

**LEGISLATIVE #**

**110866B**

**TO:** City Plan Board

**Item Number: 1**

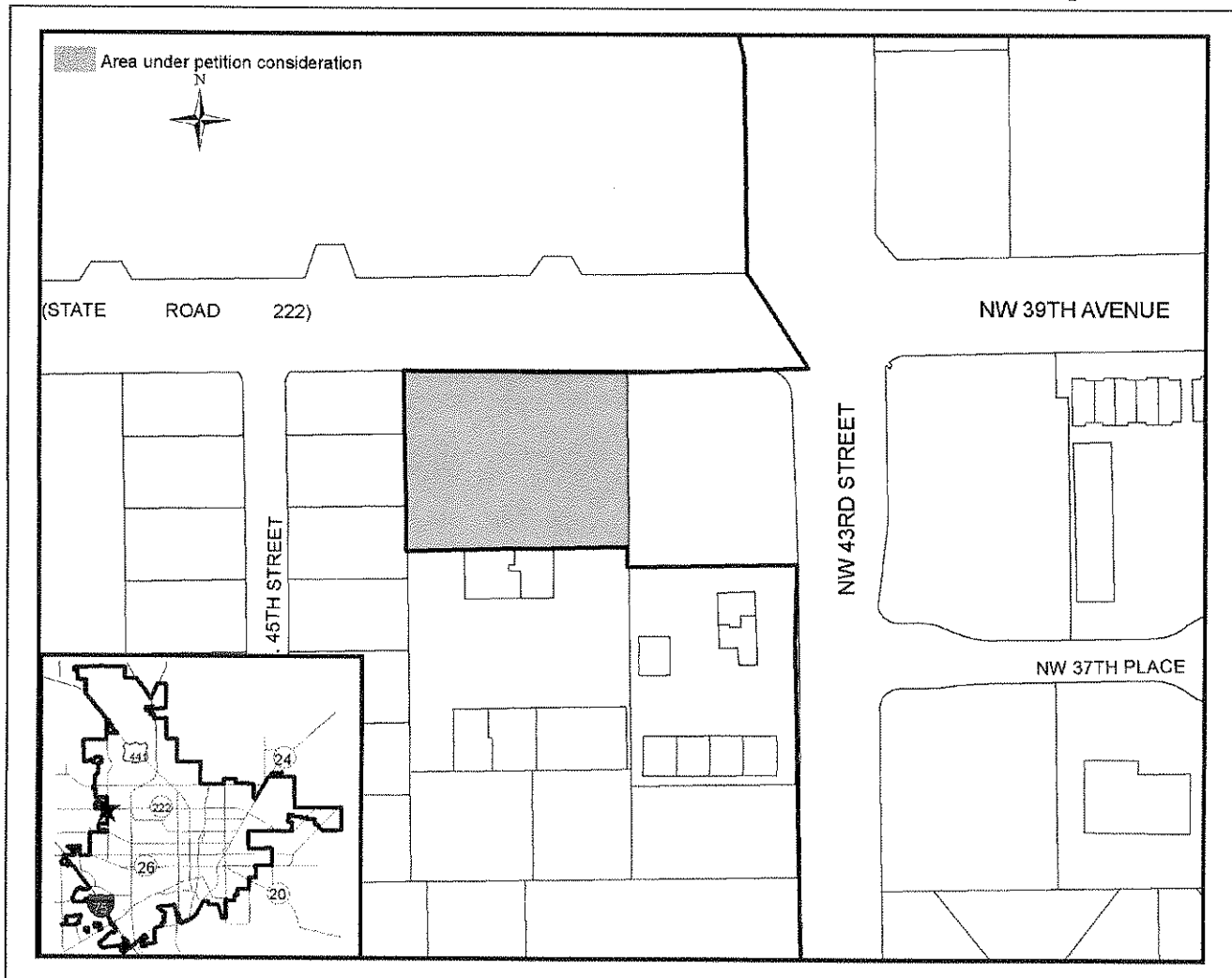
**FROM:** Planning Department Staff

**DATE:** March 22, 2012

**SUBJECT:** Petition PB-12-8 PDA: Ricardo Cavallino, agent for Los Volcanes. Planned Development Amendment to allow additional parking for an existing restaurant. Zoned: PD (Planned Development). Located at 4405 NW 39<sup>th</sup> Ave

### Recommendation

Staff recommends approval of Petition PB-12-8 PDA with conditions included in this report.



