 <p><b>CITY OF GAINESVILLE</b> every path starts with passion FLORIDA</p>	<p>PLANNING &amp; DEVELOPMENT SERVICES DEPARTMENT PO Box 490, STATION 11 GAINESVILLE, FL 32602-0490</p> <p>306 N.E. 6<sup>TH</sup> AVENUE P: (352) 334-5022 P: (352) 334-5023 F: (352) 334-2648</p>
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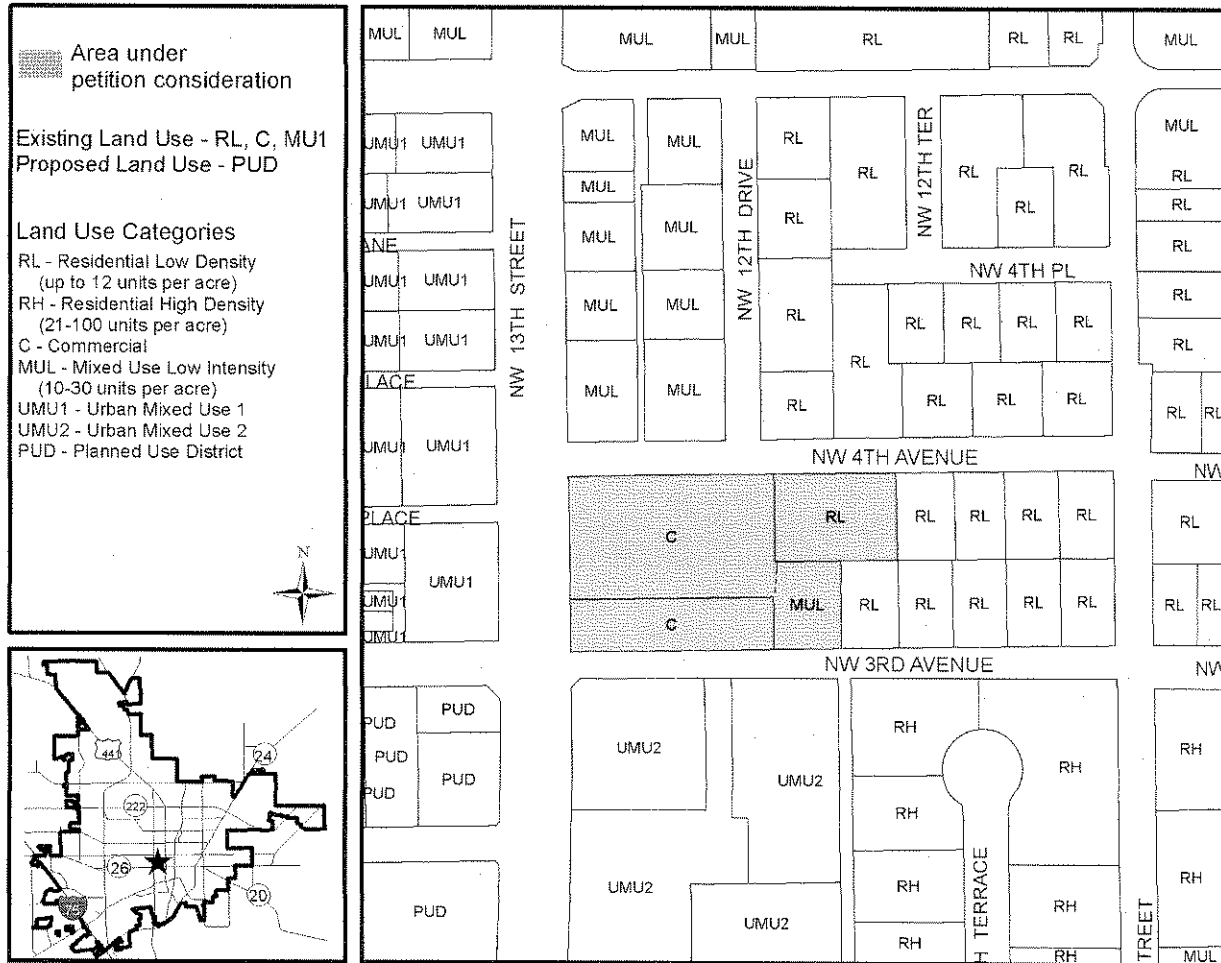
**TO:** City Plan Board **Item Number:** 6

