

LEGISLATIVE #

120616A

ORDINANCE NO. 120616

1
2
3 **An ordinance of the City of Gainesville, Florida, amending the Future Land**
4 **Use Map and the Future Land Use Element of the Comprehensive Plan by**
5 **overlaying the land use category of "Planned Use District" on certain**
6 **property with the underlying land use categories of "Mixed-Use Low-**
7 **Intensity and Mixed-Use Residential" known as "University Corners"**
8 **generally located between West University Avenue on the South, Northwest**
9 **3rd Avenue on the North, Northwest 13th Street (US 441) on the East, and**
10 **Northwest 14th Street on the West, as more specifically described in this**
11 **ordinance; providing development conditions; providing directions to the**
12 **City Manager; providing a severability clause; providing a repealing clause;**
13 **and providing an effective date.**
14

15 **WHEREAS**, the Planned Use District (PUD) land use category is an overlay land use
16 district, which may be applied to any specific property in the City, that allows the consideration
17 of unique, innovative or narrowly construed land use proposals that might otherwise not be
18 allowed in the underlying land use category; and

19 **WHEREAS**, the property that is the subject of this ordinance has underlying land use
20 categories of Mixed-Use Low-Intensity and Mixed-Use Residential; and

21 **WHEREAS**, on May 9, 2005, the City Commission adopted Ordinance No. 040656,
22 which overlaid the Planned Use District (PUD) land use category with implementing land use
23 regulations on the subject property; on May 14, 2007, the City Commission adopted Ordinance
24 No. 060733, which amended the subject property's Planned Use District (PUD) land use overlay
25 and implementing land use regulations; and

26 **WHEREAS**, by initiation of a petition by the owners of the subject property, notice was
27 given as required by law that the subject property's Planned Use District (PUD) land use overlay
28 and implementing land use regulations be amended; and

1 **WHEREAS**, the amendment to the subject property's Planned Use District (PUD) land
2 use overlay and implementing land use regulations proposed herein qualifies as a small-scale
3 development amendment as provided in Chapter 163, Florida Statutes; and

4 **WHEREAS**, notice was given as required by law and a public hearing regarding the
5 petition was held by the City Plan Board on December 3, 2012; and

6 **WHEREAS**, notice was given as required by law and a public hearing regarding the
7 petition was held by the City Commission on January 3, 2013; and

8 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
9 newspaper of general circulation notifying the public of this proposed ordinance and of a public
10 hearing in the City Hall Auditorium, First Floor, City Hall in the City of Gainesville; and

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

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
14 **CITY OF GAINESVILLE, FLORIDA:**

15 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
16 amended by overlaying the "Planned Use District" (PUD) category on the following described
17 property that has underlying land use categories of Mixed-Use Low-Intensity and Mixed-Use
18 Residential:

19 See legal description attached as Exhibit "A" and made a part
20 hereof as if set forth in full. The property is depicted on the
21 map attached as Exhibit "B" and made a part hereof as if set
22 forth in full. In the event of conflict or inconsistency, Exhibit
23 "A" shall prevail over Exhibit "B."
24

25 **Section 2.** The Future Land Use Element of the City of Gainesville Comprehensive Plan

1 is amended by adding a new Policy 4.3.7 to read as follows:

2 4.3.7 The property governed by this policy shall be known as the University Corners Planned
3 Use District (PUD) for land use purposes. The PUD property, as depicted on the map labeled
4 University Corner PUD and Underlying Future Land Use in the Future Land Use Map Series,
5 shall be governed by the following conditions:

6

7 a. The uses permitted on the property shall be limited to commercial uses, general office and
8 medical office uses, multi-family residential dwelling units (apartments or condominiums), a
9 hotel, a place of religious assembly, and an above ground parking structure(s).

10

11 b. The maximum building square footage permitted for the commercial, office, hotel and
12 residential buildings shall not exceed in the aggregate 950,000 square feet.

13

14 c. The maximum square footage permitted for the parking structure(s) shall not exceed in the
15 aggregate 380,000 square feet.

