

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 3 IN SAID SECTION 10 AND RUN NORTH 00 DEG. 31 MIN. 21 SEC. WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 319.31 FEET, THENCE RUN NORTH 89 DEG. 33 MIN. 49 SEC. EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD SW 30, A DISTANCE OF 1363.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 AND THE POINT OF BEGINNING; THENCE RUN EAST ALONG THE SAID SOUTH RIGHT OF WAY LINE WITH THE FOLLOWING COURSES AND DISTANCES: NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 261.72 FEET NORTH 00 DEG. 26 MIN. 11 SEC. WEST 15.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 450.00 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 10.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 249.52 FEET; THENCE LEAVE SAID SOUTH RIGHT OF WAY LINE AND RUN SOUTH 00 DEG. 26 MIN. 11 SEC. EAST, 250.00 FEET; THENCE RUN SOUTH 89 DEG. 33 MIN. 49 SEC. WEST, 575.00 FEET; THENCE SOUTH 55 DEG. 11 MIN. 21 SEC. WEST, 188.22 FEET TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, WITH A CURVE CONCAVE SOUTHWESTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF 00 DEG. 58 MIN. 55 SEC. A RADIUS OF 23,068.32 FEET, A LENGTH OF 403.85 FEET AND A CHORD OF NORTH 35 DEG. 18 MIN. 44 SEC. WEST, 403.84 FEET TO THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3350, PAGE 861 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND ADJACENT LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 3 IN SAID SECTION 10 AND RUN NORTH 00°31'21" WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 319.31 FEET, THENCE NORTH 89°33'49" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD SW 30, A DISTANCE OF 1363.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (300 FOOT WIDE RIGHT OF WAY); THENCE CONTINUE NORTH 89°33'49" EAST, ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3350, PAGE 861, A DISTANCE OF 261.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°26'11" WEST, A DISTANCE OF 15.00 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3350, PAGE 861; THENCE NORTH 89°33'49" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 450.00 FEET; THENCE NORTH 00°26'11" WEST, PARALLEL WITH THE EAST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 3350, PAGE 861, A DISTANCE OF 10.00 FEET; THENCE NORTH 89°33'49" EAST, PARALLEL WITH AND 10.00 FEET NORTH OF SAID NORTH LINE, A DISTANCE OF 249.52 FEET; THENCE SOUTH 00°26'11" EAST, ALONG THE AFOREMENTIONED EAST LINE OF SAID LANDS, A DISTANCE OF 50.00 FEET; THENCE NORTH 45°26'11" WEST A DISTANCE OF 35.36 FEET; THENCE SOUTH 89°33'49" WEST, PARALLEL WITH AND 15.00 FEET SOUTH OF THE AFOREMENTIONED NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3350, PAGE 861, A DISTANCE OF 674.52 FEET TO THE POINT OF BEGINNING, CONTAINING 13,300 SQUARE FEET MORE OF LESS.

TOGETHER WITH ALL RIGHTS IN THAT EASEMENT RECORDED IN O.R. BOOK 1578, PAGE 2868, DESCRIBED AS A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS OVER AND UPON ALL OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE S.W. CORNER OF LOT 3 IN SAID SECTION 10 AND RUN NORTH 00 DEG. 31 MIN. 21 SEC. WEST, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 319.31 FEET; THENCE RUN NORTH 89 DEG. 33 MIN. 49 SEC. EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD N.W. 30, A DISTANCE OF 1363.26 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE RUN EAST ALONG THE SAID SOUTH RIGHT OF WAY LINE WITH THE FOLLOWING COURSES AND DISTANCES: NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 261 72 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 15.00 FEET, NORTH 89 DEG. 33 MIN. 49 SEC. EAST, 450.00 FEET; NORTH 00 DEG. 26 MIN. 11 SEC. WEST, 10.00 FEET; NORTH 89 DEG. 33 MIN. 49 SEC. EAST 249.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEG. 33 MIN. 49 SEC. EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 65.00 FEET; THENCE RUN SOUTH 00 DEG. 26 MIN. 11 SEC. EAST, A DISTANCE OF 120.00 FEET; THENCE RUN SOUTH 89 DEG. 33 MIN. 49 SEC. WEST, A DISTANCE OF 65.00 FEET; THENCE RUN NORTH 00 DEG. 26 MIN. 11 SEC. WEST, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

PLANNED DEVELOPMENT REPORT

Legacy Fountains, LLC

Property Owner(s): Legacy Fountains, LLC
1223 NW 114th Avenue
Gainesville, Florida 32606

Prepared By: Causseaux, Hewett, & Walpole, Inc.
6011 NW 1st Place
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Revised January 13, 2011
Revised January 24, 2011
Revised March 10, 2011
Revised December 22, 2011

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

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EXHIBIT "B"

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LEGACY FOUNTAINS, 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 proposed PD rezoning is on a ±5.07 acre parcel located in Section 10, Township 10 South, Range 19 East, Gainesville, Florida. The site is in an existing urbanized area, characterized by multi-family residential development along the Southwest 20th Avenue and Southwest 62nd Boulevard/Southwest 52nd Street corridors.

