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Butler Plaza PD Updated Conditions

PB-09-84 PDV conditions

11/22/2010: City version in red

04/07/2011: Joint Applicant/Staff version in black

Revised Condition 1 (Phasing)

All dates referenced in this condition shall be calculated from the date of final adoption of this Ordinance. This PD shall be valid for a period of 20 years; provided the development meets the minimum development thresholds set forth herein and further provided that within any period of 3 years, at least one building permit for construction of a new building must be obtained and that construction must be completed (as evidenced by issuance of a CO/CC). Failure to meet such requirements shall render the development order approved by this PD Ordinance expired and null and void. The developer may request an extension of any time period from the City Commission. The developer shall provide evidence of good cause or necessity to support the requested extension. The City Commission shall be the sole arbiter of good cause or necessity and its decision shall be final. If any time period expires with no extension being requested or granted, then the development order is void and the City may designate other appropriate zoning consistent with the Comprehensive Plan.

- A. Prior to the first certificate of occupancy being issued in the TC, VR, DR, or FC districts, construction shall be completed for the following modifications:
 - 1. SW 62nd Boulevard from Archer Road to SW 24th Avenue shall be constructed in accordance with the adopted MTPO corridor alignment, alternative 4B-3, including all of the required intersection modifications at Archer Rd, Windmeadows Blvd/SW 33rd Pl, SW 42nd St and SW 24th Ave. If the developer elects to defer construction of the bus lanes within the SW 62nd Blvd median from SW 24th Ave to Windmeadows Blvd, a surety shall be posted for the cost of construction; which construction shall occur no later than the construction of Bus Rapid Transit lanes on SW 62nd Blvd between SW 24th Avenue and SW 20th Avenue.
 - 2. RTS transfer station with 50 park-and-ride spaces with access to SW 38th Terrace and SW 42nd Street.
 - 3. Southbound turn lane at the Archer Rd/I-75 interchange.
 - 4. Reconstruct SW 42nd Street from SW 38th Terrace to SW 62nd Boulevard.
 - 5. Archer Braid Trail multi-use path from SW 40th Boulevard to SW 62nd Boulevard.
 - 6. SW 38th Terrace from SW 40th Blvd to SW 42nd Street.
- B. Within one year of the first building permit being issued in the TC, VR, DR, OP, or FC districts, for building permits to continue to be issued, construction shall be completed for the following modifications within Butler West, Central, I, and East:
 - 1. Renovate entrances where FDOT has eliminated left turning egress. This renovation will entail replacing some asphalt with pedestrian features and additional open space.

2. Sidewalks as illustrated in Exhibit G (Pedestrian Circulation).
 3. Native drought-tolerant shrubs planted in grassed islands within Butler East.
- C. Prior to any certificate of occupancy being issued within the OP or TC districts, construction must be completed for the following modifications:
1. SW 38th Terrace between SW 62nd Boulevard and SW 24th Avenue.
 2. Signalization and turn lane modifications at the SW 38th Terrace/SW 20th Avenue intersection.
 3. Archer Braid Trail multi-use path from SW 62nd Boulevard to SW 24th Avenue.
 4. SW 42nd Street between SW 62nd Boulevard and SW 24th Avenue.
 5. Operational and safety modifications to the intersections of SW 34th St/Windmeadows Blvd, SW 34th St/SW 24th Ave, SW 34th St/SW 20th Ave, Archer Rd/SW 40th Blvd, and SW 40th Blvd/SW 42nd St. The specific modifications shall be identified in a traffic study submitted by the applicant and reviewed by FDOT and City staff.
- D. Prior to any certificate of occupancy being issued within the VR district, construction must be completed for the following modifications:
1. SW 38th Terrace between SW 42nd Street and SW 62nd Boulevard.
 2. SW 30th Terrace between SW 62nd Boulevard and SW 42nd Street.
- E. Other:
1. Transit proportionate share will be paid on a pro-rata basis when building permits are issued at the then-current rate for transit proportionate share.
 2. An Interchange Modification Report (IMR) for the Archer Rd/I-75 interchange shall commence within 90 days of the date that certificates of occupancy have cumulatively totaled 400,000 square feet or more. This IMR shall be completed within 18 months from when it is commenced.
 3. If any of the specific roadway modifications listed in this condition are under construction and within three months of being completed, a CO may be issued if complete surety is provided, and necessary traffic control signage is installed if the roadway is sufficiently complete to be open to traffic.

