.

17 **Section 3.** The following land development regulations shall regulate the use and
18 development of the property described in Section 1 of this ordinance:

19 **Condition 1.** The PD shall be developed and regulated by the College Park Special Area Plan
20 design standards, except where the PD Report and/or the PD Maps deviate from those
21 development guidelines; the allowable uses are those specified in the PD Report.
22

23 **Condition 2.** There shall be no drive-through facilities allowed within the PD. There shall be
24 no alcoholic beverage establishments allowed on any roof top level within the PD.
25

1 **Condition 3.** The PD shall include on the first and second (mezzanine) stories a maximum of
2 100,000 square feet of those non-residential uses listed under Allowable Uses on pages 2 and 3
3 of the PD Report (Exhibit “D”).
4

5 **Condition 4.** The maximum building lot coverage for the site shall be 75%.
6

7 **Condition 5.** The maximum impervious area of the site shall be 98%.
8

9 **Condition 6.** Prior to final development plan approval, the owner/developer shall provide the
10 City Manager or designee with a copy of a parking agreement between the owner of the existing
11 Place of Religious Assembly (as shown on the PD Layout Plan) and the owner/developer of the
12 remainder of the PD. Parking spaces within the parking garage shall be provided only to owners,
13 tenants, guests and customers of uses located within the PD.
14

15 **Condition 7.** There shall be no building encroachment (above ground) into any rights-of-way,
16 except for the encroachment of raised balconies, up to a maximum of 4 feet beyond the property
17 line. All projections shall comply with Chapter 32, Construction in the Public Right of Way, of
18 the Florida Building Code, as may be amended or superseded from time to time.
19

20 **Condition 8.** Minor shifts in building location, up to 5 feet, may be authorized by City staff
21 during development plan review, provided the first floor building lot coverage is not increased by
22 more than 1%, as shown on the PD Maps.
23

24 **Condition 9.** The development plan submitted in association with this development must
25 comply with all applicable Context Area Transit funding requirements.
26

27 **Condition 10.** Fire wall separation between the existing Place of Religious Assembly and the
28 mixed-use building(s), separate means of ingress and egress for each building, and separate
29 systems of HVAC-conditioned air shall comply with the Florida Building Code requirements, as
30 may be amended or superseded from time to time.
31

32 **Condition 11.** The exterior of the buildings and parking structure shall be consistent with the
33 elevation drawings (Exhibit “C”). Materials used on the exterior walls shall be a combination of
34 brick, precast or cast stone, stucco or synthetic stucco, simulated or real wood cladding and
35 siding, aluminum storefronts, windows, entrances, and terrace and balcony railings. The sloped
36 roof on the top floor of the building shall be metal. Glazing shall be a minimum of 50% of the
37 first floor wall surfaces along University Avenue, 13th Street, and the portion of 14th Street that is
38 south of 2nd Avenue. Glazing shall be a minimum of 20% of the upper floor wall surfaces along
39 University Avenue, 13th Street, and 14th Street.
40

41 **Condition 12.** The green vegetation screen attached to the facade of the parking structure shall
42 be maintained with sufficient vegetation to ensure effective screening of the covered facade.
43 Streetscape shall include canopies, street shade trees and pedestrian scale lighting.
44

1 **Condition 13.** The loading/mechanical/service area(s) shall be screened or made less obtrusive,
2 by utilizing a combination of decorative screening walls, wrought-iron type fences or gates,
3 vegetation and textured or painted materials.
4

5 **Condition 14.** The cooling tower(s) shall be located internally on the development site so they
6 have minimal visual and noise impact on the neighborhood to the north of Northwest 3rd Avenue
7 and west of Northwest 14th Street.
8

9 **Condition 15.** The owner/developer shall insulate all of the machinery that is located within the
10 mechanical-chiller room(s) to help prevent/lessen vibrations. The mechanical-chiller room(s)
11 shall be soundproofed using construction techniques and additional insulation materials.
12

13 **Condition 16.** There shall be no communication towers (transmitting or receiving) that extend
14 beyond the highest point of any roof system in the PD. Any and all towers shall be located
15 internally on the site, at least 25 feet from the nearest property line. Where possible,
16 communication transmitters and receivers shall be mounted on building.
17