16

17 d. The maximum number of residential dwelling units shall not exceed 500 units. The
18 maximum number of hotel rooms shall not exceed 250 rooms.

19

20 e. Useable open space (open air plaza, open air arcades on the ground level, and open air
21 pool/recreation areas on multiple building levels) shall be equal to or greater than 80,000 square
22 feet.

23

24 f. The maximum building height of all buildings (except the parking structure) is limited to
25 110 feet measured from grade level to the top of the building plate. The tower features, stairs,
26 elevators, and elevator machine room may exceed the maximum height.

27

28 g. The maximum building height of the parking structure is limited to 110 feet measured from
29 grade level to the top of the guard rail. The tower features, accessory recreational facilities, stairs,
30 elevators, and elevator machine room may exceed the maximum height.

31

32 h. The maximum number of stories for all buildings (except the parking structure) is limited
33 to ten (10) stories above grade level.

34

35 i. Vehicular access to the property shall be limited to ingress and egress from Northwest 14th
36 Street, Northwest 3rd Avenue, and Northwest 13th Street (US 441). Pedestrian and bicycle
37 access to the site shall be provided by sidewalks that surround the four sides of the property.
38 There shall be a system of plazas, arcades and sidewalks that will provide access to all uses
39 throughout the site.

40

1 j. The owner/developer shall construct bus shelter(s) that are architecturally compatible with
2 the development at the development site on either West University Avenue or Northwest 13th
3 Street (US 441), or both, at a location(s) coordinated with the City Manager through the
4 Gainesville Regional Transit System (RTS) and the Gainesville Public Works Department.
5

6 k. This ordinance does not vest any development on the property described in Section 1 of
7 this ordinance for concurrency as provided in the City's Comprehensive Plan. The
8 owner/developer shall apply for and meet concurrency management standards at the time of
9 application for development plan approval. An application for a Certificate of Final
10 Concurrency must be submitted with the application for final development plan approval.
11

12 **Section 3.** A Planned Development (PD) zoning ordinance is required to implement the
13 PUD land use overlay, and must be adopted by the City Commission within 18 months of the
14 effective date of this amendment as provided in Section 7 of this ordinance. The underlying
15 Future Land Use Map categories of Mixed-Use Low-Intensity and Mixed-Use Residential on the
16 property as depicted on attached Exhibit "C" and made a part hereof are neither abandoned nor
17 repealed; such categories are inapplicable as long as the property is developed and used in
18 accordance with the implementing PD zoning ordinance. If the aforesaid time period expires
19 without the adoption of an implementing PD zoning ordinance, this ordinance shall be void and
20 have no further force and effect and the City may amend the Future Land Use Map accordingly
21 upon proper notice and action.

22 **Section 4.** The City Manager or designee is authorized and directed to make the
23 necessary changes to the Future Land Use Map and to the text, maps and other data in the City
24 of Gainesville Comprehensive Plan in order to comply with this ordinance.

25 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
26 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
27 finding shall not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 6.** Ordinance No. 040656 and Ordinance No. 060733 are hereby superseded in
4 their entirety and are hereby repealed effective on the effective date of this plan amendment. All
5 other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict
6 hereby repealed on the effective date of this plan amendment.

7 **Section 7.** This ordinance shall become effective immediately upon adoption; however,
8 the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31
9 days after adoption. If timely challenged, this amendment shall become effective on the date the
10 state land planning agency or the Administration Commission enters a final order determining
11 this adopted amendment to be in compliance with Chapter 163, Florida Statutes. No
12 development orders, development permits, or land uses dependent on this amendment may be
13 issued or commenced before this plan amendment has become effective.

14 **PASSED AND ADOPTED** this ____ day of _____, 2013

15
16
17
18 _____
19 CRAIG LOWE
20 MAYOR

21 ATTEST: APPROVED AS TO FORM AND LEGALITY:

22
23
24 By: _____ By: _____
25 KURT LANNON NICOLLE M. SHALLEY
26 CLERK OF THE COMMISSION CITY ATTORNEY

27
28
29 This ordinance passed this ____ day of May, 2013.

