

ORDINANCE NO. 040656  
0-05-33

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4       **An ordinance amending the City of Gainesville 2000-2010**  
5       **Comprehensive Plan, Future Land Use Map; by overlaying the**  
6       **land use category of “Planned Use District” on certain property**  
7       **with the underlying land use categories of “Mixed-Use Low-**  
8       **Intensity (8-30 units per acre)” and “Mixed-Use Residential (up**  
9       **to 75 units per acre)”;** located between West University Avenue  
10       **on the South, Northwest 3<sup>rd</sup> Avenue on the North, Northwest**  
11       **13<sup>th</sup> Street (US 441) on the East and Northwest 14<sup>th</sup> Street on the**  
12       **West; providing conditions; providing a severability clause;**  
13       **providing a repealing clause; and providing an effective date.**  
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16       **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use  
17 Map be amended by overlaying the land use category of “Planned Use District” on certain property  
18 with the underlying land use categories of “Mixed-Use Low-Intensity (8-30 units per acre)” and  
19 “Mixed-Use Residential (up to 75 units per acre)”;

20       **WHEREAS,** notice by the Plan Board was given and publication made as required by law  
21 and a public hearing was held by the City Plan Board on November 18, 2004; and

22       **WHEREAS,** notice was given and publication made of a public hearing which was then  
23 held by the City Commission on December 13, 2004; and

24       **WHEREAS,** the amendment to the land use category of the City of Gainesville 2000-2010  
25 Comprehensive Plan proposed herein directly relates to a small scale development activity as  
26 provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public  
27 notice and this proposed change to the State Land Planning Agency, the regional planning council,

1 and any other person or entity who has requested a copy for their comments subsequent to the  
2 passage of this ordinance; and

3         **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by  
4 publication in a newspaper of general circulation notifying the public of this proposed ordinance  
5 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of  
6 Gainesville; and

7         **WHEREAS**, the public hearing was held pursuant to the published notice described above  
8 at which hearing the parties in interest and all others had an opportunity to be and were, in fact,  
9 heard.

10         **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
11 **CITY OF GAINESVILLE, FLORIDA:**

12         **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
13 Plan is amended by overlaying the “Planned Use District” category on the following described  
14 property with the underlying Land Use Categories of “Mixed-Use Low-Intensity (8-30 units per  
15 acre)”and “Mixed-Use Residential (up to 75 units per acre)”, as shown on the map attached hereto  
16 as Exhibit “A”, and more specifically described in the legal description attached hereto as Exhibit  
17 "B", and made a part hereof as if set forth in full.

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19         **Section 2.** A planned development zoning ordinance is required to implement the overlay  
20 Planned Use District Category, and must be adopted by the City Commission within 18 months of  
21 the effective date of the land use designation as provided in Section 9 of this Ordinance.

1           **Section 3.** The planned use district category of the property described in Section 1 of this

2 ordinance is subject to the following terms, conditions and restrictions:

3 **Condition 1.** The uses permitted on the property shall be limited to commercial uses, general  
4 office and medical office uses, residential dwelling units (condominium apartment and  
5 condo/hotel), a place of religious assembly and both underground and above ground parking  
6 structure/s.

7  
8 **Condition 2.** Vehicular access to the property shall be limited to ingress and egress from  
9 Northwest 14<sup>th</sup> Street, Northwest 3<sup>rd</sup> Avenue and Northwest 13<sup>th</sup> Street (US 441). Pedestrian and  
10 bicycle traffic shall be able to access the site from sidewalks that surround the four sides of the  
11 property. There shall be a system of plazas, arcades and sidewalks that will provide access to all  
12 uses throughout the site.

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

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19 **Condition 4.** Subject to approval of City's Public Works Department and the Florida  
20 Department of Transportation, the owner/developer shall provide a vehicular drop-off bay along  
21 Northwest 13<sup>th</sup> Street (US 441) that may be utilized by RTS (Regional Transit System) at a  
22 location to be designated by the City Manager through the Regional Transit System and the  
23 Public Works Department.

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

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28 **Condition 6.** The maximum square footage permitted for the parking garage shall not exceed in  
29 the aggregate 450,000 square feet.

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31 **Condition 7.** The maximum square footage for the place of religious assembly shall not exceed  
32 in the aggregate 29,000 square feet.

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34 **Condition 8.** The maximum number of residential dwelling units shall not exceed 400 units.

35  
36 **Condition 9.** Useable open space (open air plaza, open air arcades on the ground level, and open  
37 air pool/rec. areas on multiple building levels) shall not be less than 35% of the site area, or  
38 67,000 square feet.

1 **Condition 10.** The maximum building height permitted onsite shall be limited to 95 feet  
2 measured from grade level to the top of the building plate.

3  
4 **Condition 11.** The maximum building height of the parking garage located at north and west  
5 property lines, shall be limited to 85 feet measured from grade level to the top of the 8-story  
6 guard rail.

