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*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
X5022, FAX x2282, Station 11

Item No. 7

TO: City Plan Board

DATE: November 16, 2006

FROM: Planning Division Staff

SUBJECT: Petition 148LUC-06PB, Kimley-Horn & 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 3<sup>rd</sup> Avenue and between Northwest 13<sup>th</sup> Street (US 441) and Northwest 14<sup>th</sup> Street. Related to Petition 149PDA-06PB.

Recommendation

Staff recommends approval of petition 148LUC-06PB, with conditions and staff comments.

Explanation

The purpose and intent of this project is to amend portions of the approved (May 9, 2005) PUD Ordinance No. 040656 for the mixed-use development known as University Corners, a 1,185,000 square foot development located on approximately 4.4 acres of land located between West University Avenue and Northwest 3<sup>rd</sup> Avenue and between Northwest 13<sup>th</sup> Street (US 441) and Northwest 14<sup>th</sup> Street.

The petitioner is requesting to increase the maximum number of residential dwelling units within this development from 400 units to a maximum of 490 dwelling units without increasing the number of stories or the total square footage. The 490-unit total includes both the standard condominiums (247) and the condo/hotel (243) dwelling units. The new density for this project, therefore, increases from 91 dwelling units per acre to 112 dwelling units per acre. The petitioner intends to increase the total number of condos by decreasing the presently approved unit sizes, converting two-story townhouse units into flats and utilizing much of the previously approved second story retail and office space.

During the past year, much of the land surrounding the subject property has had its residential densities increased with the recent land use plan change and rezoning to UMU-1 and 2 (urban mixed-use 1 and 2, allowing 75 dwelling units per acre by right up to 100 dwelling units per acre by Special Use Permit) which greatly increased the allowable residential density from a maximum of 30 dwelling units per acre under the older MU-1 and 2 (mixed-use) zoning

classifications. The maximum density allowed on most of the properties located to the west and north (UMU-1) of the site has increased to 75 dwelling units per acre by right or 100 dwelling units per acre with approval of a Special Use Permit. The maximum density allowed on the properties to the east (UMU-2), across Northwest 13<sup>th</sup> Street (US 441), has increased to 100 dwelling units per acre by right or 125 dwelling units per acre by Special Use Permit.

In addition to increasing the maximum number of dwelling units allowed, the petitioner is also proposing to increase the number of stories of the above ground parking garage from eight to nine stories and increasing the garage height from 85 feet to 95 feet above grade level to the top of the guard rail. The additional story and height is being requested due to the loss of parking spaces in the original underground parking garage, which has been reduced in size. The new, structured parking system being proposed should house approximately 1,000 spaces, 300 less than previously approved and have a maximum square footage of 350,000 square feet, approximately 100,000 square feet less. Because of the expense required to construct and keep the groundwater out of the previously approved 3-block long underground parking garage, the petitioner is proposing to reduce the depth of the underground portion of the garage and cut the parking area in half. The petitioner shall accomplish this by lowering the central portion of the site by only 6 to 8 feet and raising the ceiling portion above grade, thereby integrating the garage ceiling with the raised plaza/floor area above natural grade.

The University United Methodist Church, another approved use within the PUD/PD, received Preliminary site plan approval by the Development Review Board in 2005. The church is presently undergoing Final site plan review by City staff and is hoping to begin construction on their facility shortly after the first of 2007, sooner than the remainder of University Corners. The church property will be identified for Phase 1 development on the newly submitted PD Layout/Master Plan with a starting date prior to July 1, 2007.

The petitioner is also proposing to relocate the mechanical and AC chiller unit/s from the roof of the parking garage to the southwest portion of the first story parking structure. This will have the effect of reducing a portion of previously approved retail space. Because this space was located more internal within the site, the petitioner indicated to City staff that there was very little interest in leasing/owning that retail space.

### **Existing Conditions**

The subject property is located in the southeast corner of the College Park Special Area Plan between West University Avenue and Northwest 3<sup>rd</sup> Avenue and between Northwest 13<sup>th</sup> Street (US 441) and Northwest 14<sup>th</sup> Street. The subject property (3-block area) has been totally cleared of all existing residential, commercial, and church facilities except for a small portion of the commercial structure (Starbucks) located in the extreme southeast corner of the site.

The subject property is bounded by the University of Florida to the south across West University Avenue, having an ED (education) land use plan and zoning designation. The property to the east, across Northwest 13<sup>th</sup> Street (US 441) has the newly created zoning district, UMU-2 (urban mixed-use up to 100 units per acre by right and 125 with Special Use Permit) and C

(commercial) land use plan designation. The property located north of the subject property, across Northwest 3<sup>rd</sup> Avenue, has the newly created zoning district; UMU-1 (urban mixed-use, up to 75 units per acre by right and 100 with Special Use Permit) and MUR (mixed-use residential, up to 75 units per acre) land use plan designation and RMU (residential mixed use) zoning. The property to the west, across Northwest 14<sup>th</sup> Street, also has the newly created zoning district; UMU-1 (urban mixed-use, up to 75 units per acre by right and 100 by Special Use Permit) and MUR (mixed-use residential, up to 75 units per acre) land use plan designation and RMU (residential mixed-use) zoning.

**Proposed Amendments to Ordinance No. 040656:**

The petitioner is proposing to amend the approved PUD Ordinance No. 040656, as follows, by utilizing "Strike-Through" and "Underline" changes to Section 3. of the approved ordinance. The proposed Planned Use District (PUD) is subject to the following terms, conditions and restrictions:

**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 14<sup>th</sup> Street, Northwest 3<sup>rd</sup> Avenue and Northwest 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 14<sup>th</sup> Street or Northwest 3<sup>rd</sup> 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 1<sup>st</sup> Avenue and Northwest 2<sup>nd</sup> 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.

**Trip Generation**

The petitioner has submitted a revised trip generation statement based upon the maximum development allowed by the associated PD. In addition, the petitioner has submitted an application for Preliminary Concurrency Certification to the City of Gainesville Department of Community Development for the associated PD. This development is located in Zone A of the TCEA (transportation concurrency exception area). The net, new trip generation is estimated at 2,964 average daily trips. This represents a reduction of 2,477 trips from the previous PUD proposal.

**Planned Use District:**

This category is an overlay land district that may be applied on any specific property in the City. The land use regulations pertaining to this overlay district shall be adopted by ordinance in conjunction with an amendment to the Future Land Use Map of this comprehensive plan. The category is created to allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses and environmental conditions of the subject land. This district allows a mix of residential and non-residential uses and/or unique design features which might otherwise not be allowed in the underlying land use category.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH: GGF

# Land Use Designations

- SF Single Family (up to 8 du/acre)
- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- MUL Mixed Use Low Intensity (10-30 du/acre)
- MUM Mixed Use Medium Intensity (14-30 du/acre)
- MUH Mixed Use High Intensity (up to 150 du/acre)
- UMU1 Urban Mixed Use 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use 2 (up to 100 du/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

--- Division line between two land use districts  
**—** City Limits

Area  
under petition  
consideration



## EXISTING LAND USE



Name	Petition Request	Map(s)	Petition Number
University Development of Gainesville, LLC applicant	Amend Approved Planned Development and Land Uses	3949	148LUC-06PB 149PDA-06PB



**AERIAL PHOTOGRAPH**

Name	Petition Request	Map(s)	Petition Number
University Development of Gainesville, LLC applicant	Amend Approved Planned Development and Land Uses	3949	148LUC-06PB 149PDA-06PB

