

DRAFT

5/1/2007

ORDINANCE NO. 0-07-06

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; amending Ordinance No. 040656 that imposed the land use category of "Planned Use District" on certain property known as "University Corners", as more specifically described in this ordinance; located between West University Avenue on the South, Northwest 3<sup>rd</sup> Avenue on the North, Northwest 13<sup>th</sup> Street (US 441) on the East and Northwest 14<sup>th</sup> Street on the West; providing revised conditions; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given to amend Ordinance No. 040656; and

WHEREAS, notice by the Plan Board was given and publication made as required by law and a public hearing was held by the City Plan Board on November 16, 2006; and

WHEREAS, notice was given and publication made of a public hearing which was then held by the City Commission on January 8, 2007; and

WHEREAS, the amendment to the land use category of the City of Gainesville 2000-2010 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and this proposed change to the State Land Planning Agency, the regional planning council, and any other person or entity who has requested a copy for their comments subsequent to the passage of this ordinance; and

CODE: Words ~~striken~~ are deletions; words underlined are additions.

**D R A F T**

**5/1/2007**

1           **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by  
2 publication in a newspaper of general circulation notifying the public of this proposed ordinance and of  
3 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;  
4 and  
5           **WHEREAS**, the public hearing was held pursuant to the published notice described above at  
6 which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

7           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
8 **CITY OF GAINESVILLE, FLORIDA:**

9           **Section 1.** Section 3 of Ordinance No. 040656 is amended to read as follows:

10           Section 3. The planned use district category of the property described in Section 1 of this  
11 ordinance is subject to the following terms, conditions and restrictions:

12 **Condition 1.** The uses permitted on the property shall be limited to commercial uses, general  
13 office and medical office uses, multi-family residential dwelling units (apartments, condominiums  
14 apartment and condo/hotel), a place of religious assembly and both underground and above  
15 ground parking structure/s.  
16

17 **Condition 2.** Vehicular access to the property shall be limited to ingress and egress from  
18 Northwest 14<sup>th</sup> Street, Northwest 3<sup>rd</sup> Avenue and Northwest 13<sup>th</sup> Street (US 441). Pedestrian and  
19 bicycle traffic shall be able to access the site from sidewalks that surround the four sides of the  
20 property. There shall be a system of plazas, arcades and sidewalks that will provide access to all  
21 uses throughout the site.  
22

23 **Condition 3.** The owner/developer shall provide custom-designed bus shelter/s at their mixed-  
24 use development on either West University Avenue ~~and also~~ or Northwest 13<sup>th</sup> Street (US 441),  
25 or both, at a location/s coordinated with the City Manager through the RTS (Regional Transit  
26 System) and the Gainesville Public Works Department.  
27

28 ~~**Condition 4.** Subject to approval of City's Public Works Department and the Florida~~  
29 ~~Department of Transportation, the owner/developer shall provide a vehicular drop-off/bay along~~

CODE: Words ~~stricken~~ are deletions; words underlined are  
additions.

DRAFT

5/1/2007

1 Northwest 13<sup>th</sup> Street (US 441) that may be utilized by RTS (Regional Transit System) at a  
2 location to be designated by the City Manager through the Regional Transit System and the  
3 Public Works Department.

4  
5 **Condition 54.** The maximum building square footage permitted for the commercial, office and  
6 residential buildings shall not exceed in the aggregate 650,000 665,000 square feet.

7  
8 **Condition 65.** The maximum square footage permitted for the parking garage/s shall not exceed  
9 in the aggregate 450,000 350,000 square feet.

10  
11 **Condition 76.** The maximum square footage for the place of religious assembly shall not exceed  
12 in the aggregate 29,000 30,000 square feet.

13  
14 **Condition 87.** The maximum number of residential dwelling units shall not exceed 400 490 units.

15  
16 **Condition 98.** Useable open space (open air plaza, open air arcades on the ground level, and  
17 open air pool/rec. areas on multiple building levels) shall not be less than 35% 31% of the site  
18 area, or 67,000 60,000 square feet.