## Description

This petition is a request to amend the approved Planned Development for a parcel located at 4405 NW 39<sup>th</sup> Avenue to allow additional parking. The PD for the parcel was approved by the City Commission on July 24, 2006, as Ordinance #050254. The requested amendment is to allow expansion of the vehicular use area for construction of additional patron parking.

The property is located approximately 240 feet west of the intersection of NW 39<sup>th</sup> Avenue and NW 43<sup>rd</sup> Street. The project site is approximately 1.26 acres and is the last undeveloped portion of a larger parcel developed in Alachua County and later annexed into the City of Gainesville. The property is surrounded on the north and west by residential and on the east and south by offices. Access to the office development on the south side is via a driveway from NW 39<sup>th</sup> Avenue which runs across the subject property.

After the property was annexed into the city, it was rezoned to PD which allowed a variety of commercial, office and retail uses, including a restaurant. The PD was amended on August 21, 2008 to extend its expiration date. A development plan, Petition 38SPL-07DB, for a restaurant was approved in 2009; the project was constructed and commenced operation on August 23, 2011.

After the restaurant commenced operation, its success resulted in a noticeable deficiency in parking and the need for additional parking spaces. The applicant indicated that they attempted valet parking, leased parking, shared parking, joint parking and reconfiguration of the parking but the options were not successful. This petition is an attempt to expand the vehicular use area to increase the number of parking spaces available to patrons.

The proposed amendment will maintain the essential elements of the PD as it relates to conformance with the Comprehensive Plan and the Land Development Code but it will affect some key elements of the project and conditions of the ordinance as listed below:

## Key Issues

1. Maintaining compatibility with the adjacent residential development immediately west of the subject property.
2. Maintaining safe and efficient ingress/egress and the flow of traffic to the site by all developments with access rights.
3. Ensuring that the proposal remains consistent with Policy 1.6.1 of the Concurrency Management Element of the Comprehensive Plan.

The following is a list of conditions from Ordinance #050254 (See Appendix "C") that may be affected by the proposed modification. If the PD is approved, depending on the associated conditions, some of the following conditions may have to be modified or removed. This will be accomplished during the ordinance drafting stage of the process.

### 1. *Condition 4*

*During development plan review, the relationship between the proposed vehicular use area and pedestrian circulation areas shall be defined, subject to approval by the development review board.*

### 2. *Condition 5*

*The development should include landscaping on the west side of the property to achieve a compatible relationship between the building, accessway and adjacent residential and pedestrian walkways, subject to approval by the Development Review Board.*

**3. Condition 6**

*No outdoor use or activity, such as outdoor cafes shall be permitted or allowed on the west side of the building.*

**4. Condition 13**

*Along the west property line the owner/developer shall construct a textured masonry wall that will deflect lights from vehicles operating on the property after daylight hours. Alternatively, landscaping providing a demonstrated opacity of 90% within two years of planted may be used to achieve the same proposed screening, subject to approval by the development review board.*

**5. Condition 19**

*Off-street parking shall meet the requirements of the Land Development Code and off-street parking is limited to the vehicular use area as shown on the PD Layout Plan Map (See Appendix "C").*

**6. Condition 20**

*Sidewalks to serve the development shall be constructed and maintained by the owner/developer to connect the adjacent developments located to the west, east and south of this development.*

**Justification**

The development was approved through the PD process with specific conditions addressing design, layout and access to the site. The proposed changes will affect several conditions of the PD approval and will specifically expand the vehicular use area which is limited per the PD Layout Plan, (See Condition 19. of Ordinance 050254, Appendix "C"). Based on the requirements of Section 30-224 (See Appendix "D") of the Land Development Code, the amendments proposed on the site exceeds the thresholds for administrative or reviewing board authorization and must be addressed as a rezoning (amendment to the PD).

**Basis for Recommendation**

If approved, the overall design and layout of the project will remain the same. The site will have additional parking spaces and the vehicular use area will be expanded to the west, putting it closer to the adjacent residential development.