**FROM:** Planning & Development Services Department Staff **DATE:** March 24, 2011

**SUBJECT:** Petition PB-11-20 PUD. Causseaux, Hewett, & Walpole, agent for RD Management, LLC. Amend the City of Gainesville Future Land Use Map from Commercial, Mixed-Use Low-Intensity (8-30 units per acre) and Residential Low-Density (up to 12 units per acre) to PUD (Planned Use District). Located at 303 Northwest 13<sup>th</sup> Street, 1249 and 1227 Northwest 4<sup>th</sup> Avenue. Related to PB-11-8 PDV.

**Recommendation**

Staff recommends approval of Petition PB-11-20 PUD with conditions.



## Description

This petition requests an amendment to the future land use map from the Commercial, MU-L (Mixed-Use Low-Intensity 8-30 units per acre), and RL (Residential Low-Density up to 12 units per acre), land use categories to PUD (Planned Use District). The property to be amended includes three parcels that total approximately 1.53 acres in size. The parcel at 303 N.W. 13<sup>th</sup> Street has Commercial land use and BA (Automotive-oriented business district) zoning. The approximately 0.3-acre parcel is the site of a vacant car wash. The parcel located at 1249 N.W. 4<sup>th</sup> Avenue is also known as 309 or 319 N.W. 13<sup>th</sup> Street for business purposes. The approximately 0.9-acre parcel is home to a bookstore, an Army National Guard recruitment office, and a place of religious assembly. This property has both Commercial and MUL land use designations, with BUS (General business district) and MU-1 (8-30 units/acre mixed use low intensity) zoning. The approximately 0.3-acre parcel located at 1227 N.W. 4<sup>th</sup> Avenue with RL land use and RMF-5 (12 units/acre single-family/multiple-family residential district) zoning is within the University Heights Historic District – North. A single-family dwelling unit located on this parcel is considered a contributing structure to the historical character of the district. All three of the parcels that comprise the 1.53-acre property are located within the Traditional City Special Area Plan area, as well as the Fifth Avenue/Pleasant Street Community Redevelopment Area. Please see the map on page 1 for the subject property with the existing and surrounding land use categories, and Appendix B for the full map series.

The two properties with Commercial land use front on N.W. 13<sup>th</sup> Street. The Commercial land use category identifies those areas most appropriate for large-scale, highway-oriented commercial uses. The height limit of 5 stories or less can be increased to a maximum of 8 stories by special use permit. A portion of the parcel at 1249 N.W. 4<sup>th</sup> Avenue has a land use designation of MUL, which has the same height limits and allowances. This category allows a mix of residential and non-residential uses, scaled to serve the surrounding neighborhood. The maximum residential density is 30 units per acre. The RL land use category allows dwellings at a density of 12 units per acre. It identifies areas that are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development.

The PUD land use category may be applied on any specific property in the City. The category was created to allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses. The district allows for a mix of residential and non-residential uses and/or unique design features which may not otherwise be allowed in the underlying land use category. Planned Development (PD) zoning is required to implement any specific development plan under a PUD.

This area along N.W. 13<sup>th</sup> Street is commercial in nature. To the south of the subject property is land with the UMU-2 land use and zoning designation. It includes a surface parking lot and parking associated with a fast food restaurant. Also in this area is a 6-story hotel. To the southwest is vacant land with PUD (Planned Use District) land use and PD zoning that had been approved for an 8-story mixed-use development (University Corners). West of the subject

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property is a doughnut shop and a liquor store, with Urban Mixed-Use 1 (UMU-1: up to 75 units per acre) land use and zoning (UMU-1: Up to 75 units/acre urban mixed-use district). On the north side of the property is a telephone store with a large surface parking area on property with MUL land use and MU-1 zoning. North of the RL portion of the subject site are two historic single-family dwelling units, with RL land use and RMF-5 zoning. Also, to the east of the property are additional single-family dwellings that are contributing structures to the historic district, with RL land use and RMF-5 zoning.