SIGNAGE

Condition 29. Except as expressly provided in the PD ordinance, all signage shall be regulated by the City of Gainesville Land Development Code. All proposed signs shall be classified as a sign type identified in the City's sign regulations or this ordinance and shall meet the maximum sign dimensions, area, and other design standards for that type of sign. Existing non-conforming signs within Butler West, Central, I, and East are allowed to replace the face of the sign without reducing the sign dimensions or reconstructing the entire sign. All new freestanding signs may only be illuminated externally.

Condition 30. Signage within ~~the new development portion of Butler Plaza (north of Windmeadows Boulevard)~~ shall be regulated based upon the 'Areas' designated on the PD Layout Map. The size and number of signs shall be based upon the public and private street frontage within these areas. Areas FC-1 thru FC-10 shall be considered outparcels and regulated according to Land Development Code requirements for outparcel signs. The locations on the PD Layout Map that are designated for common stormwater facilities (SW1 thru SW9) shall not be permitted any signage other than free-standing pedestrian signs.

Condition 33a. As an alternative to the signage standards in the PD, the Applicant has the option of submitting a Master Signage Plan, which shall specify how signs in existing Butler Plaza will be replaced through tenant turnover. The PD signage standards and conditions may be altered based on the Master Signage Plan if acceptable to the City Commission.

STREETS

~~**Condition 45.** Vehicular access points from private access streets shall be limited to a maximum of two access points per block face and four access points per block perimeter. (See Footnote C45)~~

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~~**Condition 46.** Street cross sections F and G shall only be used along the fronts or sides of destination retail uses. The Typical Sections map shall be revised to meet this requirement. (See Footnote C46)~~

Condition 46. Street cross sections F and G shall only be used along the fronts or sides of destination retail uses. The Typical Sections map shall be revised to meet this requirement.

Condition 47. Buildings are required to have a main entrance facing the primary street frontage. Alternatively, buildings located at street intersections may have entrances oriented toward the street corner. For buildings along SW 62nd Blvd and Archer Road, a single double-loaded row of parking is permissible. A main entrance must be indicated with the placement of atriums, lobbies, or other entry rooms at the entrance on the floorplan, through the inclusion of awnings, arcades, porches, archways or similar entry features at the entrance, and by providing a level of architectural detailing that is comparable to other entrances. (See Footnote C47)

~~**Condition 48.** With the exception of private access streets (maneuvering lanes), inverted crowns shall not be used on any public or private street within the development. Inverted crowns shall not be used on any public streets, private streets, or private access streets within the development.~~

Condition 50. Prior to second reading of the PD ordinance, the owner/developer shall sign an agreement to allow for City traffic enforcement and public forum rights on certain private streets within the PD.

Footnotes:

C45: Two private access streets were converted to private streets with controlled access points. Pursuant to Mr. Robert Gibbs' testimony at the December 13th 2010 Commission meeting, the remaining private access streets clearly function as local maneuvering lanes, and should not restrict access to the parking aisles.

C46: Typical Sections F and G allow parking aisles to interact with private access streets. Pursuant to Mr. Robert Gibbs' testimony at the December 13th 2010 Commission meeting, there are several places within the development that are not along a destination retail use where these typical sections are appropriate.

C47: Pursuant to Mr. Robert Gibbs' testimony, this condition should distinguish between buildings fronting a street with on-street parking vs. buildings fronting a high-volume highway, where pedestrian traffic is much lower in volume along the highway in comparison with the parking lots and other internal project drives.