**1. Conformance with the PD objectives and the comprehensive plan**

The PD was approved by the City Commission on July 24, 2006 on the basis of establishing that the PD was consistent and compatible with the Comprehensive Plan and the Land Development Code through consideration of competent and substantial evidence. The proposed amendment will not alter the essential elements of the PD but will impact two key factors as well as a number of conditions of the PD approval as listed above. This report addresses those factors as they relate to maintaining conformance and consistency of the project with the Comprehensive Plan and the Land Development Code.

Currently the site is immediately adjacent to property zoned and developed with single-family residential use along its west property boundary. The principal building is separated from the west property boundary by approximately 77 feet. Within that area is the main access point and driveway aisle for ingress/egress of vehicles accessing the restaurant and the offices to the south. There are no parking spaces on either side of the driveway. Between the driveway aisle and the residential development, there is an elongated

stormwater management system, vegetation and a fence along the property line. One impact of the amendment is to expand the vehicular use area westward and to add approximately 30 new parking spaces distributed on both sides of the driveway aisle. In order to preserve the integrity of the residential area adequate screening, buffering and fencing are proposed.

**Condition 1.**

*The area between the edge of curb/edge of pavement of the driveway and the property line shall be a minimum of 8 feet wide.*

**Condition 2.**

*The development shall maintain safe and efficient pedestrian circulation throughout the site. A pedestrian cross-walk and required facilities shall be provided to ensure safe and efficient connectivity from the residential area on the west, across the driveway to the entrance of the restaurant.*

Other elements of the Comprehensive Plan are addressed within this document under the appropriate section.

**2. Concurrency**

An initial concurrency review has been conducted on the development. It has been determined that modifications required due to site related impacts must meet TCEA standards or other transportation mitigation program in effect at the time of development review.

**3. Internal and External Compatibility**

The general design and layout of the site has been determined to be internally compatible. The proposal is to add parking spaces to the west of the building along the existing driveway aisle. The proposed design is a common occurrence of vehicular use areas and has the potential to work efficiently on the subject site. Traffic circulation currently functions within the same design but the change would add perpendicular parking to both sides of the driveway aisle. Two concerns are maintaining a safe separation of the first parking space from the south edge of the travel lane of NW 39<sup>th</sup> Avenue and maintaining an adequate driveway width for safe and efficient maneuvering of traffic to and from the site. Staff has determined that given the available space on the site, it can accommodate a design that would meet the requirements of the Public Works Design Manual. The internal automobile, bicycle and pedestrian circulation are designed to provide easy and efficient access to the major road network and to service the various uses within the development.

The property is zoned PD and the land uses and zoning of surrounding properties are depicted in Table 1 listed below. The proposed amendment will not alter the external relationship of the site with external development to the north and east of the site. The potential impact to external compatibility of development on the west and south sides are primarily related to parking, access, screening, buffering and associated activities which are addressed above.

**Condition 3.**

*The parking spaces closest to NW 39<sup>th</sup> Avenue shall be designed to maintain a minimum of 40 feet separation from the travel lane of NW 39<sup>th</sup> Avenue. During development plan review, the Public Works Department shall determine the exact distance based on the need to allow safe maneuvering of pedestrians and vehicles accessing and leaving the site.*

**5. Intensity of development**

The PD currently allows a total of 10,000 square feet of floor area of which 8,913 square feet have been used. The proposed improvements are related to expansion of the vehicular use area to allow 30 additional parking spaces and will not include additional square footage.

**6. Usable open spaces, plazas and recreation areas**

A portion of the open spaces to the west of the site will be impacted by the proposed modification but the design will maintain compatibility with the residential development to the west.

**7. Environmental constraints**

No environmental elements will be impacted by the proposed amendment.

**8. Internal and External transportation access**

The PD was approved for a parcel which was the remainder of a larger parcel approved for an office building by Alachua County. The parcel was later annexed into the City of Gainesville. The parcel is surrounded by offices on its south and east sides and by multi-family and single-family on its north and west sides respectively. The property fronts NW 39<sup>th</sup> Avenue which is a major east/west arterial and sits approximately 240 feet from the intersection where NW 39<sup>th</sup> Avenue meets NW 43<sup>rd</sup> Street, which is also a major north/south arterial. Due to the median along 39<sup>th</sup> Avenue and proximity to the 39<sup>th</sup> Avenue/43<sup>rd</sup> Street intersection, the primary ingress/egress to the subject property is accessible only via the east-bound lane of 39<sup>th</sup> Avenue. The development also shares another secondary access from 39<sup>th</sup> Avenue and has a cross-access easement to 43<sup>rd</sup> Street with the financial institution to the east. The primary ingress/egress to the site also serves as the primary ingress/egress to the adjacent office development south of the subject property.