The purpose of the proposed land use amendment (and related PD rezoning petition) is to enable the applicant to apply for a mixed-use redevelopment project that would include retail, office and multiple-family residential uses.

### **Key Issues**

- The proposed PUD land use (and related PD zoning) will have conditions imposed by staff and the Plan Board to improve compatibility and harmony with adjacent properties.
- The large-scale, highway oriented Commercial land use category is no longer appropriate for this area because it is located in the Traditional City Special Area Plan area, which is intended to provide a vibrant mix of commercial, office, retail and residential uses in close proximity for a 24-hour mix of uses with a significant number of pedestrians.
- Redevelopment is encouraged to promote compact, vibrant urbanism near neighborhood centers with close proximity to important transit routes.
- Current BUS and MU-1 zoning districts could allow 5 stories and up to 8 stories by special use permit next to the RL/RMF-5 residential properties.
- The subject property includes a historic home that is a contributing structure to the University Heights Historic District – North.
- There is an approximately 56-inch heritage live oak tree next to the home that staff requests be saved in any redevelopment proposal.
- Landscape buffer provisions would require a wall or fence between the commercial/mixed use development and the single-family property located east at 1226 N.W. 3<sup>rd</sup> Avenue.

### **Basis for Recommendation**

The staff recommendation is based on the factors stated in the Future Land Use Element and on State statute criteria, which are discussed below: Conformance with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Infill and redevelopment; Impacts on Affordable Housing; Transportation; Financial Feasibility.

#### **1. Conformance with the Comprehensive Plan**

The proposed PUD land use amendment is consistent with the City's Comprehensive Plan. Policy 4.1.1 of the Future Land Use Element describes the features necessary for PUD designation, including the fact that, "The category is created to allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses and

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environmental conditions of the subject land. This district allows a mix of residential and non-residential uses and/or unique design features which might otherwise not be allowed in the underlying land use category.” The proposed development is an 8-story mixed-use structure with a step down in height to the east, with approximately 26,000 square feet of specialty retail, approximately 20,000 square feet of office, and 168 multiple-family residential units. The proposal is unique in that it would be a relatively tall structure providing housing, space for a mid-size retailer and office space, within easy walking distance of the University of Florida and also the Santa Fe College downtown campus.

For the financial feasibility of the project, the petitioners indicate that 8 stories are required to have the necessary number of residential units. The development will include a parking structure to meet the parking needs of the uses. The proposal needs the 0.3-acre parcel located within the historic district in order to have enough land area. In order to protect the character of the district, the development is proposing a stepped down approach where the structures that will be adjacent to the neighborhood to the east will be a maximum of 60 feet in height, and then go up to 8 stories towards the west to N.W. 13<sup>th</sup> Street. Although the mix of uses is allowed in other zoning districts such as UMU-2: up to 100 units/acre urban mixed-use district, the stepped down height regulations can be best implemented by a PUD land use designation with associated PD zoning (see related Petition PB-11-8 PDV).

Objective 4.2 and Policy 4.2.1 can be adequately met by this petition because although a high intensity land use category is adjacent to an existing low-density residential area, protections can be placed within the adopting ordinance for the PUD land use and associated PD zoning.

### **Future Land Use Element**

**Policy 4.1.1** Land Use Categories on the Future Land Use Map shall be defined as follows:

#### **Planned Use District**

This category is an overlay land use district which may be applied on any specific property in the City. The land use regulations pertaining to this overlay district shall be adopted by ordinance in conjunction with an amendment to the Future Land Use Map of this comprehensive plan. The category is created to allow the consideration of unique, innovative or narrowly construed land use proposals that because of the specificity of the land use regulations can be found to be compatible with the character of the surrounding land uses and environmental conditions of the subject land. This district allows a mix of residential and non-residential uses and/or unique design features which might otherwise not be allowed in the underlying land use category. This category shall allow traditional neighborhoods on sites 16 acres or larger in conformance with the adopted Traditional Neighborhood Development (TND) ordinance. Each adopting PUD overlay land use designation shall address density and intensity, permitted uses, access by car, foot, bicycle, and transit, trip generation and

trip capture, environmental features and, when necessary, buffering of adjacent uses. Planned Development zoning shall be required to implement any specific development plan under a PUD. In the event that the overlay district has been applied to a site and no planned development zoning has found approval by action of the City Commission within 18 months of the land use designation, the overlay land use district shall be deemed null and void and the overlay land use category shall be removed from the Future Land Use Map, leaving the original and underlying land use in place.

