

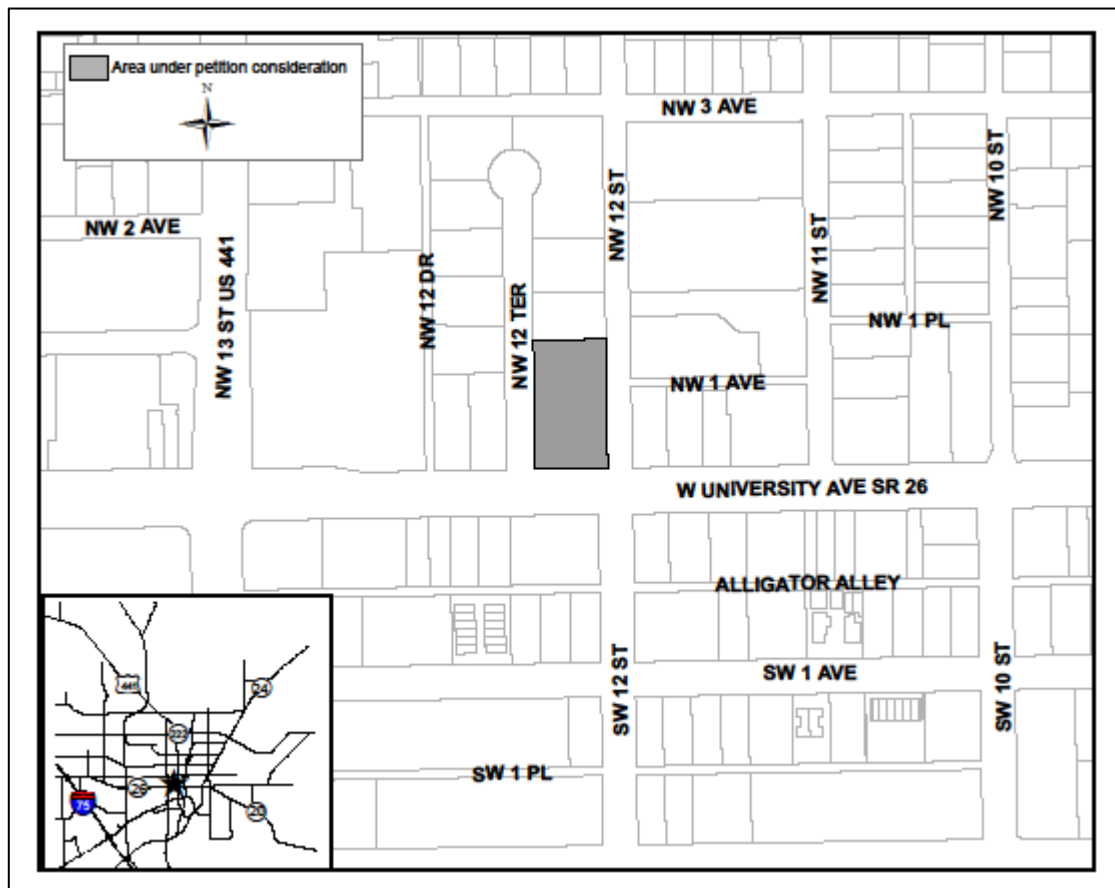
TO: City Plan Board **Item Number: 1**

FROM: Planning Department Staff **DATE:** September 24, 2015

SUBJECT: Petition PB-15-69 PDV McDonald's USA, LLC, agent for Razvi Enterprises, LLC. Rezone property from UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district) to PD (Planned development district) to allow a restaurant with a drive-through. Located at 1206 W. University Avenue.

Recommendation

Staff recommends that Petition PB-15-69 PDV be approved with the associated PD Layout Plan Map and PD Report subject to the conditions recommended in the staff report and Appendix E.



Description

This is a request to rezone .64 acres of land from UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district) to PD (Planned development district). The applicant is proposing to construct a restaurant with a drive-through facility on the subject property; however, a drive-through facility is prohibited in the UMU-2 zoning district. The proposed PD rezoning will allow eating places with or without a drive-through facility on the subject property, as well as other uses considered appropriate for the surrounding area. It will also allow the applicant to use flexible design standards that are unique to the subject property and consistent with the City's Comprehensive Plan. Further details of the proposed PD rezoning are provided in the applicant's PD Layout Plan and PD Report, which are located in Appendix C.