Currently the main ingress/egress driveway aisle off NW 39<sup>th</sup> Avenue serves both developments and has no parking directly off the aisle. This proposal will create additional parking along both sides of the driveway aisle. Public Works has approved the development confirming that the traffic circulation pattern for the site is in compliance with the Land Development Code.

**Condition 4.**

*The development may expand the vehicular use area to allow up to 30 additional parking spaces on the west side of the property, subject to the requirements of the Land Development Code. During development plan review, Public Works shall determine detailed designs and configuration of the*

*parking and how it relates to the adjacent road network as well as stormwater, internal vehicle and pedestrian circulation. The design and configuration shall be based on the requirements of the Public Works Design Manual in conjunction with professional determination of achieving automobile and pedestrian circulation at the site in the safest and most efficient manner.*

#### **9. Unified Control**

The development is currently under a single ownership as listed on the application filed with the City.

#### **10. Phasing**

The project is expected to be implemented in a single phase with development plan review and permitting for the approved proposal.

#### **11. Development time limits**

The proposed modification to the PD is to allow for additional parking to meet operational needs of the establishment. It is intended that the process for implementation of the project will commence immediately after approval of the PD. However, since the originally approved PD has been implemented and the term limits expired, this portion of the modified PD shall be valid for a period of three years.

#### **Condition 5.**

*A final development plan for additional parking spaces and other improvements must be approved by the City within three (3) years of adoption of the ordinance. Construction must commence within 18 months of approval of the Final Development Order. Failure to comply with the time limits shall render the PD approval for additional parking spaces null and void.*

#### **4. Bonds**

Except for bonding requirements established through development plan review, there are no bonds directly associated with approval of this PD.

### **Summary of Recommended Conditions**

#### **Condition 1.**

*The area between the edge of curb/edge of pavement of the driveway and the property line shall be a minimum of 8 feet wide.*

#### **Condition 2.**

*The development shall maintain safe and efficient pedestrian circulation throughout the site. A pedestrian cross-walk and required facilities shall be provided to ensure safe and efficient connectivity from the residential area on the west, across the driveway to the entrance of the restaurant.*

**Condition 3.**

*The parking spaces closest to NW 39<sup>th</sup> Avenue shall be designed to maintain a minimum of 40 feet separation from the travel lane of NW 39<sup>th</sup> Avenue. During development plan review, the Public Works Department shall determine the exact distance based on the need to allow safe maneuvering of pedestrians and vehicles accessing and leaving the site.*

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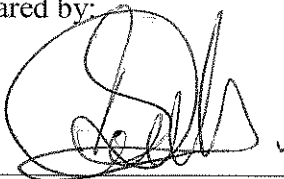
Respectfully submitted,



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Ralph Hilliard  
Planning Manager

Prepared by:



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Lawrence Calderon  
Lead Planner



**Table 1**  
**Adjacent Existing Uses**

<b>North</b>	Multi-family residential, duplexes and quadruplex
<b>South</b>	Medical and Professional Offices
<b>East</b>	Financial Establishment
<b>West</b>	Single-family residential

**Adjacent Land Use and Zoning**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	Residential Low Density	RMF-5
<b>South</b>	Commercial	BA
<b>East</b>	Commercial	BA
<b>West</b>	Residential Low Density & Commercial	BA & RMF-5

**List of Appendices**

**Appendix A. Technical Review Committee Comments**

**Appendix B. Required Maps Submitted with PD**

**Map 1: Approved Development Plan/Existing Conditions Map**

**Map 2: Approved PD Layout Plan**

**Map 3: Modified PD Layout Plan**

**Map 4: Conceptual Layout Plan**

**Appendix C. Supplemental Documents**

**Current Application**

**PD Report for Modified PD**

**Neighborhood Meeting Documents**

**Adopted PD Ordinance #050254 and associated documents**

**Appendix D. References from the Land Development Code**

**Appendix E. Public Notice, Surrounding Land Use and Zoning**