

Petition 148LUC-06 PB, Legislative Matter No. 060733

City Plan Board and Staff Conditions

November 16, 2006

Condition 1. The uses permitted on the property shall be limited to commercial uses, general office and medical office uses, multi-family residential units (apartments, condominiums, apartments and condo/hotel) a place of religious assembly and both underground and above ground parking structure/s.

Condition 2. Vehicular access to the site shall be limited to ingress and egress from Northwest 14th Street, Northwest 3rd Avenue and Northwest 13th Street (US 441). Pedestrian and bike 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 businesses throughout the site.

Condition 3. The owner/developer shall provide custom-designed bus shelter/s at their mixed-use development on either West University Avenue ~~and also~~ or Northwest 13th Street (US 441), or both, at a location/s coordinated with the City Manager through the RTS (Regional Transit System) and the Gainesville Public Works Department.

~~**Condition 4.** Subject to approval of the City's Public Works Department and the Florida Department of Transportation, the owner/developer shall provide vehicular drop-off bay along Northwest 13th Street (US 441) that may be utilized by RTS (Regional Transit System) at a location to be designated by the City Manager through the Regional Transit System and the Public Works Department.~~

Condition 5. The maximum building square footage allowed for commercial, office and residential structures shall not exceed ~~650,000~~ 665,000 square feet.

Condition 6. The maximum square footage allowed for the parking garage/s shall not exceed ~~450,000~~ 350,000 square feet.

Condition 7. The maximum square footage for the University United Methodist Church shall not exceed ~~29,000~~ 30,000 square feet.

Condition 8. The maximum number of residential dwelling units shall not exceed ~~400~~ 490 units.

Condition 9. Useable open space (open air plaza, open air arcades on the ground level, and open air pool/recreation areas on multiple building levels) shall be ~~35%~~ 31% of the site area, or ~~67,000~~ 60,000 square feet.

Condition 10. The maximum building height permitted onsite shall be limited to 95 feet measured from grade level to the top of building plate.

Condition 11. The maximum building height of the parking garage located at north and west property lines, shall be limited to ~~85~~ 95 feet measured from grade level to the top of the 9 8-story guard rail.

Condition 12. The maximum number of mixed-use building stories allowed shall be limited to eight (8) stories.

Condition 13. No commercial uses shall be permitted fronting Northwest 14th Street or Northwest 3rd Avenue.

Condition 14. This Ordinance does not vest the development for transportation concurrency as provided in the Concurrency Management Element of the City's Comprehensive Plan. The owner/developer is required to apply for and meet concurrency management standards, including all relevant Transportation Concurrency Exception Area standards, at the time of application for development plan approval. An application for a Certificate of Final Concurrency must be submitted with the application for final development plan approval.

Condition 15. 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 16. The two vacated local streets, Northwest 1st Avenue and Northwest 2nd Avenue, shall not be physically closed to local pedestrian and vehicular traffic until the owner/developer has received an approved building permit from the City of Gainesville and the owner/developer commences construction on the building/s.

Petition 148LUC-06PB Kimley-Horn and Associates, Inc., agent for University Development of Gainesville, LLC. Amend the existing PUD (Planned use district). Ordinance No. 040656 to allow for an increase in the total number of residential dwelling units from a maximum of 400 units to a maximum of 490 residential dwelling units and to allow for an increase in the number of stories and building height for the parking garage from eight (8) to nine (9) stories and increase the allowable garage height from 85-feet to 95-feet to top of guard rail. Located between West University Avenue and Northwest 3RD Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. Related to Petition 149PDA-06 PB.

Gene Francis, Planner gave the Staff presentation and stated Staff is recommending approval with conditions and Staff comments.

Jay Brawley, applicant gave a presentation and stated this is for an already approved PD and is requesting some changes as:

- ✚ Parking will need to be reduced due to subsidence in the adjacent City streets
- ✚ Level 2 is exactly the same except it is residential which will raise the density level
- ✚ Chiller towers on the top deck will be moved inside of the building.

Mr. Brawley further stated they are improving the area quite dramatically from commercial to mixed use development.

Motion By: David Gold	Seconded By: Jon Reiskin
Moved To: Extend meeting for 30 minutes.	Upon Vote: 6 – 1.(Nay: J. Reiskind-would like 15 minute intervals.)

