

D R A F T

5/2/2007

ORDINANCE NO.
0-07-02

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An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 040657 that rezoned certain properties to the zoning category of Planned Development, commonly known as “University Corners”, as more specifically described in this ordinance; generally located between West University Avenue on the South, Northwest 3rd Avenue on the North, Northwest 13th Street (US 441) on the East and Northwest 14th Street on the West; adopting revised development plan maps and a revised development report; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given to amend the Development Plan on certain real property that is zoned “Planned Development”; commonly known as “University Corners”; and

WHEREAS, notice was given and publication made as required by law of a public hearing which was then 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 City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

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

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1 ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor, City Hall, in the
2 City of Gainesville; and

3 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
4 described above at which hearings the parties in interest and all others had an opportunity to be and
5 were, in fact, heard.

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

8 **Section 1.** Sections 3 and 4 of Ordinance No 040657 are amended and superseded by the
9 adoption of this ordinance, as more specifically set forth herein.

10 **Section 2.** The development plan report incorporated and made a part of Section 3 of
11 Ordinance No. 040657 is amended and superseded by the adoption of a new development plan report
12 (“Amended Report”) attached hereto as Exhibit “1” and made a part hereof as if set forth in full. The
13 terms, conditions, and limitations of the Amended Report shall regulate the use and development of the
14 property described in Section 1 of Ordinance No. 040657.

15 **Section 3.** The Development Plan maps incorporated and made a part of Section 3 of
16 Ordinances No. 040657 are amended and superseded by the adoption of: 1) new development plan
17 maps consisting of 5 pages entitled “University Corners Amendment to Planned Development”,
18 attached hereto as Composite Exhibit “2” and made a part hereof as if set forth in full; and 2) elevation
19 drawings consisting of 11 pages entitled “PD Elevations for University Corners”, attached hereto as
20 Composite Exhibit “3” and made a part hereof as if set forth in full. In the event of conflict between

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1 the provisions of the Amended Report and the new Composite Exhibit "2" and Composite Exhibit "3",
2 the provisions, regulations, and restrictions of the new Composite Exhibits "2" and "3" shall govern
3 and prevail.

4 **Section 4.** Section 4 of Ordinance No. 040657 is amended as follows:

5 Section 4. The following additional conditions, restrictions and regulations shall apply to the
6 development and use of the land:

7 **Condition 1.** The maximum building height ~~permitted onsite shall be of all buildings is~~ limited to 95
8 feet measured from grade level to the top of the building plate with the exception of the building height
9 of the parking garage.

10
11 **Condition 2.** The maximum number of mixed-use building stories allowed shall be is limited to eight
12 (8) stories above grade level, with the exception of the parking garage.

13
14 **Condition 3.** The maximum building height of the parking garage located at north and west
15 property lines, shall be limited to 895 feet measured from grade level to the top of the 89th-
16 story guard rail.

17
18 **Condition 34.** The site shall be developed and regulated by the College Park Special Area Plan
19 design standards, except where the PD Plan Report, PD Layout Plan and PD Elevations deviate
20 from those development guidelines; the uses are those allowed in the PD report.

21
22 **Condition 45.** Prior to final site plan approval, the owner/developer shall provide the City
23 Manager or designee with a copy of a recorded cross-access and parking agreement between the
24 Place of Religious Assembly and owner/developer.

25
26 **Condition 56.** There shall be no building encroachment (above ground) into any rights-of-way except
27 for the encroachment of raised balconies, up to a maximum of 4 feet beyond the property line. All
28 projections shall comply with Chapter 32, Construction in the Public Right of Way, of the Florida
29 Building Code; or as may be amended or superseded from time to time.

30
31 **Condition 67.** Minor shifts in building location, up to 5 feet, may be authorized by City staff
32 during site plan review, as long as the first floor building lot coverage is not increased by more
33 than 1%, as shown on the PD Layout Plan Maps.