The subject property is located on the north side of West University Avenue (SR 26), between NW 12th Street and NW 12th Terrace. A tax parcel containing a single-story, residential structure abuts on the north. W. University Avenue (SR 26) abuts on the south. NW 12th Street abuts on the east. NW 12th Terrace abuts on the west.

The area surrounding the subject property contains residential and non-residential uses that create the urban, mixed-use character of neighborhoods near the University of Florida. Single-family and multi-family dwelling units within the University Heights – North Historic District are adjacent to the northern half of the subject property. Eating places and a convenience store located on W. University Avenue (SR 26) are adjacent to the southern half of the subject property.

Concrete driveways and sidewalks provide access to the subject property. Two concrete driveway aprons are located on NW 12th Street, which is a Bike Boulevard, and two concrete driveway aprons are located on NW 12th Terrace. Concrete driveway aprons are also located on W. University Avenue (SR 26); however, no vehicle access is permitted. Sidewalks are located along the perimeter of the subject property within each of the abutting right-of-ways.

Existing conditions on the subject property include a 6-foot high chain-link fence that is located along the east, west and south property lines. A 6-foot high concrete block wall, which contains a large crack due to an existing laurel oak, is located along the north property line. The vegetation on the subject property consists of oak trees of various sizes, as well as shrubs and areas of overgrown grass. The majority of the subject property, which is covered with asphalt, concrete and dirt, is currently being used for construction staging and off-street parking.

The subject property is the former site of a Texaco gas station and regulated hazardous material facility that was demolished in 2004. It is currently classified as an inactive petroleum cleanup site with documented groundwater contamination (ACEPD #0005-00; Texaco #110-0081; FDEP #018500005). The proposed PD rezoning will require an analysis of the subject property to determine any impacts on the existing groundwater plume. Proper abandonment of any onsite monitoring wells will also be required.

Key Issues

In 2014, the City allowed a nearby development to temporarily use the subject property for the storage of construction equipment and materials. The City also approved a Special Use Permit (SUP), Master Plan and development plan (Petition 14-68 SUP) for the phased construction of a temporary surface parking area and a two-story commercial building on the subject property. The SUP, which is nonrenewable, remains valid for a maximum of five (5) years from the August 28, 2014 approval date. As a result, a formal letter (see Exhibit C-8) has been filed to withdraw from the City previously approved applications to develop the subject property, subject to the approval of this PD rezoning request.

Justification

The applicant must provide evidence to justify the proposed PD rezoning using one or more of the criteria listed in Section 30-213 of the Land Development Code. The applicant has addressed the criteria in the associated PD Report, while staff's findings are listed below:

- (1) Unique and promoted by comprehensive plan. The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan, except it may require a land use change. Other options available under the existing zoning district(s) in the city land development code would not allow the use and associated design elements of the proposed project.*

FINDING: The proposed PD rezoning is unique because flexible design standards, not found in any one zoning district in the City's Land Development Code, will be used to address development constraints on the subject property that are attributed to lot size, groundwater contamination, and the spatial requirements for public utilities.

The proposed PD rezoning is consistent with the City's Comprehensive Plan because it will allow a mixture of retail, service, research and office uses that the underlying Urban Mixed Use (UMU-2: 10-100 units per acre; and up to 25 additional units per acre by special use permit) land use on the subject property supports. According to Future Land Use Element, Policy 4.1.1, one of the essential components of the UMU-2 land use district is the multi-modal character of the area. Therefore, by allowing multi-modal transportation facilities (i.e., sidewalks, bike racks, parking spaces and drive-throughs) the proposed PD rezoning is also consistent with the intended character of the UMU-2 land use district. Since the subject property is located within the Transportation Mobility Program Area (TMPA), a free-standing drive-through facility must comply with the following criteria in the Transportation Mobility Element, Policy 10.4.4:

- a. Maximization of pedestrian and bicycle safety and convenience;
- b. Adequate queuing space for vehicles such that there is no backup of traffic onto adjacent roadways;

- c. Provision of a by-pass lane or sufficient driveway area around the drive-through lanes to assist internal vehicular circulation;
 - d. Minimization of the visual impacts of the drive-through lanes on street frontage areas;
 - e. Minimization of the total number of drive-through lanes based on site conditions and the operating conditions of the impacted roadway segments;
 - f. Minimization of the number of access points to roadways;
 - g. Design of internal pedestrian access and safety as related to the position of the drive-through(s); and
 - h. Meeting any additional design criteria established in the Land Development Code.
- (2) *Size, scale, complexity and design. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PD process.*

FINDING: The proposed PD rezoning will not be a complete replication of the development regulations in other City zoning districts. Therefore, it would not be convenient or efficient to process this proposal outside of the PD process as a text change or rezoning to another City zoning district.