The site is restricted by existing utility easements along the northern and western boundaries. In addition, the City of Gainesville has defined this area as being within the Uplands area requiring preservation of at least 25% of the site. Given the regulatory and utility restrictions, the property is an appropriate candidate for the PD zoning district. In addition, the site is located within an area developed primarily as multi-family and student housing. This higher density area is uniquely suited for appropriate supportive neighborhood-scaled commercial. However, the existing land use and zoning districts cannot control the uses and intensity as would be appropriate for the area. The proposed-mixed use development will provide a vertically and/or horizontally mixed-product with exception to the bank use.

The proposed PD district is being requested for the following:

1. Construct appropriately scaled mixed-use development proximate to thousands of students, faculty, and City of Gainesville citizens,
2. Protect on-site Upland areas while providing adequate urban amenities to serve the resident population and surrounding employment base,
3. Accommodate existing utility infrastructure and provide necessary right-of-way for future planned roadway infrastructure expansion,
4. Accommodate for steep topography that currently exists on the property, and
5. Retain the option for urban residential dwellings above ground floor retail/office when needed, based on population and when demand suits the area.

The PD will provide for a mix of residential and nonresidential uses which are largely consistent with the City of Gainesville's existing MU-1 zoning category. Specific differences are described throughout the PD report. Therefore the project is regulated as if zoned MU-1, except as may be expressed in the adopted PD ordinance. Specific permitted uses are described below:

SIC	Uses	Conditions
	USES BY RIGHT:	
-	Any accessory uses customary and clearly incidental to any permitted principal use including structured parking.	-
-	Compound uses	-
-	Cultural, Civic or Service	These uses shall be defined and derived from the MU-1 zoning district as facilities serving a community function, as allowed by the PD and PUD, including but not limited to public administration, performing arts, community centers, educational services, social services; day cares (in accordance with Article VI of the LDC), membership organizations, museums and art galleries, places of religious assembly (in accordance with Article VI of the LDC), etc.
-	Eating places	-
-	Outdoor Cafes	As defined in Article II and in accordance with Article VI.
-	Multi-family dwellings	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of Section 30-64, and the requirements of Section 30-56.
-	Neighborhood Convenience Center	-
-	Passive Recreation	Allowed in Zone C of the PD. Passive Recreational activities are those which involve mere observation or only low impact activities to derive relaxation or pleasure, such as walking /hiking, bird watching, etc.
MG-53	General merchandise stores	-
MG-54	Food Stores	-
MG-56	Apparel and accessory stores	-
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-5963); and fuel dealers: including liquor stores (IN-5921) limited to 2,000 square feet
MG-72	Personal Services	Excluding funeral services and crematories (IN 7261); laundry, cleaning, and garment services (GN 721), except IN-7215 (No Commercial Dry Cleaners) AND allowing satellite pick-up and drop-off garment service and diaper services
MG-73	Business Services	Excluding outdoor advertising services (IN-

		7312); services to dwellings and other buildings (GN 734); heavy construction equipment rental and leasing (IN-7353); and equipment rental and leasing, not elsewhere classified (IN-7359)
MG-87	Engineering, accounting, research management and related services	Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744)
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
<p>Note: Anything to the contrary notwithstanding, the following uses are prohibited: outdoor storage; drive-through facilities (other than a stand-alone bank with one (1) drive through lane); limited automotive services; fuel dealers; gasoline sales; and the uses identified as "Other Uses (including light assembly or packaging)" in Section 30-64. Mixed-Use Low Intensity District (MU-1). (g) Permitted Uses. of the Land Development Code.</p>		

This PD will permit Multi-family Residential, Office, Commercial/Retail space, and a Bank as is appropriate and unique to the context area consisting of multi-family residential. Commercial uses such as sit-down restaurants, retail services, postal and copy centers, and banking are being targeted, while office uses such as insurance, law, or accountants are also permitted. These targeted uses will provide essential services proximate to a very large student population. It should be noted the owner / developer may exchange the 5,000 sq. ft. of bank use with one drive-through lane for one of the following uses, subject to development plan approval:

1. Either general (non-medical) office use with a maximum of 2,500 sq. ft. of gross floor area (GFA), or
2. Retail / commercial use that is not an eating place with a maximum of 1,750 sq. ft. GFA

Given that, today, the area is highly dependent on vehicular mobility via cars or transit, an appropriate quantity of nonresidential will meet the existing needs. On a limited basis, locations of these needs are advantageous. Then, this goal decreases dependence on fossil fuel, leads to a reduction in traffic congestion, and provides pedestrian and bicycle friendly options.

