

(2) Concurrency

The segment of N.W. 39th Avenue on which the Magnolia Parke Planned Development is located (N.W. 43rd Street to N.W. 97th Boulevard) is presently operating at a congested level of service. The Magnolia Parke Planned Development was granted preliminary concurrency approval for a period of five years. The number of trips to be generated by the development is based on the proposed uses as provided for in the Magnolia Parke Traffic Study. The total number of trips to be generated included provisions for a drive through associated with a financial institution. Since the petitioner is now requesting that the drive through be permitted as accessory to either a financial institution or an eating place, the total number of trips to be generated by the development could change, since each use generates a different number of trips. As such, the following condition is recommended:

Condition 1 (new Condition #53 of Ordinance 960941): Revisions to the Magnolia Parke Traffic Study showing the change in trip generation and distribution shall be required prior to development plan approval for a drive-through associated with a restaurant in either POD A or B. Development plan approval cannot be granted unless the restaurant with drive-through can meet traffic concurrency requirements and does not increase the overall trip generation for the Magnolia Parke Planned Development.

Based on traffic studies performed for the Springhills Development of Regional Impact (DRI), the segment of N.W. 39th Avenue from N.W. 43rd Street to N.W. 97th Boulevard, it was determined that the segment operates at a higher level of congestion during the a.m. peak hour (7 a.m. to 9 a.m.). Due to this, the following condition is also recommended:

Condition 2 (new Condition #54 of Ordinance 960941): A drive-through associated with a restaurant or a financial institution on POD A or POD B shall not operate during the a.m. peak hours between 7 a.m. and 9 a.m.

(3) Internal and External Compatibility

The Magnolia Parke development has been approved for a mix of uses, including commercial uses along N.W. 39th Avenue. Many of the conditions of the Magnolia Parke Planned Development Ordinance are for the purpose of ensuring a development style that will follow certain traditional neighborhood design standards. The ordinance currently allows one drive-through in POD A or POD B, located along N.W. 39th Avenue. Since the number of drive-throughs will not change with this PD amendment, staff finds that the development remains internally and externally compatible.

(4) Intensity of Development

The proposed amendment may change the intensity of the development related to the number of trips to be generated. Criteria (1) above addresses this issue in terms of concurrency requirements.

(5) Usable open spaces, plazas and recreation areas

The proposed amendment does not impact the approved open spaces, plaza and recreation areas approved as part of Ordinance 960941.

(6) Environmental constraints

There are no environmental constraints which would be affected by the proposed PD amendment.

(7) Internal and external transportation access

Any drive-through use within POD A or B must meet the adopted requirements of Condition 13 of PD Ordinance 960941. Condition 13 states that "Direct access to the drive-through is not permitted from N.W. 39th Avenue. The facility shall be designed to gain access internally from the Magnolia Parke development via a vehicular use area or an internal driveway. The development plan shall direct drive-through traffic to areas of the development that will have the least conflict with pedestrians and bicycles."

(9) Off-street parking

Staff finds that the proposed amendment does not impact the requirements for off-street parking, as approved by Ordinance 960941.

(10) Sidewalks, trails and bikeways

Staff finds that the proposed amendment does not impact the requirements for sidewalks, trails and bikeways, as approved by Ordinance 960941.

(11) Public facilities

The proposed amendment does not impact the public facilities available to the development site.

(12) Unified Control

The development site is under the unified control of one owner.

(13) Phasing

The proposed amendment does not impact the phasing of the Magnolia Parke Planned Development.

(14) Development Time Limits

The proposed amendment does not impact the time limit for the construction of the Magnolia Parke Planned Development.

(15) Bonds

Not applicable

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH:KW

"ATTACHMENT A"

Amend Condition 13 of Ordinance 960941 as follows:

Only one drive-through shall be permitted in POD A or POD B as identified on the PD Layout Plan and only used as an accessory use to a financial institution or an eating place. Direct access to the drive-through is not permitted from N.W. 39th Avenue. The facility shall be designed to obtain access internally from the Magnolia Parke development via a vehicular use area or an internal driveway. The development plan shall direct drive-through traffic to areas of the development that will have the least conflict with pedestrian and bicycle travel routes.