- (3) *Specialized compatibility and design characteristics. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.*

FINDING: The proposed PD rezoning will allow drive-through facilities, which must comply with the design criteria stated in Transportation Mobility Element, Policy 10.4.4. It will also allow a reduction in the width of build-to-lines, landscape zones and sidewalk zones. These reductions will allow buildings to be placed closer to the street, so that drive-through facilities can be placed to the rear of buildings and further from the adjoining residential land use to the north. Building wall articulation and building orientation towards the street will also be among the requirements of the proposed PD rezoning to make building facades attractive, especially along streets. Perimeter landscaping requirements designed to protect adjacent land uses will remain consistent with the requirements of the City Land Development Code.

Basis for Recommendation

The staff recommendation is based on the following criteria for PD (Planned development district) approval in Section 30-216 of the City Land Development Code:

1. Conformance with the PD objectives in Section 30-211(b) and the Comprehensive Plan

- (1) *Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.*

FINDING: The proposed PD rezoning will allow flexible design standards that provide for facade articulation, small street setbacks and street orientation. The applicant has proposed a minimum building height of 18 feet. The maximum building heights allowed will be 6 stories by right and up to 8 stories by Special Use Permit (SUP), which are consistent with the underlying UMU-2 land use designation on the subject property. Transportation choices will consist of sidewalks, bike racks, drive-through and vehicle parking facilities. Bus transit will be provided via the City's Regional Transit System (RTS) Route 5, located along W. University Avenue. Sidewalk connections will be provided on the interior of the subject property. Sidewalk and limited driveway connections will be provided to public right-ways that abut the subject property on three sides. There will be no driveway or pedestrian connections to private property.

- (2) *Provide flexibility to meet changing needs, technologies, economics and consumer preferences.*

FINDING: The proposed PD rezoning will allow a mixture of retail, research, service and office uses to meet changing market demands and consumer needs in the area surrounding the subject property and citywide. The proposed PD will also allow flexible design standards to address building constraints on the subject property due to a small lot size, groundwater contamination and the spatial requirements for public utilities. A variety of transportation choices, such as sidewalks, bike racks, drive-through and vehicle parking facilities will be provided. The City's Regional Transit System (RTS) Route 5 will be located along W. University Avenue to meet bus transit needs.

- (3) *Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.*

FINDING: The proposed PD rezoning will preserve existing vegetation on the subject property, as well as add new vegetation, to comply with applicable landscaping requirements. The subject property has not been recognized as having outstanding landscape features or scenic vistas.

- (4) *Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.*

FINDING: The subject property is adjacent to existing public utilities which is known to help lower the cost of providing internal and external utility connections. Vehicle and pedestrian connections that link to existing public transportation facilities in the surrounding area will help to reduce costs and provide an efficient transportation system to users. An internal street system is not proposed.

- (5) *Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.*

FINDING: The subject parcel is vacant. Therefore, the proposed PD rezoning will allow infill development within an existing mixed-use neighborhood proximate to the University of Florida main campus. It will also allow flexible design standards to be used in achieving uniform development on the subject property that is aesthetically pleasing and compatible with the surrounding area.

- (6) *Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.*

FINDING: The proposed PD rezoning will allow flexible design standards that provide for facade articulation, small street setbacks and street orientation as a means for coordinating the architectural style of buildings on the subject property. The applicant has proposed a minimum height of 18 feet. The maximum building heights allowed will be 6 stories by right and up to 8 stories by Special Use Permit (SUP), which are consistent with the underlying UMU-2 land use designation on the subject property. Colored renderings that illustrate the potential height, scale and architectural style of a proposed McDonald's restaurant and drive-through facility are provided in Appendix C.