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

<i>Description</i>	<i>PD Total Area (maximum, unless otherwise noted)</i>
Site Acreage	±5.07
Maximum lot coverage	40%
Maximum impervious ground coverage (buildings included)	52% (Unless otherwise prohibited by the adopted Land Use and PD Rezoning)
Maximum number of dwelling units	10 dwelling units, Maximum 2 bedrooms / unit
Minimum number of dwelling units	0 dwelling units
Building Height	Maximum: 50' or 3 stories, whichever is greater Minimum: Property shall consist of not less than 2 detached buildings that are at least 2 stories in height. A stand alone bank may be one-story in height.
A listing of nonresidential land uses by type and size to be allowed (Building Area, Floor Area, Gross Floor Area)	Retail/Commercial – 20,000 ft ² Office – 20,000 ft ² Stand-alone bank w/ one drive-thru lane per PD and PUD – 5,000 ft ²

The acreage of each use area

Zone A (Development Area)	±52% (±2.64 Acres)
Zone B (Stormwater Management / Open Space)	±20% (±1.01 Acres) minimum
Zone C (Upland Area / Stormwater Conveyance Infrastructure)	±25% (±1.27 Acres) minimum
Zone D (Buffer / Landscaping / Vehicle Crossing Per Adopted PD)	±3% (±0.15 Acres) minimum

The area of land devoted to publically owned:

Usable Open Space, Recreational Areas, or Plazas	0%
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The proposed development will have as few as two (2) buildings or as many as four (4) buildings with potential covered or conditioning connections between buildings. Covered or conditioned connections shall not cause multiple buildings to be labeled as one (1) singular structure. The Building Area, Floor Area, Gross Floor Area for the proposed development is 45,000 square feet. The maximum Building Area, Floor Area, Gross Floor Area square footage allowed for a single use is 10,000 square feet. Buildings shall not exceed 12,000 square feet per Ground Floor Building Area, Floor Area, Gross Floor Area. Ground Floor Building Area, Floor Area, Gross Floor Area means the total floor area designed for tenants' exclusive use on the ground floor or street level. Gross Leasable Area does not include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies or mall areas, either open or enclosed.

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

The project site lies within the Hogtown Creek watershed. The project development includes on-site Stormwater Management Facilities (SMFs) to provide water quantity treatment and rate/volume attenuation for the 100-year design storm event. All SMF

facilities will be privately owned and maintained and all SMF facilities will employ best management practices. All stormwater basins shall be designed with an irregular shape so as to retain as much of the existing tree canopy as possible, subject to review and approval by the City Manager or Designee or the appropriate reviewing board, as appropriate.

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

Building Design and Orientation

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

Façades will present a unified architectural style that invites residents and neighbors into the site and enhances the existing street-design elements. A unified architectural style for all building façades will be required so that multiple buildings contain a consistent building style, complementary colors, window design, and building materials. The façades will present a pleasing appearance not only to the internal portions of the site, but also to external passers-by. Design requirements shall, at a minimum, comply with the sidewalk; building orientation; building wall articulation; mechanical equipment; and parking placement standards of the Central Corridor Special Area Plan, as adopted in the Land Development Code. The amount of glazing provided on each floor level above the ground floor on the front building façade shall cumulatively equal a minimum of ten (10) percent of the total square footage of the entire front building façade, excluding the ground level. The amount of glazing provided on each floor level of the side and rear building facades shall cumulatively equal a minimum of ten (10) percent of the entire building façade, including the ground level. Operable doors shall not be used towards meeting the minimum glazing requirements. However, operable doors shall be used in calculating the total square footage of each building façade. Additionally, dimensional requirements shall be as per the City of Gainesville’s Land Development Code, Section 30-64 and also allow a maximum building height of 3 stories or 50 feet, whichever is greater.