7  
8 **Condition 12.** The maximum number of building stories allowed shall be limited to eight (8)  
9 stories above grade level.

10  
11 **Condition 13.** No commercial uses shall be permitted fronting Northwest 14<sup>th</sup> Street and  
12 Northwest 3<sup>rd</sup> Avenue.

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14 **Condition 14.** This Ordinance does not vest the development for transportation concurrency as  
15 provided in the Concurrency Management Element of the City's Comprehensive Plan. The  
16 owner/developer is required to apply for and meet concurrency management standards, including all  
17 relevant Transportation Concurrency Exception Area standards, at the time of application for  
18 development plan approval. An application for a Certificate of Final Concurrency must be  
19 submitted with the application for final development plan approval.

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

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38 **Section 4.** The owner/developer represents to the City that the proposed development does  
39 not and will not exceed the thresholds of a development of regional impact (DRI) as defined in

1 Chapter 380, F.S. All pertinent development thresholds (e.g., number of residential dwelling  
2 units, office square footage, and retail/service square footage) shall be confirmed by the City  
3 Manager or designee at the time of ‘Development Plan Review’ that the thresholds have not been  
4 exceeded. The owner/developer shall include those thresholds in the final Planned Development  
5 Report, under ‘Statistical Information’, and also include a statement that the development does  
6 not exceed any threshold that requires the development to undergo development of regional-  
7 impact review. This ordinance does not permit or allow any development that would constitute a  
8 development of regional impact or any development that would require a development-of-  
9 regional-impact review.

10 **Section 5.** The Future Land Use Map category of “Mixed-Use Low-Intensity (8-30 units  
11 per acre)” and “Mixed-Use Residential (up to 75 units per acre)” on the property described in  
12 Section 1 of this ordinance is neither abandoned nor repealed; such category is inapplicable as long  
13 as the property is developed and used in accordance with the development plan approved in the  
14 ordinance rezoning this property to Planned Development “PD”. In the event, however, the  
15 property described in Section 1 of this Ordinance is not rezoned by ordinance to Planned  
16 Development “PD” within 18 months of this ordinance becoming effective, as provided in Section  
17 9 of this Ordinance, then the Planned Use District Category imposed by this Ordinance shall be  
18 deemed null and void and of no further force and effect and the Future Land Use Map shall be  
19 amended accordingly upon proper notice and action.

1           **Section 6.** The City Manager is authorized and directed to make the necessary changes in  
2 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or  
3 portion thereof in order to comply with this ordinance.

4           **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
5 or unconstitutional by any court of competent jurisdiction then said holding shall in no way affect  
6 the validity of the remaining portions of this ordinance.

7           **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
8 such conflict hereby repealed.

9           **Section 9.** This ordinance shall become effective immediately upon passage; however, the  
10 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty  
11 one (31) days after passage and adoption of this Ordinance unless a petition is filed with the  
12 Division of Administrative Hearings pursuant to § 163.3187(3), F.S. In the event this Ordinance  
13 shall not become effective until the state land planning agency issues a final order determining the  
14 adopted amendment to be in compliance in accordance with § 163.3187, or until the Administration  
15 Commission issues a final order determining the adopted amendment to be in compliance in

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1 accordance with S.163.3187, F.S.

2 **PASSED AND ADOPTED** this 9th day of May, 2005.

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8 ATTEST:

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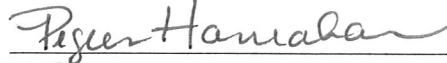
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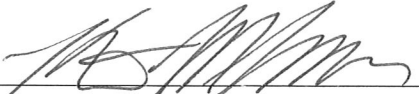
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PEGEEN HANRAHAN, MAYOR

APPROVED AS TO FORM AND LEGALITY:



KURT LANNON,  
CLERK OF THE COMMISSION



MARION J. RADSON, CITY ATTORNEY

MAY 10 2005

This ordinance passed this 9th day of May, 2005.