- (7) *Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, an formal landscaping along streets and sidewalks.*

FINDING: The proposed PD rezoning will allow flexible design standards that provide for buildings with little or no setback so that auto-oriented amenities, such as drive-through and vehicle parking facilities, can be placed to the rear of buildings, and pedestrian-friendly amenities, such as accessory outdoor seating areas, can be placed in the front near pedestrian corridors. These design standards will also provide for buildings that face the street so that pedestrians can access building entrances from the public sidewalk. Elsewhere along the perimeter of the subject property approved landscape material will be provided to screen adjacent land uses and to provide shade.

2. Concurrency

The subject property is located in Zone A of the City's Transportation Mobility Program Area (TMPA) and will meet the provisions of Transportation Mobility Element, Policy 10.1.4. In order to receive concurrency approval for stormwater management, the proposed PD rezoning will comply with the criteria set forth in Section 30-270 of the Land Development (see Exhibit B-2) prior to development plan approval.

3. Internal compatibility

The proposed PD rezoning will allow an integrated traffic circulation system consisting of sidewalk connections, directional signage and pavement markings will be provided to make internal travel convenient and safe. Landscape material will be provided internally for aesthetic reasons and to provide shade. Open space areas will be provided to allow a separation between uses, and to meet the stormwater management and recreation needs of the proposed PD rezoning. Lighting will be provided to create a safe environment on the subject property and to enhance visibility for pedestrian and vehicle circulation.

4. External compatibility

The proposed PD rezoning will provide landscaping along the perimeter of the subject property to buffer adjacent land uses from each other due to noise, lighting or other potential nuisances. It will also allow driveway connections to only two (2) of the abutting streets to reduce impacts to traffic on W. University Avenue. Limited driveway access will also help to make pedestrian circulation on sidewalks within the abutting right-of-ways safe.

In addition, the proposed PD rezoning will allow maximum building heights consistent with the underlying UMU-2 land use designation that is also on many of the adjacent properties. Many of the design standards within the UMU-2 zoning district that are applicable to adjacent properties will also be applicable to the subject property.

5. Intensity of development

The proposed PD rezoning will allow a maximum building coverage of 80% on the subject property. This percentage of building coverage reflects the small size of the subject property and the compact development on adjacent properties. Residential dwelling units are not proposed for the subject property.

6. Usable open spaces, plazas and recreation areas

The proposed PD rezoning will allow open space areas on the subject property that provide both full and limited access to pedestrians. These open space areas will include landscaped islands associated with off-street parking areas and drive-through facilities, plazas, courtyards, outdoor sitting/eating areas and stormwater management facilities, when above-

ground. These open space areas will be designed in consideration of Crime Prevention Through Environmental Design (CPTED) standards.

7. Environmental constraints

The proposed PD rezoning will provide for an analysis of the subject property to determine any impacts on an existing groundwater plume. The analysis will also help to determine whether the subject property has any monitoring wells, which must be properly abandoned.

8. External transportation access

The proposed PD rezoning will allow two-way driveway connections on NW 12th Street and NW 12th Terrace, which are classified as local streets. NW 12th Street is also classified as a Bike Boulevard. No driveway connections will be allowed on W. University Avenue (SR 26), which is an arterial. Pedestrian connections will be allowed to sidewalks within each of the abutting right-of-ways. Access will also be allowed to the City's Regional Transit System (RTS) Route 5, located along W. University Avenue.

9. Internal transportation access

The proposed PD rezoning will allow an internal transportation system on the subject property that consists of interconnecting sidewalks and striped walkways for pedestrians. The sidewalks and striped walkways will connect to the allowable uses and open space areas on the subject property to make travel safe and convenient. The proposed PD does not include internal streets or bus transit access.

10. Provision for the range of transportation choices

The proposed PD rezoning will allow a range of transportation choices consisting of sidewalks, striped walkways, bike racks, drive-throughs, and vehicle parking spaces. These facilities will be subject to the design standards within the City Land Development Code and other applicable regulations.

11. Unified Control

The owner is Razvi Enterprises, LLC. The applicant is McDonalds USA, LLC, which is under a land lease agreement with Razvi Enterprises, LLC, to be under unified control of the subject property in accordance with Section 30-217 of the City Land Development Code. According to this section, the City Commission shall not consider this petition until after the City Attorney has certified in writing that the applicant has submitted all requested documents needed to assure the City that the proposed PD rezoning may be lawfully completed according to the plans sought to be approved. The applicant will provide all of the requested documents needed to the City Attorney.