Design Elements

Specification

Balconies	Metal railings with both covered and open air areas allowed
Roofs	Gabled roofs at typical pitch with surrounding areas
Parapets	Allowed, if flat roof or screening of mechanical equipment
Fences/walls	Wood or metal; chain-link fencing shall be prohibited within the planned development, except when being used as barricades for construction purposes.
Siding	Wood, cementitious siding, or stucco materials in any combination
Dumpster Enclosure	Brick, block, or other weather resistant, opaque material

Sidewalks

Sidewalks will be located along major roadway corridors (SW 20th Avenue & SW 52nd Street) external to the development if not already established. Sidewalks may also be incorporated into the external portion of the development, rather than along major roadway corridors. An internal network of sidewalks will be established connecting the proposed buildings and use areas. Connections between the internal and external pedestrian network will ensure efficient movement around and internal to the development. All sidewalk modifications along SW 52nd Street shall meet the MTPO design standards and be consistent with the SW 62nd Blvd. project as approved by the MTPO. Sidewalks along SW 20th Avenue shall follow the guidelines provided by Alachua County Public Works concerning location and design.

Landscaping

Landscape improvements shall be per the City of Gainesville's LDC, Division 2, Subdivision I. Streetscaping will be provided to enhance the pedestrian connection to development including sidewalk connections, internal circulation, and landscaping along public roadway frontage.

Vehicle Use Areas

On-site driveways, parking facilities, general vehicle use areas, and pedestrian facilities will be designed to comply with the standards defined in the City of Gainesville's LDC. The number of required parking spaces may be reduced at development plan review in accordance with provisions established in the Land Development Code. Landscaping of vehicular use areas will be consistent with Section 30-252 of the LDC. Vehicle loading and service facilities will be designed to provide adequate maneuvering areas internal to the site, rather than using public streets and rights-of-ways. Coordination with City of Gainesville's Solid Waste Division will ensure appropriate placement of the solid waste collection facility.

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 provided will be based upon the table of uses in Section 30-332, but may be decreased in accordance with provisions established in the Land Development Code. Bicycle and motorcycle parking will be included in the PD's design and will be accommodated by onsite designated parking. Bicycle and motorcycle parking spaces may be located within Zone A as depicted on the PD Layout Plan.

Energy Conservation

Buildings shall be designed to promote energy efficiency standards, xeroscaping, and other landscaping elements to create a more inviting space and reduce energy consumption by providing breezeways and pocket parks, etc. 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.

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

The proposed development will not consist of phasing. Due to the current market conditions, and various funding mechanisms available at this time, the developer is requesting that the PD be effective for a length of up to five (5) years from the effective date of the Zoning Ordinance. The following table lists the proposed uses and their intensities.

<i>Use</i>	<i>Intensity</i> <i>(Building Area, Floor Area, Gross Floor Area)</i>
Office	20,000 ft ²
Retail/Commercial	20,000 ft ²
Stand-Alone Bank (w/ 1 drive thru)	5,000 ft ²
Residential (Optional)	10 units / 20 bedrooms

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

The project shall conform to the sign regulations stipulated in the City of Gainesville’s LDC for the construction of all site signs.

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

The PD will provide for a mix of residential and nonresidential uses which are largely consistent with the City of Gainesville’s existing MU-1 zoning category. Specific permitted uses are described in the table on page 2.

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.*

The PD is comprised of up to 4 structures. The site's significant required setbacks and upland set aside limit the uses to the property's central core. The PD is comprised of a mix of commercial/retail, office, and residential uses that will exist harmoniously both internal to the site and externally to the context area. The provision of neighborhood-scale commercial/retail, office, and residential uses will function in conjunction with an existing populated community.

The site will provide multi-modal access utilizing internal sidewalks that will connect buildings, if separated, and uses within buildings. In addition, connection to external pedestrian and bicycle circulation networks will allow residents of neighboring developments to take advantage of the commercial, office, and retail uses and opportunities provided within this PD.

Parking facilities will be provided for residents and guests within the site. The majority of parking facilities will be located along the southern boundary or potentially within structures. In accord with the City of Gainesville's CCSAP, minimal parking will be located along the northern boundary.

Sidewalks are provided along Southwest 52nd Street and internally to provide convenient access to and from the site, as well as within the site. The site is located along Bus Routes 20 & 21, which allow for easy access to transit riders. Persons with special needs, such as the elderly and physically-challenged, can also easily access the site and utilize the site's offerings without imposition.