LEGAL DESCRIPTION UNIVERSITY CORNERS

A PARCEL OF LAND LOCATED IN THE L. T. ROUX SUBDIVISION AS RECORDED IN PLAT BOOK A, PAGE 155 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 5, BLOCK 1 OF SAID L. T. ROUX SUBDIVISION, ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NW 3rd AVENUE AND THE EAST RIGHT OF WAY LINE OF NW 14th STREET; THENCE RUN SOUTH 89°54'05" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF NW 3rd AVENUE, A DISTANCE OF 314.57 FEET; THENCE RUN SOUTH 44°28'08" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 21.11 FEET TO IT'S INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF NW 13th STREET, (STATE ROAD 25/U.S. HIGHWAY 441); THENCE RUN ALONG SAID WEST RIGHT OF WAY LINE OF NW 13th STREET, THE FOLLOWING FOUR (4) COURSES:

- 1.) SOUTH 00°11'19" WEST, A DISTANCE OF 26.41 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 4545.05 FEET;
- 2.) 276.32 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE 3°29'00", SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 01°55'49" WEST, 276.28 FEET TO A POINT OF TANGENCY;
- 3.) SOUTH 03°42'40" WEST, A DISTANCE OF 235.43 FEET;
- 4.) SOUTH 09°36'26" WEST, A DISTANCE OF 48.57 FEET TO IT'S INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF WEST UNIVERSITY AVENUE, (STATE ROAD 26);

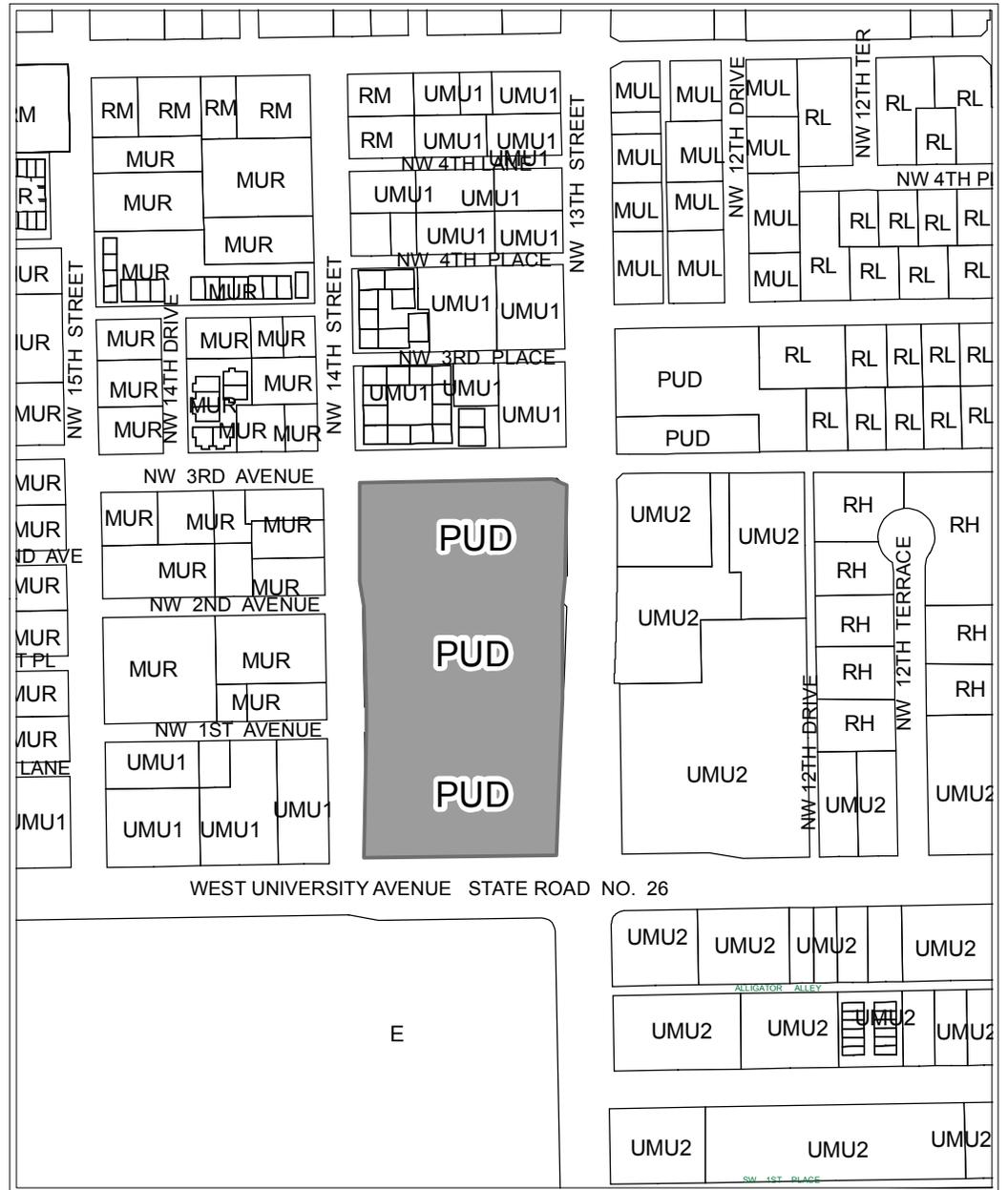
THENCE RUN NORTH 89°55'58" WEST, ALONG SAID NORTH RIGHT OF WAY LINE OF WEST UNIVERSITY AVENUE, A DISTANCE OF 243.69 FEET TO THE SOUTHEAST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3962, AT PAGE 1339 PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 89°55'40" WEST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 54.50 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND ALSO BEING ON THE EAST RIGHT OF WAY LINE OF NORTHWEST 14th STREET; THENCE RUN NORTH 00°08'06" EAST, ALONG SAID EAST RIGHT OF WAY LINE OF NORTHWEST 14th STREET, A DISTANCE OF 200.10 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE RUN NORTH 00°09'28" EAST, CONTINUING ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 400.52 FEET TO THE POINT OF BEGINNING. ALL THE ABOVE DESCRIBED LANDS ARE LYING AND BEING IN THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA.

