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ORDINANCE NO. 100896

An ordinance amending the City of Gainesville Comprehensive Plan, Future Land Use Map; by overlaying the City of Gainesville land use category Planned Use District (PUD) over property located at 303 Northwest 13th Street, 1249 Northwest 4th Avenue and 1227 Northwest 4th Avenue with the underlying land use categories of “Commercial (C)”, Mixed-Use Low-Intensity (8-30 units per acre) (MUL)” and “Residential Low-Density (up to 12 units per acre) (RL)”; providing conditions, restrictions and regulations; providing a severability clause; providing a repealing clause; and providing an effective date.

16 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
17 public hearing was given that the Future Land Use Map be amended by overlaying the land use
18 category of Planned Use District (PUD) over certain property with the underlying land use
19 categories of “Commercial (C)”, “Mixed-Use Low-Intensity (8-30 units per acre) (MUL)” and
“Residential Low-Density (up to 12 units per acre) (RL)”.

20 **WHEREAS**, notice was given and publication made as required by law and a public
21 hearing was held by the City Plan Board on March 24, 2011; and

22 **WHEREAS**, notice was given and publication made of a public hearing which was then
23 held by the City Commission on May 5, 2011; and

24 **WHEREAS**, the amendment to the future land use map of the City of Gainesville
25 Comprehensive Plan proposed herein directly relates to a small scale development activity as
26 provided in Chapter 163, Florida Statutes; and

27 **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by
28 publication in a newspaper of general circulation notifying the public of this proposed ordinance

1 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of
2 Gainesville; and

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

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

8 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
9 amended by overlaying the land use category of “Planned Use District (PUD)” over the following
10 described property with the underlying land use categories of “Commercial (C)”, “Mixed-Use Low-
11 Intensity (8-30 units per acre) (MUL)” and “Residential Low-Density (up to 12 units per acre)
12 (RL)”.

13 See legal description attached hereto as Exhibit "A", and made a part hereof as if set
14 forth in full. The location of the property and its underlying land use categories are
15 shown on Exhibit “B”, attached hereto and made a part hereof as if set forth in full.

16 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
17 maps and other data in the City of Gainesville Comprehensive Plan, or element, or portion thereof
18 in order to comply with this ordinance.

19 **Section 3.** The following conditions, restrictions and regulations shall apply to the
20 development and use of the property:

21 1. The maximum density/intensity of development shall be 26,000 square feet of
22 commercial, public and private schools, places of religious assembly or

1 community facilities; 20,000 square feet of office; and 168 multiple-family
2 residential units with a maximum of 230 bedrooms. However, the office
3 development may be reduced by 15,000 square feet in order to develop up to 23
4 additional multiple-family residential units with a maximum of 32 additional
5 bedrooms.

- 6
- 7 2. The permitted uses shall be specified in the Planned Development zoning
8 ordinance. No drive-through facilities shall be permitted.
9
- 10 3. The owner/developer shall construct a bus shelter on NW 13th Street that is
11 architecturally consistent with the development. The specific location of the bus
12 shelter shall be determined by the Regional Transit System and the Public Works
13 Department during development plan review.
14
- 15 4. Vehicular access to the development shall be limited to ingress and egress from
16 NW 3rd Avenue and NW 4th Avenue. The owner/developer shall construct
17 sidewalks around the street edges of the property to provide pedestrian and bicycle
18 access to the development.
19
- 20 5. The historic contributing structure on the property shall not be removed prior to
21 final development plan approval. The owner/developer shall relocate the structure
22 within the University Heights North Historic District or to a site in another
23 historic district within the City as approved by the Historic Preservation Planner
24 during development plan review.
25
- 26 6. The maximum building height shall be 8 stories (not to exceed 106 feet) along
27 NW 13th Street and extending no further east than the eastern NW 12th Drive
28 right-of-way line, if same were extended due south to NW 3rd Avenue. The
29 maximum building height of the parking garage located adjacent to property with
30 Residential Low land use designation shall be 5 stories (not to exceed 60 feet.)
31
- 32 7. The Planned Use District land use category does not vest the development for
33 concurrency. The owner/developer is required to apply for and meet concurrency
34 management standards, including all relevant Transportation Concurrency
35 Exception Area standards or other program in effect at the time of application for
36 development plan review. An application for a Certificate of Final Concurrency
37 shall be submitted with the application for final development plan review.
38
- 39 8. Transportation modifications required due to operational or safety issues are the
40 owner/developer's responsibility and shall not count toward required
41 Transportation Concurrency Exception Area standards or other transportation
42 mitigation program then in effect.