Bob Cohen stated the Board is being asked to approve density not use but density is related to use. Mr. Cohen inquired if the reduction in size is related to the intension of renting these apartments by room. Mr. Brawley stated this is a condominium, so there will be not rental units as the units that were larger were cut in half as some were townhouse units near the top that became flats.

Jon Reiskind stated the numbers indicate that you increased the condominiums by ninety and the hotel condo dwelling units by zero. Mr. Weeks stated the units on the upper level originally had loft units of which are now becoming flats in Block 1, as Block 3 were two bedroom two bath units now has one of the bedrooms as a lock-out so the buyer has an option to lease it, of which makes it more marketable.

Mr. Reiskind stated if you wanted to make the second floor commercial you could still do that. Mr. Weeks stated that is correct, as the 490 units would be the maximum if the second level went to all condominiums or to retail or commercial then they would be losing about 24 units. Mr. Reiskind inquired as to when will the applicant know the purpose or function of the second level. Applicants stated the viability of the second level was dependent on a walkway across University connecting to the project of which they have not be able to get approval from the University of Florida. Applicant further stated there will be

less parking than originally planned as the 240 unit condo hotel will not have parking and feels that the students that buy the condos will not need cars.

David Gold inquired if the chiller and the cooling tower is going to be enclosed as it is very close to the neighborhood residential side of the building. Applicant stated it will be enclosed as they have worked with GRU to put a chill water system that was originally on the top floor, to the first floor and will not be visible from the street, as the cooling tower will remain on top. Mr. Gold further inquired about the sewer pipe capacity. Applicant stated they had always intended to improve the sewer system. Mr. Gold inquired if the bus stop was eliminated. Mr. Francis stated the bus bay has been removed per the request of RTS and the DOT, however there will be a bus stop.

Applicant stated the site has been cleaned from contamination as they volunteered to clean it up, as a number of buildings were taken down for a complete decontamination or else it would have been fifteen years before DEP would step in to have it done.

Chair Polshek stated the applicant is requesting to add ten feet to the garage and to change the dwelling units from ninety one to one hundred and twelve. Applicant stated the UMU-2 allows up to one hundred and twenty five units per acre to the east. Chair Polshek stated there was some concern about the height of the building and is not inclined to provide any increase in height or density, as it seems dense enough. Chair Polshek further stated this building has been built as a mixed use development and the idea of losing the second story retail/office space is a great concern as it may not be financial feasible today, but feels it will be, given the increase student population and the growth of the City. Chair Polshek added it really is not clear to him why all this has to happen, understanding there are some engineering issues, given the scale of this project.

Mr. Reiskind stated he is sympathetic to some of it but not all of it as the increase of density is of some concern along with the diminishing mixed use. Mr. Reiskind further stated the redesign of the garage is a fine idea but sees room for a compromise that will have a less dramatic increase in density and more of a commitment to the original plan.

Motion By: Jon Reiskind	Seconded By: David Gold
Moved To: Extend meeting for 10 minutes.	Upon Vote: 6 – 1.(Nay: J. Reiskind)

Bob Cohen stated the only thing the Board needs to look at tonight is the specific changes put in by the petitioner, as these changes have been approved by Staff and don't seem to be very radical but would request the Board to address the comments on the specific changes.

Chair Polshek stated he would like to add to condition 31, that no electronic signs be allowed.

Chair Polshek further stated the three main issues are:

- ↓ the concern of the loss of the multi-use quality of the project on the lower floors
- ↓ the increase in density
- ↓ adding a story onto the garage.

Applicant stated they have done everything in their power to market this property and economic conditions beyond their control have affected everything else. The applicant further stated the underground parking is a technical nightmare and are not adding any additional parking as this project is absolutely a mixed-use project. Applicant stated if it was not marketable would the Board want it built and vacant. The applicant added they have not done anything to change the integrity of the building that was approved and the changes they are asking for are minor changes.

Motion By: Bob Cohen	Seconded By: Lauren McDonell
Moved To: Extend meeting for 5 minutes.	Upon Vote: 7 – 1.

Motion By: Bob Cohen	Seconded By: David Gold
Moved To: Approve with Staff conditions, recommendations and comments.	Upon Vote: 4 – 3. (Nays: P. Polshek, J. Reiskin and J. Walls)