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2 **Condition 78.** An application for final Concurrency Certification must be filed with the final
3 development plan application submittal.
4

5 **Condition 89.** The site plan submitted in association with this development must comply with all
6 relevant Transportation Concurrency Exception Area (TCEA) requirements in the Concurrency
7 Management Element of the City's Comprehensive Plan.
8

9 **Condition 910.** Fire wall separation between the Place of Religious Assembly and mixed-use
10 building ~~and their structured parking areas~~, separate means of ingress and egress for each
11 building, and separate systems of conditioned air shall comply with the Florida Building Code
12 requirements, or as may be amended or superseded from time to time, that must be considered,
13 related to separate parcels for the place of religious assembly and mixed-use building/s.
14

15 ~~**Condition 10.** The maximum building height of the parking garage located at north and west property~~
16 ~~lines, shall be limited to 895 feet measured from grade level to the top of the 89-story guard rail.~~
17

18 **Condition 11.** The exterior building materials for the University Corners shall be as follows:
19

20 South Block as shown on the PD Elevations for University Corners (Composite Exhibit "3"):

- 21 1. The Retail levels will be a combination of brick, precast, cast stone and/or other durable
22 materials stucco with aluminum storefront, entrances, terrace and balcony railings. The
23 retail glass is clear and shall be a minimum of 30% of the wall surface. The brick and
24 stone shall be a minimum of 50% of the wall surface.
- 25 2. The upper levels will be a combination of brick, stucco, precast or cast stone or other
26 durable materials with aluminum windows and balcony railings. The glass shall be a
27 minimum of 30% of the wall surface. The brick and stone shall be a minimum of 50% of
28 the wall surface.
- 29 3. The roofing materials will be either, metal, cementitious roof tile or other material to
30 simulate a natural stone pattern.
- 31 4. Middle Block as shown on the PD Elevations for University Corners (Composite Exhibit "3"):
32 The Retail levels will be a combination of brick, precast, cast stone and/or other durable
33 materials stucco with aluminum storefront, entrances, terrace and balcony railings. The
34 retail glass is clear and shall be a minimum of 30% of the wall surface. The brick and
35 stone shall be a minimum of 40% of the wall surface.
- 36 5. The upper levels will be a combination of brick, stucco, precast or cast stone or other
37 durable materials with aluminum windows and balcony railings. The glass shall be a
38 minimum of 30% of the wall surface. The brick and stone shall be a minimum of 40% of
39 the wall surface.

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- 1 The roofing material will be either, metal, cementitious roof tile or other material to
- 2 simulate a natural stone pattern.
- 3 North Block – NW 13th Street as shown on the PD Elevations for University Corners (Composite
- 4 Exhibit “3”):
- 5
- 6 7. The Retail levels will be a combination of brick, precast, cast stone and/or other durable
- 7 materials stucco with aluminum storefront, entrances, terrace and balcony railings. The
- 8 retail glass is clear and shall be a minimum of 50% of the wall surface. The brick and
- 9 stone shall be a minimum of 20% of the wall surface.
- 10 8. The upper levels will be a combination of brick, stucco, precast or cast stone or other
- 11 durable materials with aluminum windows and balcony railings. The glass shall be a
- 12 minimum of 40% of the wall surface. The brick and stone shall be a minimum of 5% of
- 13 the wall surface.
- 14 9. The roofs will be flat with a built-up, modified bituminous roof membrane system or
- 15 single-ply roofing system.
- 16 North Block – NW 3rd Avenue as shown on the PD Elevations for University Corners (Composite
- 17 Exhibit “3”):
- 18 10. The first two levels shall have a minimum of 5% glass. The brick and stone shall be a
- 19 minimum of 60% of the wall surface.
- 20 11. The upper levels shall have a minimum of 25% glass and 70% decorative screening. The
- 21 remainder of the wall surface will be stucco.
- 22 12. The roofs will be flat with a built-up, modified bituminous roof membrane system or
- 23 single-ply roofing system.
- 24 North Block – NW 14th Street as shown on the PD Elevations for University Corners (Composite
- 25 Exhibit “3”)
- 26 13. The first two levels shall have a minimum of 2% glass. The brick and stone shall be a
- 27 minimum of 60% of the wall surface.
- 28 14. The upper levels shall have a minimum of 25% glass and 20% decorative screening. The
- 29 remainder of the wall surface will be stucco.
- 30 15. The roofs will be flat with a built-up, modified bituminous roof membrane system or
- 31 single-ply roofing system.
- 32
- 33 **Condition 12.** The facade of the garage and/or other retail/commercial use, should be designed so that
- 34 it (facade) replicates the general design, texture, and color of the principal structures. Streetscape shall
- 35 include canopies, street shade trees and pedestrian scale lighting.
- 36
- 37 **Condition 13.** The loading/mechanical/service area/s shall be screened or made less obtrusive, by
- 38 utilizing a combination of decorative screening walls, wrought-iron type fences or gates,
- 39 vegetation and textured or painted materials.