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

The requested change will provide the property owners flexibility to meet changing market and consumer needs by allowing the site to be utilized by a variety of uses, including commercial/retail, office, and residential. The uses will remain within a tightly controlled area based on the PD Layout Map. 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 project site is within the City's Upland Area as defined by the City of Gainesville Comprehensive Plan. Therefore, at least 25% of the site will be preserved as Upland Area and some will be incorporated into the site's landscape features. This will be similar to other developments in the area and provides a harmonious development pattern. The intent is to leave the Upland Area natural and untouched. Only management of the area for invasive species, replanting of listed species, and passive recreation will be permitted. In addition, the Cabana Beach Apartment complex, the District on 62nd, and the Woodlands of Gainesville all consist of 2-3 story structures.

The proposed development is appropriate for the area, consisting of structures up to 3 stories or 50', whichever is greater.

(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 project site 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 development 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 project offers innovative design through providing vertical mixed use structures that is currently lacking in this portion of the City. This will serve as a model for future area development. Currently, the intersection of SW 20th Avenue and SW 62nd Blvd/SW 52nd Street has multi-family residential housing on three of the intersections four corners. With exception to a 2 acre corner lot the Woodlands development completed development of the adjacent quadrants. Therefore, the development of the Legacy property will provide infill development completing the four corners.

Promotion of flexible standards and a variety of uses supports and strengthens the ability to meet changing market trends, market demand, and local tastes. The requested PD promotes a viable mixed-use community, which promotes an atmosphere of utilizing alternative modes of transportation such as bicycle and mass transit. In addition, the development proposes establishing an internal connection point along the southern development boundary. This promotes connectivity and eliminates potential negative impacts of the site being developed without connectivity to other parcels.

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

The development's proposed architecture provides variable articulated building heights and façades consistent with the images provided in Appendix C – 1. The proposed facility provides on-site parking and internal circulation for pedestrians, vehicles, and bicycles. Although limited by the regulatory and on-site utility constraints, the site 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 facility's mixed-use nature is pedestrian in scale and provides appropriate scaled elements such as lighting, urban plazas and breezeways, and civic/community gathering area. The CCSAP limits the number of parking spaces allowed in front of buildings to a double-loaded row. Therefore, vehicular use areas will be located around the facility, with the majority of the parking located at the rear of the building or potentially included within some of the structures. Vegetation and/or screening walls, where practicable, create a secluded atmosphere and attractive vistas both inside and outside the site. 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. The Justification is as follows:

- (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.*

Currently, no zoning district within the LDC allows for all the proposed uses while respecting the transitioning area and respecting environmental features. The proposed PD is unique due to the following:

- a. Construct appropriately scaled mixed-use development proximate to thousands of students, faculty, and City of Gainesville citizens,
- b. Protect on-site Significant Uplands while providing adequate urban communities to serve the resident population and surrounding employment base,
- c. Accommodate existing utility infrastructure and provide necessary right-of-way for future planned roadway infrastructure expansion,
- d. Accommodate for steep topography that currently exists on the property, and
- e. Retain the option for urban residential dwellings above ground floor retail/ office when needed based on population and demand suits the area.

- (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.*

The location of the site and existing utility easements make the layout and design of buildings difficult to manage under the intended uses desired. The applicant has demonstrated a need for the uses that have been requested. The site is adjacent to a large concentration of multi-family/student housing. However, commercial/retail on a neighborhood scale and office space is lacking to support area residents. Furthermore, the applicant feels that the desired uses can be accomplished under unique design circumstances.

(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.

Significant uplands and utility easements restrict the design ability of this site. The allowed maximum height of proposed buildings will enhance the usefulness of the site and reflect surrounding building heights. Additionally, findings within the ecological inventory will be addressed, and a significant portion of land (at least 25%) will be dedicated to a preserved Upland Area.

Section 30-216 Requirements & 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 lists the project site as a Recreation (REC) land use category. As part of a concurrently submitted application, the developer is requesting a Planned Use District (PUD) land use category. The City of Gainesville Comprehensive Plan allows PUDs to contain residential and nonresidential uses and/or unique design features, which might otherwise not be allowed in the underlying land use category.