City of Gainesville Land Use Designations

- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- UMU1 Urban Mixed Use 1 (UMU-1: 8-75 du/acre; & up to 25 additional du/acre by special use permit)
- UMU2 Urban Mixed Use 2 (UMU-2: 10 to 100 du/acre; & up to 25 additional du/acre by special use permit)
- E Education
- PUD Planned Use District

Planned Development amendment to modify the mix of uses, square footage and building heights for University Corners

Area under petition consideration



EXISTING LAND USE



| Name | Petition Request | Map(s) | Petition Number |
|--|--|--------|-----------------|
| Brett Dill, agent for University Development of Gainesville, LLC | Amend text of Planned Use District ordinance #060733 to modify the mix of uses, square footage and building heights for University Corners | 3949 | PB-12-124 PUD |

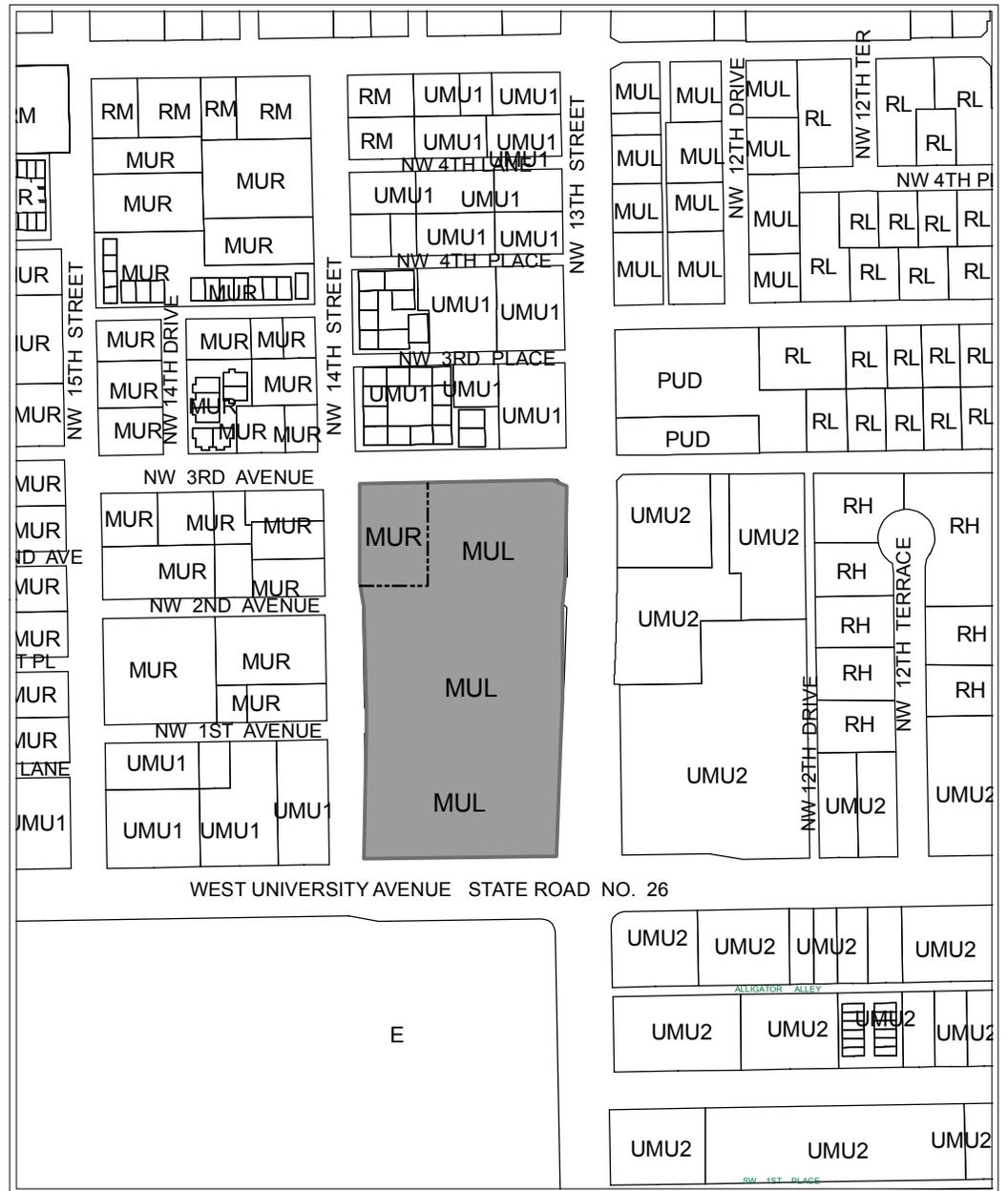
Exhibit "B" to Ordinance No. 120616

City of Gainesville Land Use Designations

- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUL Mixed use Low Intensity (10-30 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- UMU1 Urban Mixed Use 1 (UMU-1: 8-75 du/acre; & up to 25 additional du/acre by special use permit)
- UMU2 Urban Mixed Use 2 (UMU-2: 10 to 100 du/acre; & up to 25 additional du/acre by special use permit)
- E Education
- PUD Planned Use District

Planned Development amendment to modify the mix of uses, square footage and building heights for University Corners

Area under petition consideration



UNDERLYING LAND USE

| | Name | Petition Request | Map(s) | Petition Number |
|--|--|--|--------|-----------------|
| | Brett Dill, agent for University Development of Gainesville, LLC | Amend text of Planned Use District ordinance #060733 to modify the mix of uses, square footage and building heights for University Corners | 3949 | PB-12-124 PUD |