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1 **Condition 14.** The cooling tower/s shall be located internally on the northern block site so that
2 they (cooling towers) have minimal impact on the neighborhood to the north of Northwest 3rd
3 Avenue and west of Northwest 14th Street.
4

5 Condition 14a. The owner/developer shall insulate all of the machinery that is located within the
6 mechanical-chiller rooms to help prevent/lessen vibrations throughout the North Block building.
7 The mechanical-chiller room/s shall be soundproofed utilizing "Best Construction Practices" and
8 additional insulation materials.
9

10 **Condition 15.** No commercial uses shall be permitted ~~fronting~~ to front on Northwest 14th Street
11 and or Northwest 3rd Avenue.
12

13 **Condition 16.** There shall be no drive-through facilities (banks, fast-food, etc.) allowed within
14 this planned development.
15

16 **Condition 17.** There shall be no communication towers (transmitting or receiving) that extend
17 beyond the highest point of the roof system of the planned development. Any and all towers shall
18 be located internally on the site, at least 25 feet from the nearest property line. Where possible,
19 communication transmitters and receivers shall be mounted on the building itself.
20

21 **Condition 18.** The maximum building lot coverage for the site shall be 75%.
22

23 **Condition 19.** The maximum impervious area of the site shall be 98%.
24

25 **Condition 20.** Useable open space (open air plaza, open air arcades on the ground level, and
26 open air pool/rec. areas on multiple building levels) shall not be less than 35% 31% of the site area, or
27 ~~67,000~~ 60,000 square feet.
28

29 **Condition 21.** The owner/developer represents to the City that the proposed development does not
30 and will not exceed the thresholds of a development of regional impact (DRI) as defined in Chapter
31 380, F.S. All pertinent development thresholds (e.g. number of residential dwelling units, office square
32 footage, and retail/service square footage) shall be confirmed by the City Manager or designee at the
33 time of 'Development Plan Review' that the thresholds have not been exceeded. The
34 owner/developer shall include those thresholds in the final Planned Development Report, under
35 'Statistical Information', and also include a statement that the development does not exceed any
36 threshold that requires the development to undergo development of regional-impact review. This
37 ordinance does not permit or allow any development that would constitute a development of regional
38 impact or any development that would require a development-of-regional-impact review.
39

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DRI ANALYSIS UNIVERSITY CORNERS

Total Site Area (SF): 192,056 (4.409 Acres)

4 Building Summary:

Parking	Retail/ Rest	Meeting Rooms	Office	Res- DU	Lobby/ Condo/ Hotel	Place of Religious Assembly	Garage	Total
Spaces	1,500							1,500
Units				125	215			340
Total Gross SF	140,000	2,500	95,000	260,000	150,000	29,000	450,000	1,126,500

5 DRI Threshold Requirements:

	Office Development	Retail/Service Development	Residential DU	Lobby/Condo/ Hotel
Units			125	215
Total Gross SF	97,500	140,000	260,000	150,000
DRI Threshold	300,000	400,000	1,000	350
Percentage Threshold	32.5%	35.0%	12.5%	61.4%
Total Allowable Percentage:				141.4%
Total Allowable Percentage:				160.0%

6 Total Site Area (SF): 192,056 (4.409 Acres)

7 Building Summary:

Parking	Com- mercial	Resi- dential DU	Lobby/ Condo/ Hotel	Place of Religious Assembly	Plaza and Open Space	Service & Loading	Garage	Total
Spaces	1,000							1,000
Units		247	243					490
Total Gross SF	115,000	325,000	225,000	30,000	60,000	80,000	350,000	1,185,000