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2 **Section 4.** The underlying City of Gainesville land use categories of “Commercial
3 (C)”, “Mixed-Use Low-Intensity (8-30 units per acre) (MUL)” and “Residential Low-Density (up
4 to 12 units per acre) (RL)” on the property as shown in Exhibit “B” to this ordinance are neither
5 abandoned nor repealed; such categories are inapplicable as long as the property is rezoned to
6 the Planned Development (PD) zoning district within 18 months of the effective date of this
7 Comprehensive Plan amendment. The obligation to timely apply for and obtain Planned
8 Development zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not
9 adopted within the 18-month period, then the overlay Planned Use District and its policies
10 imposed by Section 3 of this ordinance shall automatically be null and void and of no further
11 force and effect and the overlay land use category shall ministerially be removed from the
12 Future Land Use Map, leaving the underlying land uses shown in Exhibit “B” in place. The
13 timely filing of an extension application by the owner/developer to extend the aforesaid 18-
14 month period shall toll the expiration date until final City Commission action on the extension
15 application.

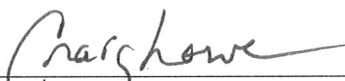
16 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
17 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding shall not affect the other provisions or applications of the ordinance which can be given
19 effect without the invalid or unconstitutional provisions or application, and to this end the
20 provisions of this ordinance are declared severable.

21 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
22 such conflict hereby repealed.

1 **Section 7.** This ordinance shall become effective immediately upon passage; however, the
2 amendment to the City of Gainesville Comprehensive Plan shall become effective thirty one (31)
3 days after passage and adoption of this Ordinance unless a petition is filed with the Division of
4 Administrative Hearings pursuant to §163.3187(5), F.S. In this event this plan amendment shall
5 not become effective until the state land planning agency issues a final order determining the
6 adopted amendment to be in compliance in accordance with §163.3187, or until the Administration
7 Commission issues a final order determining the adopted amendment to be in compliance in
8 accordance with §163.3187, F.S. No development orders, development permits or land uses
9 dependent on this amendment may be issued or commenced before this plan amendment has
10 become effective.

11
12 **PASSED AND ADOPTED** this 5th day of January, 2012.

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CRAIG LOWE
MAYOR

19 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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KURT LANNON
CLERK OF THE COMMISSION



MARION J. RADSON
CITY ATTORNEY

JAN - 5 2012

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28 This ordinance passed on this 5th day of January, 2012.



*Focused on Excellence
Delivered with Integrity*

LEGAL DESCRIPTION

JUNE 24, 2011
GAINESVILLE MIXED USE – NW 13th St
JOB NO. 10-0151

LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 3, OF BELLAH'S SUBDIVISION, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "C", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NW 13TH STREET (80' RIGHT OF WAY) WITH THE SOUTH RIGHT OF WAY LINE OF NW 4TH AVENUE (40' RIGHT OF WAY); THENCE RUN NORTH 89°32'21" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID NW 4TH AVENUE, FOR 299.62 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BELLAH'S SUBDIVISION; THENCE RUN NORTH 89°11'10" EAST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, FOR 70.85 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SHELLIE COURT, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "C", PAGE 61 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 01°10'41" EAST, ALONG THE EAST LINE OF SAID LOT 5 FOR 100.14 TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE RUN SOUTH 89°12'22" WEST, ALONG THE SOUTH LINE OF SAID LOT 5 AND AN EXTENTION THEREOF, 71.24 FEET TO THE NORTHEAST CORNER OF LOT 7 OF SAID BELLAH'S SUBDIVISION; THENCE RUN SOUTH 00°15'21" WEST, ALONG THE EAST LINE OF SAID LOT 7, FOR 99.62 FEET TO THE NORTH RIGHT OF WAY LINE OF NW 3RD AVENUE (30' RIGHT OF WAY); THENCE RUN SOUTH 89°26'23" WEST, ALONG SAID NORTH RIGHT OF WAY, FOR 73.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 00°33'42" EAST, ALONG THE WEST LINE OF SAID LOT 7, FOR 59.86 FEET; THENCE RUN SOUTH 89°32'21" WEST, FOR 7.30 FEET; THENCE RUN SOUTH 00°33'42" WEST, FOR 59.85 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE; THENCE RUN SOUTH 89°30'05" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, FOR 205.00 FEET; THENCE RUN NORTH 64°22'42" WEST, FOR 11.22 FEET; THENCE RUN NORTH 00°28'51" EAST, FOR 5.06 FEET; THENCE RUN SOUTH 89°30'05" WEST, FOR 10.00 FEET TO THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF NW 13TH STREET; THENCE RUN NORTH 00°26'47" WEST, FOR 190.00 FEET TO THE POINT OF BEGINNING.