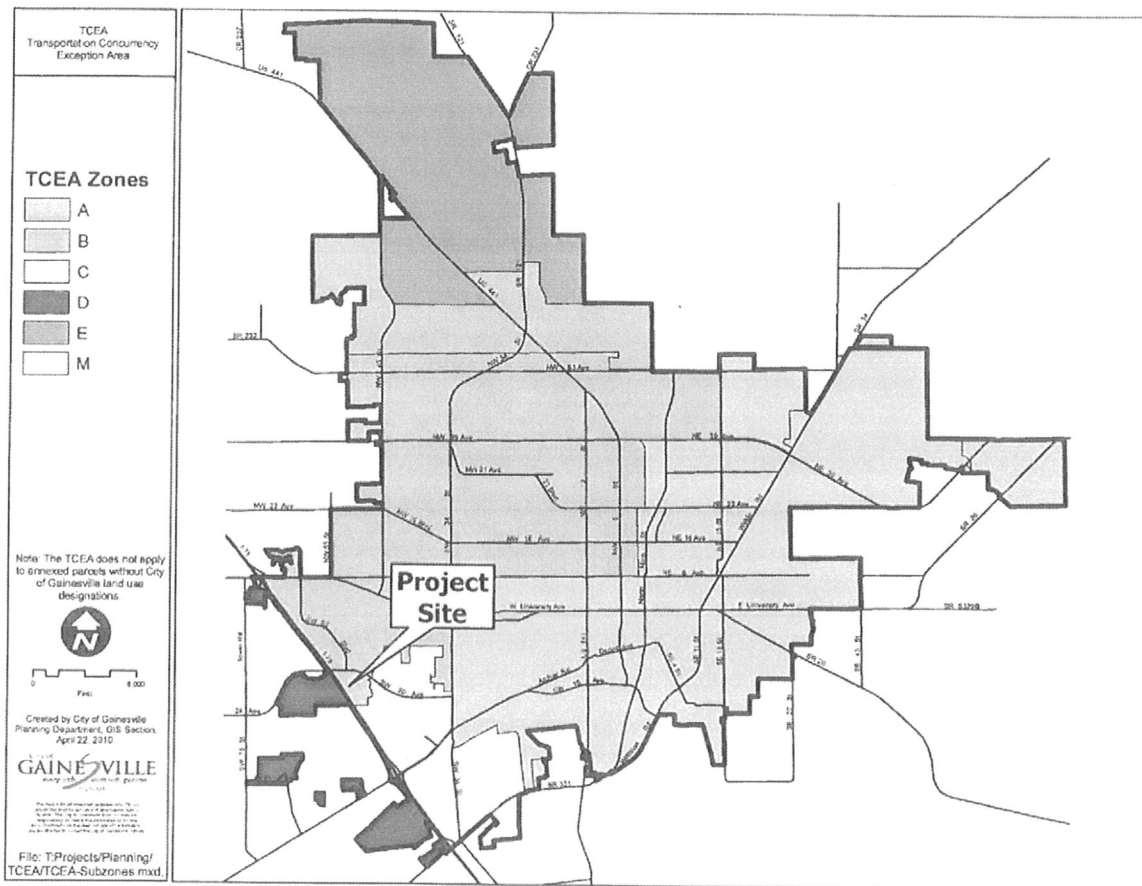
Given the site location and previous nonresidential land use category, it is appropriate for the PUD district to allow for a mixture of uses as implemented by a site specific Planned Development (PD) zoning.

Concurrency

The development shall comply with all adopted LOS standards in the Comprehensive Plan and all Concurrency Management Element Policy 1.1.4 and 1.1.6 standards.

This development is located within Transportation Concurrency Exception Area (TCEA) Zone 'B'. A preliminary concurrency certification application has been submitted along with the proposed PD Application. Prior to the second and final reading of the Planned Development ordinance, the owner/developer shall sign a TCEA Zone B Agreement (or

other transportation mitigation agreement in effect at the time) for required Concurrency Management Element Ordinance Policy 1.1.6 standards (or for required transportation mitigation). Property appraisals for any dedication of ROW that will be counted toward meeting Policy 1.1.6 standards shall be provided at the owner's / developer's expense, and are subject to approval by the City. The deed for any ROW dedication associated with a TCEA Agreement shall be provided to the City at the time of delivery of the Agreement and shall be recorded in Alachua County Public Records by the City within 10 working days of the second and final reading of the Planned Development ordinance. Per Concurrency Management Element Policy 1.1.14, the owner / developer shall sign a Context Area Transit Agreement for any multi-family residential units prior to the issuance of a final development order for the development plan associated with this PD (Planned Development District)



Internal Compatibility

The PD is comprised of up to 4 structures. The site's significant required setbacks and upland set aside limit the uses to the property's central core. Parking facilities will be provided for residents and guest within the site. The majority of parking facilities will be located along the southern boundary or potentially within structures. In accord with