8 DRI Threshold Requirements:

	Commercial	Residential DU	Lobby/Condo/Hotel
Units		247	243
Total Gross SF	115,000	325,000	225,000
DRI Threshold	400,000	1,000	350
Percentage Threshold	28.8%	24.7%	69.4%
Total Percentage:			122.9%
Total Allowable Percentage:			160.0%

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1 **Condition 22.** 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 **Condition 23.** Vehicular access to the property shall be limited to ingress and egress from
19 Northwest 14th Street, Northwest 3rd Avenue and Northwest 13th Street (US 441). Pedestrian
20 and bicycle traffic shall be able to access the site from sidewalks that surround the four sides
21 of the property. There shall be a system of plazas, arcades and sidewalks that will provide
22 access to all uses throughout the site.
23

24 **Condition 24.** All construction vehicles shall utilize Northwest 14th Street and Northwest 3rd
25 Avenue for ingress or egress to the site during the construction process, as approved by the City
26 Public Works Department. Construction vehicles shall not access or leave the site through the
27 College Park Neighborhood to the north or west. Access to the site from West University
28 Avenue and Northwest 13th Street (U.S. 441) shall be regulated by FDOT. Work on Northwest
29 14th Street and 3rd Avenue or construction staging on 14th and 3rd shall be regulated by the City
30 Public Works Department.
31

32 **Condition 25.** The owner/developer shall provide custom-designed bus shelter/s at their
33 mixed-use development on either West University Avenue ~~and also~~ or Northwest 13th Street
34 (US 441), or both, at a location/s coordinated with the City Manager through the RTS
35 (Regional Transit System) and the Gainesville Public Works Department.
36

37 **Condition 26.** Sidewalks abutting NW 13th Street and University Avenue shall be a minimum of
38 12 feet in width. Except where reduced to 9 feet for a limited 40-50 foot portion of the

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1 Northwest 13th Street sidewalk located in the southern block. The exact location will be worked
2 out during the site plan review process.

3
4 **Condition 27.** Any pedestrian walkway systems that cross an entrance, driveway, or parking area
5 needs to be painted and/or textured and identified as a pedestrian crossing on the preliminary and final
6 site plans.

7
8 **Condition 28.** All pedestrian and bikeways must be ramped for accessibility purposes.

9
10 **Condition 29.** ~~The petitioner shall not raze the two southern most blocks until all pertinent City~~
11 ~~ordinances become effective after second reading. The owner/developer may raze the structures~~
12 ~~on the northern most block, as needed, to remove contaminated soil from that block, subject to~~
13 ~~approval of the appropriate governmental regulatory entities. The two local streets, Northwest~~
14 ~~1st Avenue and Northwest 2nd Avenue, authorized for vacation by Ordinance Nos. 040655 and~~
15 ~~041262 shall not be physically closed to local pedestrian and vehicular traffic until the~~
16 ~~owner/developer has received a building permit from the City of Gainesville and the~~
17 ~~owner/developer moves construction vehicles/equipment onto the vacated streets.~~

18 **Condition 30.** The development order approved by the adoption of the Planned Development
19 ~~Zoning this Ordinance No. 060734 will be valid for a period of two years from the date of~~
20 ~~adoption. A building permit must be issued prior to expiration of said period. The City~~
21 ~~Commission may grant an extension of time for a period of one year, only if the request is in~~
22 ~~writing to the Commission prior to the 2-year expiration date. The planned development shall be~~
23 ~~completed within 5 years from the issuance of the building permit. The City Commission may~~
24 ~~grant an extension to the completion requirement upon good cause shown. Any extension request~~
25 ~~for the development order period on the completion requirement must be filed with the City at~~
26 ~~least 6 1 months prior to the respective expiration date. If the aforesaid time periods expire with~~
27 ~~no action being taken, the development order approved by the Planned Development Zoning this~~
28 ~~Ordinance shall be void and have no further force and effect. The City has the option to designate~~
29 ~~other appropriate land use and zoning consistent with the City's Comprehensive Plan.~~

30
31 **Condition 31.** The orderly construction and completion of the various buildings and uses is an
32 essential component of the development order approved by this ordinance, as more specifically set
33 forth in Condition 32. The project shall be developed in two phases with three Blocks in Phase I
34 designated the North Block, Middle Block and South Block, as shown on the PD Layout Plan and
35 Master Plan (Composite Exhibit "2"). Phase I shall be the development of the North Block, the
36 Middle Block and the South Block. Phase II shall be the development of the Place of Religious
37 Assembly. Construction of Phase I and II may occur independently (different owners and contractors),
38 however, they may be constructed concurrently.