**Objective 4.2** The City shall implement regulations that will protect low-intensity uses from the negative impacts of high-intensity uses and provide for the healthy coexistence and integration of various land uses.

**Policy 4.2.1** The City shall adopt land development regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low-intensity uses by transitional uses and by performance measures. Performance measures shall address the buffering of adjacent uses by landscape, building type and site design. Regulation of building type shall insure compatibility of building scale, and overall building appearance in selected areas. Regulation of site design shall address orientation. Such regulation shall also include arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and tree canopy.

This proposed land use amendment includes three separate parcels. The 0.3-acre parcel at 303 N.W. 13<sup>th</sup> Street and the 0.9-acre parcel at 1249 N.W. 4<sup>th</sup> Avenue have direct frontage on N.W. 13<sup>th</sup> Street. The lots are largely paved over and some of the existing buildings are placed right up to the sidewalk. Redevelopment of these lots into a more intense, pedestrian oriented development is desirable in the heart of the city and in close proximity to the University of Florida. Goal 2 of the Future Land Use Element calls for redevelopment that will promote transportation choice, quality of life, and a healthy economy and discourage urban sprawl. Policy 2.1.1 d, encourages retail and office development to be placed close to the streetside sidewalk. Redevelopment will be discussed further under the section for Infill and redevelopment.

The list of other applicable comprehensive plan policies is located in Appendix A.

## **2. Compatibility and surrounding land uses**

The concern with this proposal involves the 0.3-acre parcel at 1227 N.W. 4<sup>th</sup> Avenue, which includes the historic single-family house. This parcel extends well into the historic single-family neighborhood. The plans submitted by the applicant include protections to mitigate the impact of

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the intended development on the residential area. There are also provisions for the historic structure and the heritage live oak tree that is next to the house. The PUD land use designation and associated PD zoning petition can provide protections in ordinance form that staff and the surrounding property owners find acceptable in terms of ensuring a reasonable transition from the one-story historic structures in the neighborhood to the structure adjacent to the neighborhood which will be a maximum of 60 feet in height, stepping up to an 8-story building.

The subject property includes Commercial, MUL and RL land use designations. This petition requests a change to PUD, which matches the land use designation on the properties immediately to the southwest. To the west is land designated UMU-1. North of the two parcels that front on N.W. 13<sup>th</sup> Street is MUL property, while RL property lies to the north of the RL designated portion of the property, and to the east of the property in general. To the south is land designated with UMU-2 land use and zoning. The proposed development is compatible with the desired form of commercial activity along N.W. 13<sup>th</sup> Street. This mixed-use proposal is appropriate for this segment of N.W. 13<sup>th</sup> Street. Please see Table 1 at the end of this document to see the existing adjacent uses and the zoning and land use categories for adjacent properties.

The proposed PUD land use designation would allow specific regulations for the purpose of providing compatibility with surrounding land uses. The proposed 8 story height of the structure is greatest along N.W. 13<sup>th</sup> Street, and steps down to a maximum of 60 feet in height as it approaches the eastern property line and the adjacent neighborhood. The current MUL land use and MU-1 zoning allow up to 5 stories in height by right. More protection is offered by the PUD/PD designation. The parking structure to be provided is internal to the building so that vehicle noise and headlights will not intrude into the neighborhood. Also proposed along the east boundary is an 8 foot garden wall that will help decrease noise and light trespass from the development. The PUD/PD provisions would move the historic house to another location within the historic district and the heritage tree next to the house would be saved. Pervious pavement would be used in the vehicular use area around the tree to better protect the root system.