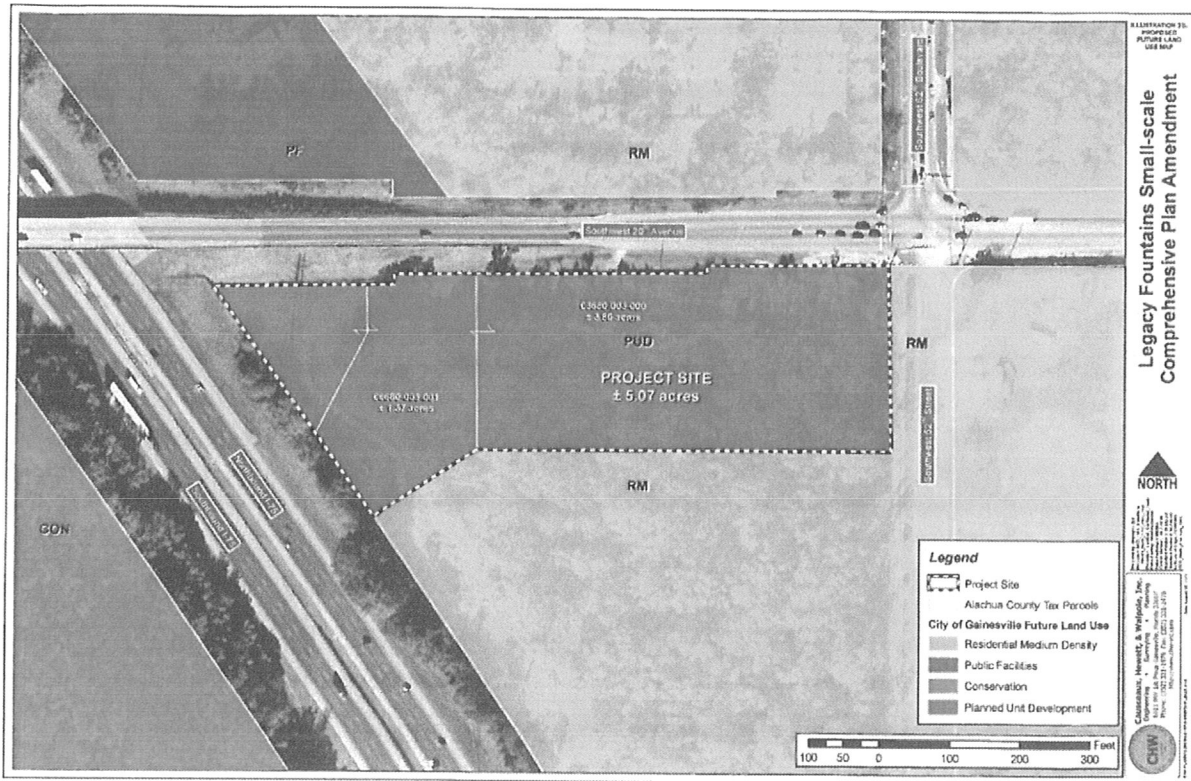
the City of Gainesville's CCSAP, minimal parking will be located along the northern boundary.

The PD is comprised of a mix of residential, commercial, office, and retail uses that will exist harmoniously both internal to the site and externally to the context area. The provision of neighborhood-scale commercial, office, and retail uses will function in conjunction with an existing populated community. The site will provide multi-modal access utilizing internal sidewalks that will connect buildings, if separated, and uses within buildings. In addition, connection to external pedestrian and bicycle circulation networks will allow residents of neighboring developments to take advantage of the commercial, office, and retail uses and opportunities provided within this PD.

The compact development form promoted on the northern portion of the site will serve to protect those portions that contain upland environmental features. These natural features will serve as a source of contemplative relaxation and passive recreation for the areas residents and guests. Further, appropriate construction management practices will be employed to ensure that the set-aside portions of the site are not negatively impacted during on-site construction activities. Other on-site improved and landscaped open spaces shall be provided to allow for passive recreational opportunities.

External Compatibility

Properties surrounding the site currently exist in the RMF-6 zoning districts. To the east of the site is Cabana Beach Apartments (500 beds), while to the north is The District at 62nd Apartments (995 beds). In addition, northeast of the site, the Woodland development consists of 728 beds. The PD proposes up to 10 dwelling units (20 bedrooms) for the site with façades designed to create an urban character, matching the context of the surrounding development. The overall residential density will complement the context area given the permitted nonresidential uses. The PD brings a live, work, and recreate environment to the SW 20th Avenue corridor context area, while preserving and enhancing the existing neighborhood by providing neighborhood-scaled residential, commercial/retail, and office uses.