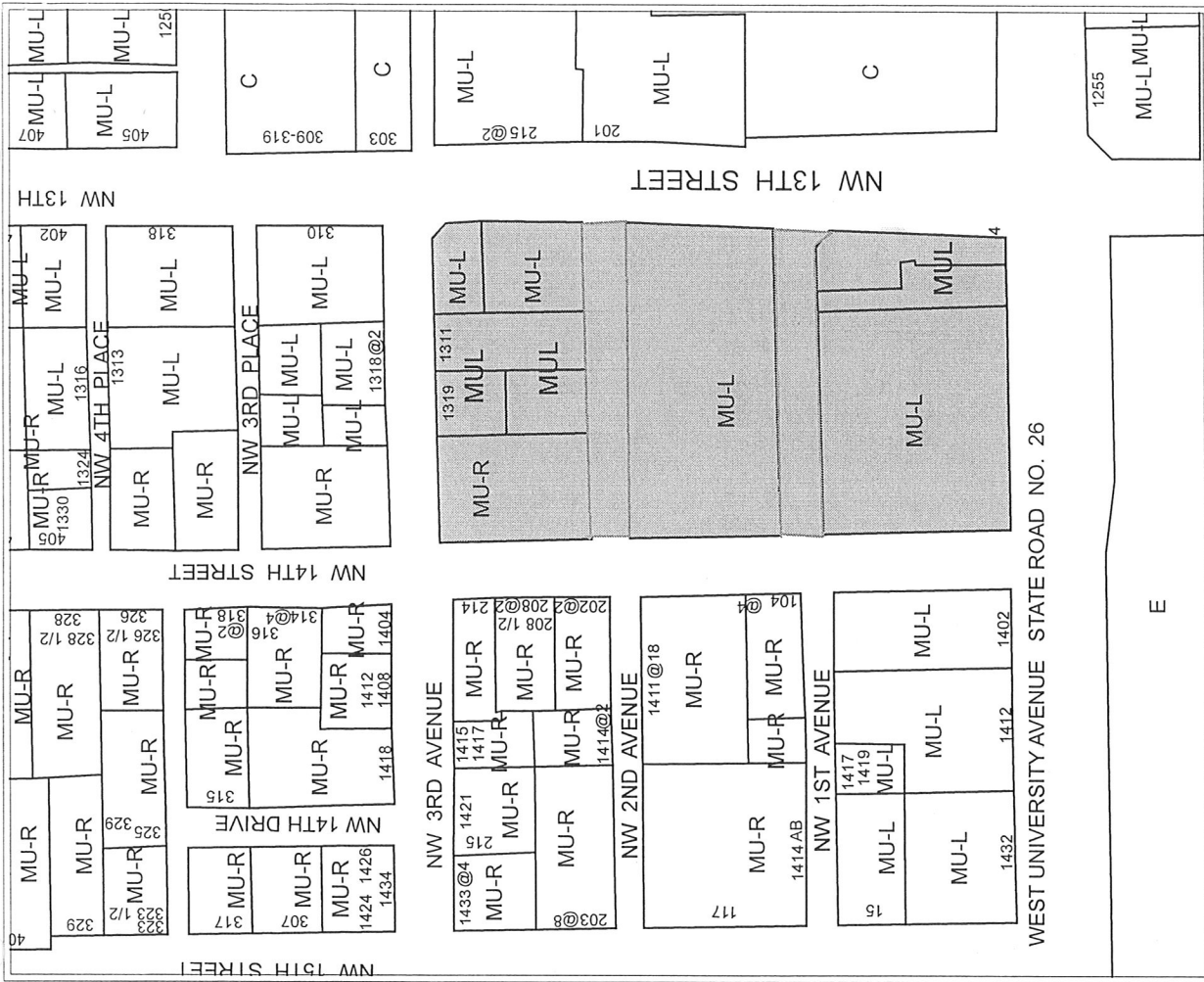
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# Land Use Designations

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

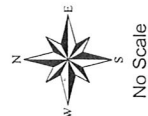
----- Division line between two land use districts  
 - - - - - City Limits

Area under petition consideration



## LAND USE

Name	Petition Request	Map(s)	Petition Number
Jay Brawley, Genesis Group, agent for University Corners, LLC.	From MUL & MUR to PUD	3949	160LUC-04PB



No Scale



# EXHIBIT "B"

## UNIVERSITY CORNERS

### LEGAL DESCRIPTION:

An area of land located in Section 6, Township 10 South, Range 20 East, and further described as:

Commence at a nail and disk, P.L.S. #4788 located at the intersection of the centerline of NW 1<sup>st</sup> Avenue and the eastern right of way line of NW 14<sup>th</sup> Street and the Point of Beginning, run North 00° 28' 45" West, a distance 20.01 feet; thence run North 00° 25' 33" West, a distance of 160.16 feet; thence continue to run North 00° 25' 33" West, a distance of 40.00 feet; thence continue to run North 00° 25' 33" West, a distance of 160.30 feet; thence run North 89° 29' 47" East, a distance of 235.50 feet; thence continue to run North 89° 29' 47" East, a distance of 93.91 feet; thence run South 00° 00' 00" East, a distance of 53.33 feet; thence run South 00° 08' 37" West, a distance of 101.91 feet; thence run South 01° 22' 04" West, a distance of 50.02 feet to the point of curvature of a curve having a radius of 4,545.05 feet, a central angle of 01°25'07", a chord bearing of South 02° 23' 32" West, and a chord distance of 112.52 feet; thence continue southwesterly along said curve an arc distance of 112.53 feet; thence run South 03° 06' 06" West, a distance of 33.46 feet; thence continue to run South 03° 06' 06" West, a distance of 60.00 feet; ; thence continue to run South 03° 06' 06" West, a distance of 189.96 feet; thence run South 89° 28' 27" West, a distance of 303.30 feet; thence run North 00° 27' 46" West, a distance of 200.10 feet; thence run North 00° 28' 45" West, a distance 20.01 feet to the Point of Beginning.