### **3. Environmental impacts and constraints**

Due to previous uses on the subject property, the Alachua County Environmental Protection Department has identified this as a potential site for soil contamination. The petitioner has also provided information that indicates underground contamination from offsite sources. During the development review process, further investigation will be recommended in the form of soil sampling, and development of the site will likely require some degree of excavation and cleanup prior to new construction.

The parcels that front onto N.W. 13<sup>th</sup> Street are already considered urban land. The residential property has a heritage oak tree that staff is requiring to be saved during the development plan review process. Stormwater management is addressed at the time of development plan review. The subject property is not in the Wellfield District or within the 100-year floodplain.

#### **4. Infill and redevelopment**

Redevelopment of the subject property represents an opportunity for additional urban infill development. All three parcels are previously developed properties which are being served by existing public facilities (including potable water, wastewater, transit, solid waste, public roads, recreation, and public schools). Redevelopment of infill parcels in a transition area must be planned with special care to ensure the integrity of the neighborhood. The building height of the structure will transition from a maximum of 60 feet in height adjacent to the historic neighborhood to 8 stories along N.W. 8<sup>th</sup> Avenue and provide an 8 foot garden wall to limit noise and light pollution. This type of development may encourage further redevelopment in this core area of the City because of the proximity to the University of Florida, the Santa Fe College downtown campus, and the Shands/Veterans Administration medical hub. Increased residential density in this area can help bring more customers to nearby businesses, increasing pedestrian activity and encouraging additional businesses to locate in the area.

Redevelopment of this property provides an opportunity to remove the vacant car wash, which is a prohibited use within the Traditional City special area. Redevelopment can also lead to the resolution of environmental issues on the property. As indicated in the section on environmental impacts, development of the site will likely require some degree of excavation and cleanup of the soils if contamination is confirmed. Additionally, this proposal could provide an important retail use to the area to serve University of Florida students and personnel, College Park, and 5th Avenue/Pleasant Street residents, many of whom will not need a car to reach the property. Although the subject property is developed, this proposal for higher intensity development on the same site can add to the City's tax base during these economically challenging times.

#### **5. Impacts on Affordable Housing**

This land use amendment would increase the residential density on the subject property. The petitioners estimate that 9 dwelling units could be placed on the subject property under the current land use and zoning designations. The future development proposal that is outlined in the petitioner's application package would include approximately 168 dwelling units and flexibility for added multiple-family units as an exchange for office square footage. This would provide more housing opportunities which may increase the amount of affordable housing.

#### **6. Transportation**

A transportation impact study was submitted with the application package submitted by the petitioner to provide an estimate of transportation impacts on the surrounding road network. The property is located within Zone A of the City's Transportation Concurrency Exception Area (TCEA), which is intended to promote redevelopment and infill in areas close to the University of Florida. This section of N.W. 13<sup>th</sup> Street is in the Gateway Street District. The main pedestrian entrance for the development will be on N.W. 13<sup>th</sup> Street. Bus routes 8 and 10 run along N.W. 13<sup>th</sup> Street adjacent to the subject property. Consistent with Concurrency Management Element Policy 1.1.4, operational and safety improvements will be required for this development, which will include the placement of medians in N.W. 13<sup>th</sup> Street and the closing of

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all of the driveway curb cuts on the subject property along N.W. 13<sup>th</sup> Street. The development is also proposing a vehicular access connection to N.W. 3<sup>rd</sup> and N.W. 4<sup>th</sup> Avenues, from within the parking structure. The loading/unloading zones will be in this area to promote safe and efficient internal traffic circulation. According to the "Traffic Impact Study for NW 13<sup>th</sup> Street Mixed-Use Redevelopment, December 30, 2010", trip generation would be 2,090 net daily trips, 88 a.m. net peak hour trips and 238 p.m. net peak hour trips. The internal capture rate used was 16.7 percent, based on the ITE 8<sup>th</sup> Edition Trip Generation report. The net daily trips are compared to the 244 trips calculated for the existing uses on the property. Please see the trip generation information located in Appendix C, Exhibit C-2.

