

**City of  
Gainesville**

**Inter-Office Communication**

**Planning Division  
X5022, FAX x2282, Station 11**

**Item No. 3**

**TO: City Plan Board**

**DATE: June 15, 2006**

**FROM: Planning Division Staff**

**SUBJECT: Petition 66TCH-06PB: Causseaux & Ellington, Inc., agent for Lakeshore Towers. Amend the Southwest 13<sup>th</sup> Street Special Area Plan to allow exceptions to the development standards for development proposals processed as a Planned Development. Related to Petitions 31LUC-06 PB and 32PDV-06 PB.**

**Recommendation**

Planning staff recommends approval of Petition 66TCH-06PB for the Southwest 13<sup>th</sup> Street Special Area Plan.

**Explanation**

This is a request by the agents for Lakeshore Towers to allow a rezoning to Planned Developments (PD) to supercede the development standards of the Southwest 13<sup>th</sup> Street Special Area Plan. Developments within the Southwest 13<sup>th</sup> Street Special Area District may be exempt from some standards, subject to board or staff review. Section (e) allows exceptions to the following standards:

1. Build-to line;
2. Number and layout of automobile parking spaces;
3. Dimensional requirements;
4. Buffers for single-family areas;
5. Required sidewalks;
6. Landscaping; and
7. Materials.

The amendment, as proposed, would allow exceptions to the following additional standards: Prohibited uses, building orientation, bicycle parking, signs, trash and recycling receptacles and loading docks, building wall articulation and mechanical equipment placement.

If the board approves the amendment to allow Planned Developments to supercede the overlay standards, staff would recommend the SAP be amended as follows:

(e) *Exceptions*. Exceptions to the following standards of the Southwest 13<sup>th</sup> Street Special Area Plan can be granted by the appropriate reviewing board, city manager or designee:

1. Build-to line;
2. Number and layout of automobile parking spaces;
3. Dimensional requirements;
4. Buffers for single-family areas;
5. Required sidewalks;
6. Landscaping; and
7. Materials.

Exceptions to the above listed standards may be granted only upon a finding that either of the following criteria are met:

1. The proposed construction is consistent with the overall intent of these minimum development standards; or
2. The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.

Planned development may be used to address exceptions to the standards of the SAP as follows:

1. The intent and development standards of the special area plan district shall be the basis for reviewing developments processed as a PD. However, the innovative and unique design element of the PD process shall be used in deviating from the established standards of the SAP;
2. Exceptions allowed for PDs shall not be construed to allow uses which are prohibited within the SAP;
3. The PD project shall be subject to the same exemptions and criteria listed in Exhibit A. (e) of the SAP; and
4. The PD application shall clearly and precisely outline the rational and basis for deviating from the listed standards and development criteria of the special area plan.

Respectfully submitted,



Ralph Hilliard  
Planning Manager, Community Development

+LDC:ldc

3. **Petition 66TCH-06PB** Causseaux & Ellington. Amend the Southwest 13th Street Special Area Plan to allow exceptions to the regulations for Planned Developments.
4. **Petition 31LUC-06 PB** Causseaux & Ellington, Inc., agent for S. Clark Butler Properties Land Trust. Amend the City of Gainesville 2000-2010 Future Land Use Map from MUM (Mixed Use Medium Intensity, 12 to 30 units per acre) to RH (Residential High Density, 8-100 units per acre). Located at 2306 SW 13<sup>th</sup> Street. Related to Petition 32PDV-06 PB.
5. **Petition 32PDV-06 PB** Causseaux & Ellington, Inc., agent for S. Clark Butler Properties Land Trust. Rezone property from MU-2 (12-30 units/acre mixed use medium intensity) and BUS (General business district) to PD (Planned development - up to 35 units per acre) to rehabilitate an existing building and allow an additional 14-story residential building. Located at 2306 SW 13th Street. Related to 31LUC-06 PB.

Ms. Shenley Neely, Senior Planner, was recognized. She stated she would address all three petitions simultaneously and there could be three individual motions.

Ms. Neely stated these petitions were in regard to the Lakeshore Tower project. She stated the project would involve a land use change, a rezoning and a text amendment to the Southwest 13<sup>th</sup> Street Special Area Plan. She pointed out the location of the project and stated it was three separate parcels. She stated the project would renovate an existing 11-story residential tower and construct an additional 14-story residential tower and associated infrastructure. She pointed out the 5.1-acre portion of the project site proposed for the land use change. She explained the surrounding land uses and zoning in the area. She showed the area of the Southwest 13<sup>th</sup> Street Special Area Plan. She stated the Planned Development would be applied to all three parcels, 7.1 acres. She stated that staff has recommended approval of all three petitions.