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2 **Condition 32.** Phase I shall be developed in the North, Middle, and South Blocks, as illustrated on
3 the PD Layout Plan and Master Plan (Composite Exhibit “2”). Construction of the buildings and
4 ancillary facilities shall begin with the “North Block” and proceed to the Middle and South Blocks.
5 Construction shall commence on all of the buildings in the “Middle Block” and “South Block” prior to
6 the Building Department issuing any type of certificate of occupancy for any building or structure in the
7 “North Block”. For purposes of this Condition, commencement of construction means the completion
8 of the pouring of foundations for all buildings. No certificate of occupancy for any building or
9 structure in the “Middle Block” and “South Block” shall be issued until all buildings and all streetscape,
10 infrastructure, landscaping and the amenities for the Middle and South Blocks have been completed.
11 Construction of the Place of Religious Assembly (Phase II), as shown on the PD Layout Plan and
12 Master Plan (Composite Exhibit “2”), may be constructed independently of the North, Middle and
13 South Block buildings and may be issued a certificate of occupancy separately from the aforesaid
14 buildings. Construction of the Streetscape for the sidewalks located south and west of the Place of
15 Religious Assembly shall be completed after or concurrently with the completion of the Place of
16 Religious Assembly.

17
18 In addition to the phasing requirements above, no certificate of occupancy shall be issued for the
19 parking structure in the “North Block” as shown on the PD Layout Plan and Master Plan (Composite
20 Exhibit “2”), or any residential unit in any building, until the first certificate of occupancy has been
21 issued for commercial or retail space.

22
23 **Condition 33.** Phase I shall include a minimum of 70,000 square feet with a maximum of 115,000
24 square feet on the first and second stories of those non-residential uses listed under Allowable Uses in
25 the Planned Development on page 2 and 3 of the Amended Report. (Exhibit “1”).

26
27 **Condition 31. Condition 34.** All signage shall comply with the College Park Special Area Plan,
28 requirements, as may be amended from time to time.

29
30 **Section 5.** Except as expressly amended herein, the remaining Sections of Ordinance No
31 040657 shall remain in force and effect.

32 **Section 6.** If it is determined by the City Manager that a violation of this Ordinance exists,
33 the City Manager may issue and deliver an order to cease and desist from such violation to correct a
34 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The City

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1 Manager, through the City Attorney, may seek an injunction in a court of competent jurisdiction and
2 seek any other remedy available at law.

3 **Section 7.** Any person who violates any of the provisions of this ordinance shall be deemed
4 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided by
5 section 1-6 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
6 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
7 offense.

8 **Section 8.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
9 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
10 validity of the remaining portions of this ordinance.

11 **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
12 conflict hereby repealed.

13 **Section 10.** This ordinance shall become effective immediately upon final adoption; however,

14 the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010

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1 Comprehensive Plan adopted by Ordinance No. 060733 becomes effective as provided therein

2 **PASSED AND ADOPTED** this _____ day of _____, 2007

3
4
5
6 _____
Pegeen Hamrahan, Mayor

7 ATTEST: APPROVED AS TO FORM AND LEGALITY:

8
9
10 _____
11 Kurt Lannon, Marion J. Radson, City Attorney
12 Clerk of the Commission

13 This ordinance passed on first reading this _____ day of _____, 2007.

14 This ordinance passed on second reading this _____ day of _____, 2007.

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18 H:\Marion Radson\Planning\149PDA-06 pet.DOC

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COMPOSITE EXHIBITS "1-3"

(Due to bulk and size, Composite Exhibits "1-3" are not attached, but are on file in the Office of the Clerk of the Commission.)