19  
20 **Condition 109.** The maximum building height ~~permitted onsite shall be of all buildings is limited~~  
21 to 95 feet measured from grade level to the top of the building plate with the exception of the  
22 building height of the parking garage.

23  
24 **Condition 110.** The maximum building height of the parking garage located at north and west  
25 property lines, shall be limited to 85 95 feet measured from grade level to the top of the 8 9th-  
26 story guard rail.

27  
28 **Condition 1211.** The maximum number of mixed-use building stories allowed ~~shall be is limited~~  
29 to eight (8) stories above grade level, with the exception of the parking garage.

30  
31 **Condition 1312.** No commercial uses shall be permitted to fronting on Northwest 14<sup>th</sup> Street ~~and~~  
32 or Northwest 3<sup>rd</sup> Avenue.

33  
34 **Condition 1413.** This Ordinance does not vest the development for transportation concurrency as  
35 provided in the Concurrency Management Element of the City's Comprehensive Plan. The  
36 owner/developer is required to apply for and meet concurrency management standards, including all  
37 relevant Transportation Concurrency Exception Area standards, at the time of application for  
38 development plan approval. An application for a Certificate of Final Concurrency must be submitted  
39 with the application for final development plan approval.  
40

CODE: Words ~~stricken~~ are deletions; words underlined are  
additions.

**D R A F T**

**5/1/2007**

1 **Condition 1514.** On information provided by the owner/developer and the Alachua County  
2 Department of Environmental Protection, the proposed project site has dry-cleaning solvent  
3 contamination on a portion of the site, and that site is currently listed in the State of Florida Dry-  
4 cleaning Solvent Cleanup Program. As a condition of development, the owner/developer agree to  
5 provide the City with a legally binding agreement that the owner/developer agree to indemnify  
6 and hold the City harmless including, without limitation its commissioners, attorneys, employees,  
7 agents, and assigns from and against any and all suits, actions, legal or administrative proceedings,  
8 demands, fines, penalties, losses, injuries, claims, damages, costs and expenses, including interest  
9 and reasonable attorney's and paralegal's fees, liabilities and all other obligations (including third  
10 party claims for personal injury or real or personal property damage) which owner/developer may  
11 incur or be exposed to which result from, are caused by, arise out of or are attributable to any  
12 claims arising out of owner/developer's development and use of the property. Furthermore,  
13 owner/developer shall agree to perform the appropriate studies to verify that the proposed  
14 development will not have a negative impact on the onsite contamination, or owner/developer  
15 shall remove the onsite contamination and/or perform the required remediation as required per  
16 state guidelines.

17  
18 **Section 2.** Except as expressly amended herein, the provisions of Ordinance No. 040656 shall  
19 remain in force and effect.

20 **Section 3.** The City Manager is authorized and directed to make the necessary changes in  
21 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion  
22 thereof in order to comply with this ordinance.

23 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or  
24 unconstitutional by any court of competent jurisdiction then said holding shall in no way affect the  
25 validity of the remaining portions of this ordinance.

26 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such  
27 conflict hereby repealed.

28 **Section 6.** This ordinance shall become effective immediately upon passage; however, the  
29 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one

CODE: Words ~~striken~~ are deletions; words underlined are  
additions.

**D R A F T**

**5/1/2007**

1 (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of  
2 Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance shall not become  
3 effective until the state land planning agency issues a final order determining the adopted amendment to  
4 be in compliance in accordance with § 163.3187, or until the Administration Commission issues a final  
5 order determining the adopted amendment to be in compliance in accordance with S.163.3187, F.S.

6 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2007.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
PEGREEN HANRAHAN, MAYOR

**APPROVED AS TO FORM AND LEGALITY:**

KURT LANNON,  
CLERK OF THE COMMISSION MARION J. RADSON, CITY ATTORNEY

This ordinance passed this \_\_\_\_ day of \_\_\_\_\_, 2007.

H:\Marion Radson\Planning\148LUC-06PB pet.DOC

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

Petition No. 148LUC-06PB