Mr. Jerry Dedenbach, of Causseaux & Ellington, was recognized. He explained the requests of the three petitions. He stated that the project was situated in Zone 2 of the Southwest 13<sup>th</sup> Street Special Area Plan with a building setback of 20 feet to bring the building up to the 13<sup>th</sup> Street corridor to allow for sidewalks near the right-of-way. He stated that there were 31 conditions and they agreed to 29. He stated he wished to clarify 3 of the conditions. He showed the configuration of the existing development and the proposed development. He showed the overall PD Master Plan. He showed the traffic circulation as it is today. He showed an area along SW 13<sup>th</sup> Street that would be retained for commercial buildings.

Mr. Dedenbach referred to Condition 7 of the staff report. He showed the layout of the existing drive and stated the drive is 5 feet from the property line and there is fencing there. He stated there was not an intention to remove the fencing and although they agree with buffering, they did not intend to remove the existing driveways and parking because that would render the site unusable and there are utilities that are there.

On the south side, he pointed out the handicapped spaces close to the tower that exists 5 feet from the property line. He stated if that becomes a 15-foot buffer, the parking would be lost and the project could not go on. He requested that Condition 7 be revised to state that the “existing vehicular use areas adjacent to the residential area to the north and south may remain . . .”

Regarding Condition 20, Mr. Dedenbach stated the east property line is 13<sup>th</sup> Street, which involves the issue of the Special Area Plan. He stated the 13<sup>th</sup> Street Special Area Plan has a 20-foot setback in the Zone 2 area. He explained that there was a special request that the only way the development could deviate from having a building in the area was that it be codified that it could be done only through a Planned Development and only through the permission of the City Manager. He stated there is a desire to place an architectural wall in that area. The condition would be revised to say “Vehicular use areas . . . or parking of vehicles with the exception of bicycles shall occur within 20 feet of the east property line and shall contain at least a three-foot high screening wall consistent with the 13<sup>th</sup> Street Special Area Plan.” He showed a representation of how the entrance to the development would be placed with an architectural wall along the entrance. He stated parking would be behind the wall and there could be a coffee house. He stated it was necessary to have the parking behind the wall rather than 80 feet back from 13<sup>th</sup> Street.

He stated the last concern was in Condition 15 that states “. . . a three foot architecturally compatible wall . . . .” He stated the plan is to have a masonry wall with fountain features and a logo. He explained that the request was to place the sentence, “The criteria and design shall be determined during development review.” at the end of the Condition so there would be more flexibility in the type of wall that would be used.

Mr. Lawrence Calderon, Chief of Current Planning, was recognized. He stated the conditions are meant to write regulations, because there are no regulations for a Planned Development and the regulations are intended to guide the Board in the development review process.

Mr. Calderon stated that regarding the 15-foot setback in Condition 7, the development had the potential for the pavement to be removed and new paving placed in. He stated with the amount of vehicular movement that will occur on the site, staff requested a 15-foot landscape buffer primarily when new paving occurs. Mr. Calderon stated that once the new entrance and parking is placed as proposed, the applicant should be able to get the 15 feet without unduly burdening the project. He stated this was a very nice project that will have a catalytic effect in the area and will stimulate additional development, however, the Special Area Plan was designed to maintain a certain intent and quality in the area, and staff does not think the buffer would hurt the development and staff would like the 15 feet to remain.

Mr. Calderon stated that regarding Condition 20, staff would agree to modify the condition to allow the development the flexibility they request. He suggested that the condition be revised to read “Vehicular use areas, and those areas for vehicular storage . . . shall have no more than a double row of parking within 80 feet of the east property line.” He stated there would not be two coffee shops as suggested in the drawing, but there could be some other restaurant or nothing. He stated staff does not want that area to become a storage area.

Mr. Calderon stated that staff had no objection to the requested change in Condition 15. He stated the recommendation was for approval with all the conditions and modifications.

Ms. McDonell asked where the Eagles nest mentioned in the packet was located. Mr. Calderon stated that the issue of the Eagles nest had been resolved satisfactorily. Mr. Dedenbach pointed out the location on the north side of Bivens Arm toward the back of the Veterinarian School, which is a safe distance away.

Ms. McDonell asked if the changes to Condition 20 would force the parking to be placed on the west side, or was there reason for additional parking or paved surfaces added to the west side of the development.

Mr. Dedenbach further explained the parking configuration of the development, and stated that they do not wish to pave any more than necessary. He stated there was a one space per bedroom limit, which was thought to be sufficient. He further addressed the parking and stated they would like additional parking in the future. He stated the parking would be behind the wall, but until more commercial businesses were there, they did not want to be blocked from the double-parking.

Mr. Calderon pointed out what would be considered a double row of parking within 80 feet. He stated staff would agree to that configuration.