18 **Condition 17.** All construction vehicles shall utilize Northwest 14th Street and Northwest 2nd
19 and 3rd Avenues for ingress or egress to the site during the construction process, as approved by
20 the City Public Works Department. Construction vehicles shall not access or leave the site
21 through the College Park Neighborhood to the north or west. Access to the site from West
22 University Avenue and Northwest 13th Street (US 441) shall be regulated by FDOT. Work on
23 Northwest 14th Street and 3rd Avenue or construction staging on 14th and 3rd shall be regulated by
24 the City Public Works Department. As part of development plan review, a construction plan
25 shall be submitted that depicts construction staging and the generalized locations for placement
26 of cranes or other major construction equipment, any offsite construction staging areas, and
27 vehicular access to the site during construction. Construction shall be staged and equipment
28 located so as to minimize the impacts upon adjacent residential areas. Construction cranes or
29 other major construction equipment shall not be located on NW 14th Street or NW 3rd Avenue,
30 and these streets shall not be closed as part of the proposed construction staging plan. However,
31 these streets may be closed temporarily for the purposes of safety or direct access to the adjacent
32 areas of the site during construction.
33

34 **Condition 18.** On West University Avenue, the columns for the building arcade shall be setback
35 at least 16 feet from the back of curb. On Northwest 13th Street (US 441), the columns for the
36 building arcade shall be setback at least 7 feet from the back of curb. Along both streets, the
37 development shall maintain at least 7-feet of unobstructed sidewalk width between the curb and
38 the building arcade and/or columns, in addition to at least 5-feet of unobstructed sidewalk width
39 under the building arcade.
40

41 **Condition 19.** Any pedestrian walkway systems that cross an entrance, driveway, or parking
42 area shall be painted and/or textured and identified as a pedestrian crossing on the preliminary
43 and final development plans.
44

1 **Condition 20.** The two local streets, Northwest 1st Avenue and Northwest 2nd Avenue,
2 conditionally vacated by Ordinance Nos. 040655 and 041262 shall not be physically closed to
3 local pedestrian and vehicular traffic until the owner/developer has received a building permit
4 from the City of Gainesville and the owner/developer moves construction vehicles/equipment
5 onto the vacated streets.

6
7 **Condition 21.** The project shall be developed in one phase. Construction of the buildings and
8 ancillary facilities shall begin with the North Block and proceed to the Middle and South Blocks.
9 Construction shall commence on all of the buildings in the Middle Block and South Block prior
10 to the Building Department issuing a certificate of occupancy for any building or structure in the
11 North Block. For purposes of this condition, commencement of construction means the
12 completion of the pouring of foundations for all buildings. No certificate of occupancy for any
13 building or structure in the Middle Block and South Block shall be issued until all buildings and
14 all streetscape, infrastructure, landscaping and the amenities for the Middle and South Blocks
15 have been completed.

16
17 In addition to the requirements above, no certificate of occupancy shall be issued for the parking
18 structure in the North Block, as shown on the PD Maps (Exhibit "C"), or for any residential unit
19 in any building, until the first certificate of occupancy has been issued for commercial or retail
20 space.

21
22 **Condition 22.** All signage shall comply with the College Park Special Area Plan requirements,
23 as may be amended from time to time.
24

25 **Section 4.** The PD zoning adopted by this ordinance shall be valid for 5 years from the
26 effective date of this ordinance. The City Commission may grant a 2-year extension upon good
27 cause shown if a request is filed in writing to the Clerk of the Commission prior to the expiration
28 date. If the owner/developer fails to obtain final development plan approval prior to expiration of
29 the aforesaid time periods, the PD zoning adopted by this ordinance shall become null and void and
30 the City may designate other appropriate land use and zoning consistent with the Comprehensive
31 Plan. If the owner/developer obtains final development plan approval prior to expiration of the
32 aforesaid time periods, the owner/developer shall then obtain a building permit within 2 years of
33 final development plan approval and the PD zoning adopted by this ordinance shall remain valid
34 throughout the duration of the active building permit. However, if the owner/developer fails to

1 obtain a building permit within 2 years of final development plan approval or if the issued building
2 permit expires and the 5-year period (7 years if a 2-year extension was received) from the effective
3 date of this ordinance has elapsed, the PD zoning adopted by this ordinance shall become null and
4 void and the City may designate other appropriate land use and zoning consistent with the
5 Comprehensive Plan.

