

Conditions, with revisions per Plan Board motion on March 24, 2011

Condition 1. The permitted uses within the PUD shall be limited to 26,000 square feet of retail, 20,000 square feet of office and 168-191 residential units, and to those specific uses indicated in ~~Table 3: Proposed Permitted Uses, in the Small-scale Comprehensive Plan Amendment, and as enumerated in Exhibit B-6 C-1, pages 11 and 12.~~ No drive-through facilities shall be allowed within the PUD.

Condition 2. The owner/developer shall provide a bus shelter architecturally consistent with the building constructed on the subject property, to be located along N.W. 13th Street, at a location to be coordinated with the City Manager through the RTS (Regional Transit System) and the Gainesville Public Works Department.

Condition 3. Vehicular access to the development shall be limited to ingress and egress from Northwest 3rd Avenue and Northwest 4th Avenue. Pedestrian and bicycle traffic shall be able to access the site from sidewalks that are constructed around the street edges of the development.

Condition 4. The maximum building square footage permitted for the mixed-use portion of the development shall be addressed in the PD ordinance.

Condition 5. The maximum square footage permitted for the parking garage shall be addressed in the PD ordinance.

Condition 6. The historic contributing structure located on the subject property shall not be removed prior to final development plan approval. The house shall be placed on a property within the University Heights North Historic District.

Condition 7. The maximum number of residential dwelling units shall not exceed 168 units; however there shall be an allowance for the replacement of up to 15,000 square feet of office space for up to an additional 23 multiple-family residential units.

Condition 8. The maximum building height permitted onsite shall be limited to 8 stories or 106 feet along N.W. 13th Street and extending no further east than the eastern NW 12th Drive right-of-way line.

Condition 9. The maximum building height of the parking garage located adjacent to the Residential Low designated property shall be 5 stories or 60 feet ~~shown on the PD Layout Plan.~~

~~**Condition 10.** The maximum number of building stories allowed shall be limited to eight (8) stories above grade level.~~

Condition 10 11. The 56" Live Oak heritage tree shall be preserved on the site in accordance with the recommendations of the City Arborist and the Technical Review Committee in conjunction with development plan review.

Condition ~~11~~ 12. The minimum setbacks adjacent to Residential Low designated property shall be as shown on the PD Layout Plan. A brick garden wall, with a minimum height of 8 feet, shall be constructed adjacent to Residential Low designated property. The garden wall shall be architecturally compatible with the building constructed on the subject property.

Condition 12 ~~13~~. Urban design standards including building articulation and building orientation shall be included within the Planned Development ordinance for this proposal.

Condition ~~13~~ 14. The Planned Use District land use category does not vest the development for concurrency. The owner/developer is required to apply for and meet concurrency management standards, including all relevant Transportation Concurrency Exception Area standards, at the time of application for development plan approval. An application for a Certificate of Final Concurrency shall be submitted with the application for final development plan approval.

Condition 14 ~~15~~. PD zoning is required within 18 months of the PUD land use designation.

A PD (planned development) zoning ordinance consistent with the planned use district must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to timely apply for and obtain PD zoning shall be on the owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay planned use district shall automatically be null and void and of no further force and effect and the overlay land use category shall ministerially be removed from the Future Land Use Map, and the underlying land use shall be “Commercial, MU-L and RL”. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application.