Mr. Dedenbach stated the development needs to be completed (residents moved in) before more commercial businesses come to Southwest 13<sup>th</sup> Street. He stated that a 5,000 square foot building may locate in that area of the development, behind the wall, but until that development occurs, it could be used for parking.

Mr. Cohen asked Mr. Calderon what language should be used in Condition 15. Mr. Calderon suggested that "At a minimum" could be removed and place "The criteria and design shall be determined during development review" at the end of the paragraph. Mr. Calderon stated, the sentence should state, "A three-foot architecturally compatible wall" and remove "with metal picket-type fencing and landscaping."

Mr. Cohen stated he would like the bus stop to be enhanced. Mr. Dedenbach stated that the condition could state that the bus stop should be "compatible and complementary to the architectural style of the development and wall."

Mr. Calderon noted that the language of Condition 14 is to leave the final say to the RTS agency. Mr. Cohen agreed that the final determination about the bus stop would be for RTS, he was just concerned about the design.

Mr. Tecler asked the reason for Condition 7.

Mr. Dedenbach stated he wanted to clarify that they did not want to tear up existing pavement. Mr. Calderon stated the condition referred to new paving.

Mr. Calderon stated the condition should have had the word "new," which had been discussed. He said that in the event that paving is removed adjacent to residential, staff would like the respect to be given to the residential development.

Mr. Cohen stated that staff had suggested no more than two rows.

Mr. Dedenbach he liked the spirit of compromise. There was discussion about the double row of parking.

Mr. Calderon stated the intent was to prevent all of the parking and storage from being in front of the building line. He stated staff agreed to the presented layout.

Mr. Mimms clarified that the drawing was showing two double rows of parking. He stated that a building could be put on one and the other available for the double row of parking.

Mr. Dedenbach explained the wall would hide the parking.

Mr. Calderon explained the intent of staff when they said a double row of parking. He stated the objective was to try to have the parking and storage out of the 80-foot build-to line.

Mr. Mimms asked whether, in Conditions 7 and 5, the word “should” ought to be “shall.” Mr. Calderon agreed.

Mr. Tecler stated the plan shows that the developer is following the intention of the Special Area Plan. He stated the Plan Board should make a proposal that maximizes the flexibility with the parking situation.

Chair Reiskind asked whether anyone from the public wished to speak. There were no questions from the public.

Chair Reiskind asked why one tower would be three stories higher than the existing building.

Mr. Dedenbach stated that originally it was thought the 11-story tower could be built up, and the 14-story tower was planned. It was found that they could not build more stories on the 11-story building and since they already had planned the 14-story, decided to stick with it.

Chair Reiskind asked about concurrency on the site. Mr. Dedenbach addressed the question.

Chair Reiskind asked if there are other parties that review the detailed plans.

Mr. Mimms replied affirmatively and stated the Board could request that the plan go to the Plan Board, otherwise it will go to the Development Review Board.

Ms. McDonnell asked how closely the design criteria of the SAP would have to be followed.

Mr. Calderon stated that is outlined in the text amendment report and the Planned Development would follow the intent of the Special Area Plan.

Chair Reiskind stated that was covered under Condition 18.

Mr. Clark Butler was recognized. He stated this was an expensive project that would serve the upper end and was not for student housing. He explained the project was being designed to work with the University to bring the kind of staff they want that will meet their demands. He stated the old building will be completely rebuilt and the new building will be modern.

Mr. Tecler stated the Board had not addressed providing the developer the flexibility in the front-parking situation.

Mr. Calderon stated the development is being crafted and there may be a variation in the amount of parking that occurs at the front. He stated that staff would determine the amount of parking spaces at development plan review, and the issue would be the appearance and storage in that area, and that it meets the intent of the SAP.

Mr. Dedenbach stated that Mr. Calderon suggested that the 80 feet in Condition 20 could be cut to 40 feet.

<u>Motion By:</u> Mr. Tecler	<u>Seconded By:</u> Ms. McDonell.
<u>Moved to:</u> Approve Petition 66TCH-06 PB	<u>Upon Vote:</u> Motion Carried 4 – 0 Aye: Cohen, Reiskind, Tecler, McDonell

<u>Motion By:</u> Mr. Tecler	<u>Seconded By:</u> Ms. McDonell.
<u>Moved to:</u> Approve Petition 31LUC-06	<u>Upon Vote:</u> Motion Carried 4 – 0 Aye: Cohen, Reiskind, Tecler, McDonell

<u>Motion By:</u> Mr. Tecler	<u>Seconded By:</u> Ms. McDonell.
<u>Moved to:</u> Approve Petition 32PDV-06 PB, with staff conditions as modified.	<u>Upon Vote:</u> Motion Carried 4 – 0 Aye: Cohen, Reiskind, Tecler, McDonell