Exhibit "A"
to Ordinance No.100896

Area under
petition consideration

Existing Land Use - RL, C, MU1
Proposed Land Use - PUD

Land Use Categories

- RL - Residential Low Density
(up to 12 units per acre)
- RH - Residential High Density
(21-100 units per acre)
- C - Commercial
- MUL - Mixed Use Low Intensity
(10-30 units per acre)
- UMU1 - Urban Mixed Use 1
- UMU2 - Urban Mixed Use 2
- PUD - Planned Use District

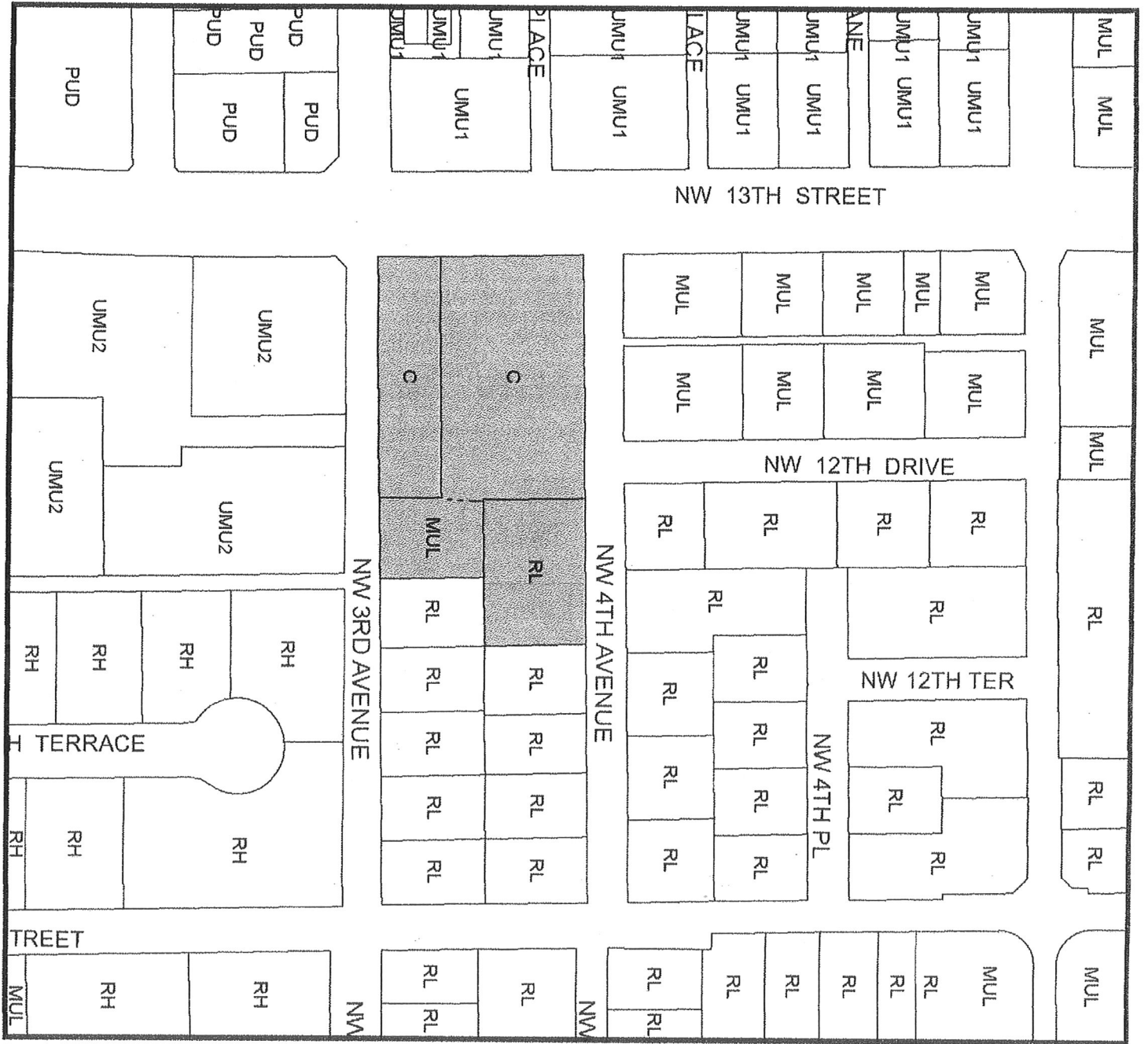
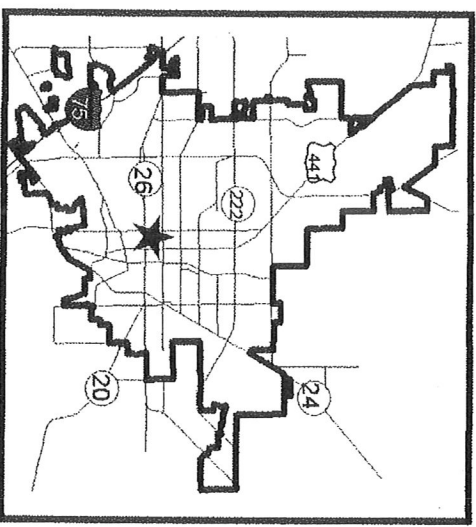


EXHIBIT "B" to Ordinance No.100896