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

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

16 **Section 7.** The City Manager or designee is authorized and directed to make the necessary
17 changes to the Zoning Map Atlas to comply with this ordinance.


18 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
19 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding shall not affect the other provisions or applications of this ordinance that can be given
21 effect without the invalid or unconstitutional provision or application, and to this end the
22 provisions of this ordinance are declared severable.

1 **Section 9.** Ordinance No. 040657 and Ordinance No. 060734 are hereby superseded in
2 their entirety and are hereby repealed effective on the effective date of this ordinance. All other
3 ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby
4 repealed.

5 **Section 10.** This ordinance shall become effective upon the amendment to the City of
6 Gainesville Comprehensive Plan becoming effective as provided by Ordinance No. 120616.

7 **PASSED AND ADOPTED** this 20th day of June, 2013.


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12



EDWARD B. BRADDY
MAYOR

13 Attest:

Approved as to form and legality

14
15
16
17
18


KURT M. LANNON
CLERK OF THE COMMISSION


NICOLLE M. SHALLEY
CITY ATTORNEY

19

20 This ordinance passed on first reading this 2nd day of June, 2013.

21

22 This ordinance passed on second reading this 20th day of June, 2013.

LEGAL DESCRIPTION UNIVERSITY CORNERS

A PARCEL OF LAND LOCATED IN THE L. T. ROUX SUBDIVISION AS RECORDED IN PLAT BOOK A, PAGE 155 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 5, BLOCK 1 OF SAID L. T. ROUX SUBDIVISION, ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NW 3rd AVENUE AND THE EAST RIGHT OF WAY LINE OF NW 14th STREET; THENCE RUN SOUTH 89°54'05" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF NW 3rd AVENUE, A DISTANCE OF 314.57 FEET; THENCE RUN SOUTH 44°28'08" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 21.11 FEET TO IT'S INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF NW 13th STREET, (STATE ROAD 25/U.S. HIGHWAY 441); THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE OF NW 13th STREET, THE FOLLOWING FOUR (4) COURSES:

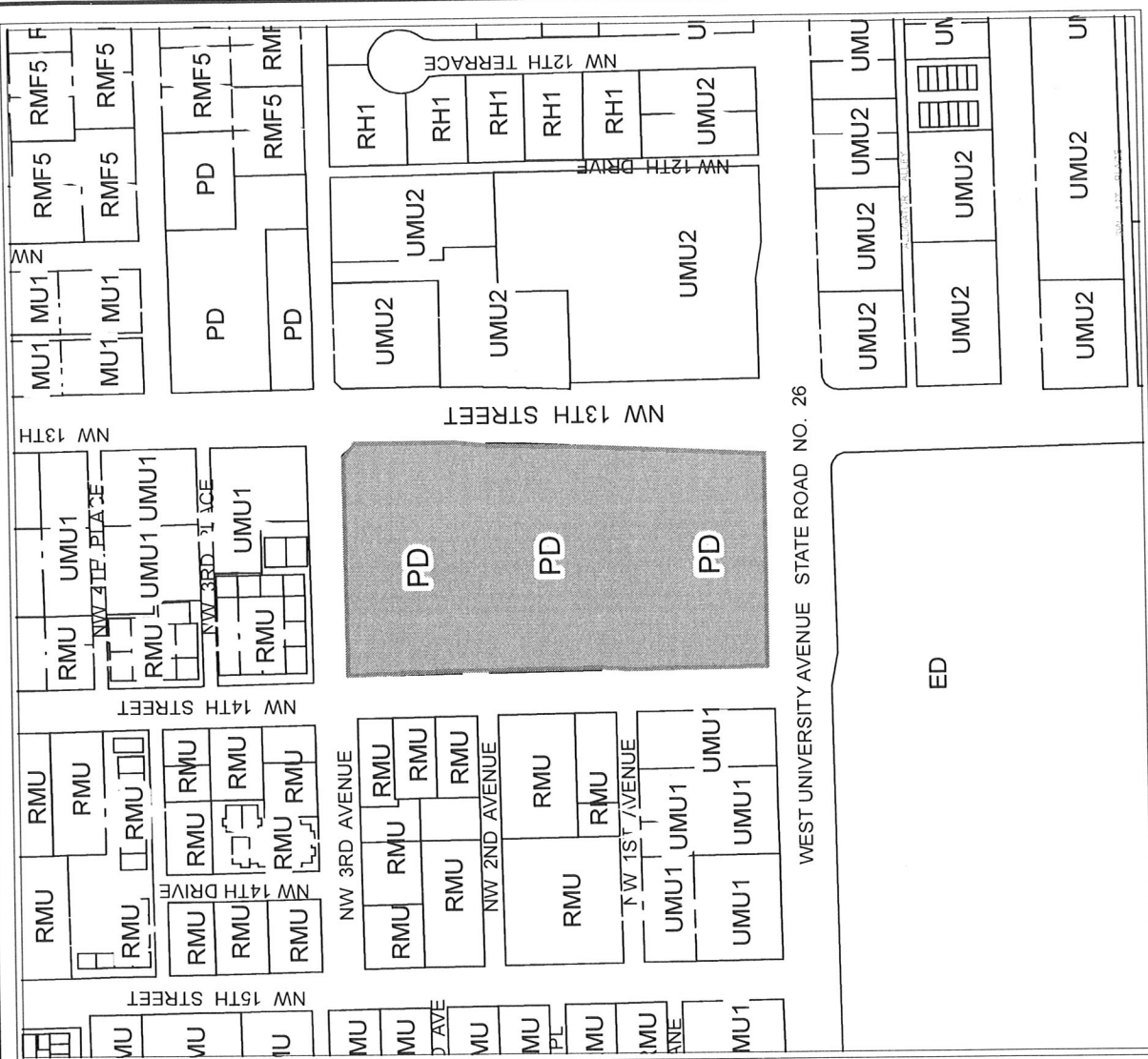
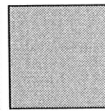
- 1.) SOUTH 00°11'19" WEST, A DISTANCE OF 26.41 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 4545.05 FEET;
- 2.) 276.32 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE 3°29'00", SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 01°55'49" WEST, 276.28 FEET TO A POINT OF TANGENCY;
- 3.) SOUTH 03°42'40" WEST, A DISTANCE OF 235.43 FEET;
- 4.) SOUTH 09°36'26" WEST, A DISTANCE OF 48.57 FEET TO IT'S INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF WEST UNIVERSITY AVENUE, (STATE ROAD 26);

THENCE RUN NORTH 89°55'58" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF WEST UNIVERSITY AVENUE, A DISTANCE OF 243.69 FEET TO THE SOUTHEAST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3962, AT PAGE 1339 PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 89°55'40" WEST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 54.50 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND ALSO BEING ON THE EAST RIGHT OF WAY LINE OF NORTHWEST 14th STREET; THENCE RUN NORTH 00°08'06" EAST, ALONG SAID EAST RIGHT OF WAY LINE OF NORTHWEST 14th STREET, A DISTANCE OF 200.10 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE RUN NORTH 00°09'28" EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 400.52 FEET TO THE POINT OF BEGINNING. ALL THE ABOVE DESCRIBED LANDS ARE LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA.

City of Gainesville Zoning Districts

- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RMU Up to 75 units/acre Residential Mixed Use
- RH-1 8-43 units/acre Residential High Density
- MU-1 8-30 units/acre Mixed Use Low Intensity
- UMU-1 8-75 du/acre; & up to additional 25 du/acre by special use permit
- UMU2 10-100 du/acre; & up to additional 25 du/acre by special use permit
- ED Educational Services
- PD Planned Development

Area under petition consideration



EXISTING ZONING

Name	Petition Request	Map(s)	Petition Number
Brett Dill, agent for University Development of Gainesville, LLC	Planned Development amendment to modify the mix of uses, square footage and building heights for University Corners	3949	PB-12-125 PDA



No Scale