Due to the location of the property within the University of Florida Context Area, any multi-family residential development must comply with the provisions of Concurrency Management Element Policy 1.1.14, concerning new multi-family residential development funding capital transit costs associated with transit service needs. Payments shall be based on a proportionate share contribution toward the additional transit service enhancements needed to serve the proposed development in the RTS a.m. and p.m. peak hours to maintain existing service levels (frequencies). The payment will be based on the expected mode split of all development trips that will use transit. Payments are made prior to the second reading of the planned development zoning ordinance. Any development on the property will be required to meet the standards of Policy 1.1.4 of the Concurrency Management Element, because of the TCEA Zone A location. Comprehensive plan land use amendments within transportation concurrency exception areas are deemed to meet the requirement to achieve and maintain level-of-service standards for transportation.

## **7. Financial Feasibility**

Based upon projections provided by the petitioner and the approximate number of residential dwelling units proposed, the proposed development will not adversely impact adopted levels of service for potable water, wastewater, solid waste, and recreation. Stormwater management is addressed at the time of development plan review. School capacity is currently adequate for 168 multiple-family units at this location (See Appendix B). The development proposal has 168 multiple-family units, with an option to replace some office space with more dwelling units up to 195. This is an increase of 186 units over the current maximum of 9 units allowed under the existing RL and MUL land use.

## **8. Historic Preservation**

The house located on the subject property at 1227 N.W. 4<sup>th</sup> Avenue is a contributing structure within the University Heights Historic District – North. The petitioners have proposed moving the house to another location within the district. The Historic Preservation Board has reviewed the idea of moving the house and the proposed building to ensure reasonable compatibility and harmony with the adjacent neighborhood and found them to be compatible with the adjacent historic district.



## 9. Conditions

**Condition 1.** The permitted uses within the PUD shall be limited to those indicated in Table 3: Proposed Permitted Uses, in the Small-scale Comprehensive Plan Amendment, and as enumerated in Exhibit 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. 13<sup>th</sup> 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 3<sup>rd</sup> Avenue and Northwest 4<sup>th</sup> 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 along N.W. 13<sup>th</sup> Street and extending no further east than the eastern NW 12<sup>th</sup> 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 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 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 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 13.** Urban design standards including building articulation and building orientation shall be included within the Planned Development ordinance for this proposal.

**Condition 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.

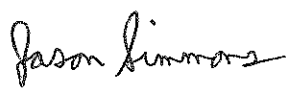
**Condition 15.** PD zoning is required within 18 months of the PUD land use designation. A PD (planned development) zoning ordinance consistent with the planned use district must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to timely 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.

The proposed PUD land use designation for the subject property is consistent with the goals, objectives and policies of the Future Land Use Element. Staff recommends approval of Petition PB-11-20 PUD with the conditions stated in the staff report.

Respectfully submitted,



Onelia Lazzari  
Principal Planner

Prepared by:   
Jason Simmons

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**Table 1**

**Adjacent Existing Uses**

<b>North</b>	Surface parking lot, office building, historical district contributing structure single-family dwellings
<b>South</b>	Surface parking lots
<b>East</b>	Historical district with contributing structures (single-family dwellings)
<b>West</b>	Krispy Kreme Doughnuts, ABC Liquor

**Adjacent Zoning and Land Use**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	Mixed-Use Low-Intensity, Residential Low-Density	MU-1, RMF-5
<b>South</b>	Urban Mixed Use 2	UMU-2
<b>East</b>	Residential Low-Density	RMF-5
<b>West</b>	Urban Mixed Use 1	UMU-1

## List of Appendices

### Appendix A Comprehensive Plan GOPs

- Exhibit A-1* Future Land Use Element
- Transportation Mobility Element
- Concurrency Management Element
- Historic Preservation Element

### Appendix B Supplemental Documents

- Exhibit B-1* Existing Land Use Map
- Exhibit B-2* Proposed Land Use Map
- Exhibit B-3* Aerial Map
- Exhibit B-4* Map of University Heights Historic Districts – North & South
- Exhibit B-5* School concurrency determination

### Appendix C Application and Neighborhood Workshop information

- Exhibit C-1 Small-scale Comprehensive Plan Amendment Application
- Exhibit C-2 Project Trip Generation