SITE PLAN EVALUATION SHEET
DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION
CURRENT PLANNING ROOM 16, OLD LIBRARY
222 East University Avenue 334-5023

Petition No. <u>229PDA-98PB</u>	Date Plan Rec'd: <u>12/4/98</u>	Review Type: <u>Other</u>
Review For : <u>Plan Board</u>	Review Date: <u>01/21/99</u>	Agent: Denney Family Limited Partnership
Description, & Location: Magnolia Parke PD Amendment		

APPROVABLE
(as submitted)

APPROVABLE
(subject to below)

DISAPPROVED

- | | |
|--|---|
| <input type="checkbox"/> Plan meets ordinance requirements as submitted | Comments By: |
| <input type="checkbox"/> Revisions necessary for plan to meet ordinance requirements |  |

Kathy C. Winburn, AICP
Senior Planner

RECOMMENDATIONS/REQUIREMENTS/COMMENTS

1. Please provide a revised PD Report indicating the underlined and strike through changes that are consistent with the proposed revision of Condition 13 of the PD Ordinance.

3. **Petition 229PDA-98 PB** Denney Family Limited Partnership. Amend the Magnolia Park PD Ordinance 960941 to allow the permitted drive-through use in POD A or B for either an accessory use to a financial institution or an eating place.

Chair Barrow declared a conflict of interest in Petition 229PDA-98 PB, and filed the proper forms with the clerk.

Ms. Kathy Winburn was recognized. Ms. Winburn stated that the petition involved a request to amend the Planned Development Ordinance governing the use and development for the 26 acres of Magnolia Park. She noted that both of the Pods impacted by the amendment were located along NW 39th Avenue. She indicated that the petitioner was requesting an amendment to Condition #13 of the PD Report, which allowed one drive-through on Pod A or B, limited to an accessory use to a financial institution. Ms. Winburn explained that the petitioner was requesting that the drive-through be used for either a financial institution or an eating place. She reviewed the criteria required for an amendment to a Planned Development and noted that the Plan Board was to review the petition with regard to those criteria. Ms. Winburn reviewed staff's recommended conditions including those on concurrency, one of which would require that the drive-through not operate between 7:00 A.M. and 9:00 AM. She noted that any development would be required to meet the other requirements of the Planned Development Ordinance. Ms. Winburn offered to answer questions from the board.

Mr. Guy, noting that there was no change in square footage, asked how the trip generation was calculated.

Ms. Winburn stated that trip generation was based upon drive-through use.

Mr. Guy asked if there were guidelines that indicated that an eating establishment would generate more trips than a drive-through for a financial institution.

Ms. Winburn explained that the petitioner would be required to indicate any changes in the revised Traffic Study. She indicated that she did not have information on what the differences would be.

Dr. Fried asked if the petitioner had indicated what the difference would be between the two different establishments.

Ms. Onelia Lazzari was recognized. Ms. Lazzari stated that there were differences in the trip generation rates for the two different uses. She explained that it was difficult to determine what those differences would be without the exact number of seats or square footage of the restaurant or the square footage of the financial institution.

Mr. Polshek asked if there were reasons the drive-through was limited to a financial institution.

Ms. Winburn explained that many of the conditions of the PD ordinance were related to maintaining a new urbanist style of development. She noted that the amendment would not change the number of drive-throughs, but would allow a drive-through for an eating establishment or a financial institution.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville

Chair Barrow asked why the hours of operation were limited between 7:00 AM and 9:00 AM, if there was no net increase in trips generated.

Ms. Winburn explained that the condition was being proposed to address recent problems of congestion and failing levels of service on NW 39th Avenue.

Ms. Lazzari explained that, when the PD was originally approved, the traffic was not at its present level. She discussed concurrency requirements, updated traffic studies, and mitigation as circumstances changed on the segment. She indicated that the measures proposed by the conditions were prudent, given the circumstances. She noted that the drive-through did not have direct access to NW 39th Avenue.

There was discussion of the site plan and possible location of the drive-through. There was also discussion of the definition of eating establishment.

Mr. Jay Brown, agent for the petitioner, was recognized. He explained that the petitioner had a development application for a deli restaurant running concurrently with the PD amendment. He indicated that the deli and drive-through would be located on Pod A. He agreed with all of staff conditions including updated traffic reports. Mr. Brown requested that the board approve the petition.

There was no public comment on the petition.

Mr. Carter stated that he would support the petition.

Mr. McGill agreed. He indicated that he thought the change would be positive.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Ms. Dowling
<u>Moved to:</u> Approve Petition 229PDA-98 PB, with staff conditions.	<u>Upon Vote:</u> Motion Carried 6-0 Yeas: Carter, McGill, Guy, Fried, Dowling, Polshek Abstain: Barrow.