Direction

North
East
South
West

Future Land Use

Residential / Public Facilities
Residential Medium
Residential Medium
Residential Medium

Property Use

GRU / Apartments
Apartments
Apartments
I-75 ROW

To the greatest extent practicable, the PD's SMFs, driveways, common space, and utility locations will be designed to utilize and preserve the site's existing and outstanding landscape features. Where possible, the site's landscape features shall be incorporated as aesthetic elements, both internally and externally, from the site for passive recreation and for buffering purposes. The project's proposed overall minimum density is 0 du/ac with a maximum density of 2 du/ac. The PD overlay, will allow the overall density in a manner that is consistent and complimentary to both the surrounding context area and the character of the site.

The development will meet the City of Gainesville, Code of Ordinances, Chapter 15 for the purposes of lighting. Placement of luminaries will not be known until development plan review. Noise impacts from I-75 will be generally attenuated by the existing uplands and/or common area vegetation that is located between the building area and I-75. Additional noise attenuation can *only* be accommodated through building design,

construction materials, and techniques. Therefore, signed and sealed documentation is most appropriate at time of development plan review.

Intensity of Development

As previously shown, the maximum lot coverage is limited to 40% of the site acreage. The site's intensity, architectural character, and open space reservations are consistent and compatible with the site's physical and environmental characteristics and that of the surrounding properties.

Usable Open Spaces

On-site open space outside the upland set-aside area, although adequate for the residents and guests, is limited due to the compact design form. SMFs shall include pedestrian paths. Usable open spaces will consist of a minimum of 1.01 ac. or 20% of the site. Interior space will provide urban-type landscape amenities and moderate shade tree coverage, with large setbacks provided along I-75 and Southwest 20th Avenue. Those portions of the developed area that are along Southwest 20th Avenue and Southwest 52nd Street will be designed to blend with the surrounding context area using typical urban-type streetscaping elements.

Environmental Constraints

There are no environmental constraints other than the previously discussed Upland Area and listed species. At least ±1.27 acres (25%) of the property will be protected in Upland Area set-aside. Furthermore, an ecological inventory of the subject property has been prepared and submitted to staff for review. Four (4) four-foot (4') tall Godfrey's Privet plants have been identified onsite. Two (2) will require relocation into the preserved Upland Area.

External Transportation Access

Vehicular access to the site will be allowed by a right-in/right-out point on Southwest 52nd Street. Non-emergency vehicular access to Southwest 20th Avenue will be prohibited. All site facilities will have access to Southwest 52nd Street via a network of internal private drives and pedestrian access ways. Consistent with the requirements of Concurrency Management Element Policy 1.1.4.b and as shown on the PD Layout Plan, the owner / developer, its successors and assigns, shall provide a vehicular, pedestrian, and bicycle cross access easement to the development to the south (west of SW 52nd Street along the southern property line boundary) when development at that site occurs. The location of the cross access connection shall be illustrated on any development plan associated with this PD, and the required connection shall be shown as a stub-out until development on the southern site occurs. The cross access easement shall be recorded by the owner / developer in Alachua County Public Records

at the time of execution and a copy provided to the City. The internal circulation system and network 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, 8th Edition. The complete traffic study, prepared by Volkert & Associates, 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.

<i>Status</i>	<i>Use</i>	<i>Intensity</i>	<i>Daily Trips</i>
Proposed Intensity (Gross Leasable Area)	Residential Multi-family	10 Units (20 bedrooms)	1,421
	Office	20,000 square feet	
	Retail/Commercial	20,000 square feet	
	Bank (1 drive thru)	5,000 square feet	

Internal Transportation Access

The sidewalks, pedestrian lighting, and streetscape improvements will be installed to allow for safe internal movement of site visitors. Sidewalks provide connection from the parking area to the facility as well as from the preexisting sidewalks located along SW 52nd Street. Mulched pathways shall be permitted within the open space and development areas for the residents and guests' enjoyment.

Range of Transportation Choices

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

Section 30-217 Unified Control

The applicant, Legacy Fountains, LLC, is 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.

PLANNED DEVELOPMENT REPORT ADENDUM

Legacy Fountains

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Date: January 12, 2012

*Submitted per request by City of Gainesville Planning and Development Services
and the City Attorney's Office*

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PB-09-116 PDV
Legacy Fountains

JUSTIFICATION REPORT ADENDUM

The right-of-way (R.O.W.) shown on the PD Layout Map will not be used as part of the Legacy Fountains Planned Development. The overall 5.07 acres will be used for density calculations / purposes so as not to penalize the developer for donating the R.O.W.

PB-09-116 PDV
Legacy Fountains