12. Phasing

According to the accompanying PD Report, the proposed PD rezoning will not be phased.

13. Development time limits

The proposed PD rezoning will be effective for a period of three (3) years from the effective date of the PD ordinance.

14. Bonds

N/A

15. Landlord permits

Not applicable. The proposed PD rezoning will allow a mix of non-residential uses. Residential development is not allowed.

16. Affordable housing

The proposed PD rezoning will continue the commercial pattern along W. University Avenue (SR 26), and will not impact the provision of affordable housing in the City. Staff is proposing that the PD rezoning continue to allow residential uses in the future.

Recommended conditions:

1. The owner/developer shall amend the PD Report to remove all general requirements that do not apply to the subject property.
2. Landscaping/tree grates shall maintain a minimum five ft. sidewalk that is free of any obstructions along W. University Avenue (SR 26).
3. The front build-to-line along W. University Avenue (SR 26) shall be a minimum of 10 feet from back of curb and a maximum of 20 feet. A larger build-to-line may be allowed to accommodate utility separation requirements.
4. The applicant shall amend the PD Report to include residential use.
5. The signage plan for the proposed PD rezoning shall comply with the signage requirements in the City Land Development Code.
6. The owner/developer shall provide written evidence to the City showing full compliance with Section 30-217 of the City Land Development Code, prior to the first reading of the PD ordinance.


7. Except as expressly provided in the PD ordinance, the PD shall be governed as if it were zoned UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district).
8. Accessory uses considered customarily incidental to a permitted principal use on the subject property are limited to the uses permitted by right within the PD. Incidental residential accessory uses shall mean storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents and their guests of the planned development.
9. The PD is valid for a period of five (5) years from the date of final adoption of the PD Ordinance. The City Commission may grant additional extensions (up to one year) if a request for good cause is filed in writing at least 60 days prior to the expiration date. In addition, development must be commenced within five (5) years from the date of final adoption of this Ordinance. The City Commission may grant an extension if a request demonstrating good cause is filed in writing with the Department of Planning and Development Services. The City Commission shall be the sole arbiter of good cause and its decision shall be final. The development order approved by this Ordinance shall expire and be deemed null and void if development is not commenced within the five year period, unless an extension is granted by the City Commission. After development activity intended to satisfy the five-year valid period of the planned development has commenced, the developer shall in good faith pursue completion of the remainder of the development. If no development activity occurs for a continuous period of three (3) years, this Ordinance shall expire and become null and void. If any time period expires with no extension being requested or granted and this Ordinance is void, then the City may adopt other appropriate zoning consistent with the Comprehensive Plan. For the purposes of this condition, commencement of development shall mean the construction of a minimum of 2,500 square feet of building area (not including any structured parking) within the development.

Respectfully submitted,



Ralph Hilliard
Planning Manager

Prepared by:


Bedez E. Massey,
Planner

Petition PB-15-69 PDV
September 24, 2015

Table 1**Adjacent Existing Uses**

North	Single-family and Multi-family dwellings
South	Vacant Commercial Building
East	Convenience Store
West	Eating Place

Adjacent Zoning and Land Use

	Land Use Category	Zoning Category
North	RH	RH-1
South	UMU-2	UMU-2
East	UMU-2/MUL	UMU-2/MU-1
West	UMU-2/RH	UMU-2/RH-1

List of Appendices**Appendix A Comprehensive Plan Goals, Objectives and Policies**

[Exhibit A-1: Future Land Use Element Policy 4.1.1](#)

[Exhibit A-2: Transportation Mobility Element, Policy 10.4.4](#)

Appendix B Land Development Code

[Exhibit B-1: Sec. 30-217. Unified Control](#)

[Exhibit B-2: Sec. 30-270. Stormwater management generally; erosion and sedimentation control; design and maintenance of facilities
DIVISION 2. OFFSTREET PARKING AND LOADING REGULATIONS](#)

Appendix C Supplemental Documents

Exhibit C-1: McDonald's PD Layout Plan Map

Exhibit C-2: McDonald's Existing Conditions Map: Aerial Overlay

Exhibit C-3: McDonald's Existing Conditions Map: Existing Uses

Exhibit C-4: McDonald's Existing Conditions Map: Boundary & Topographic Survey

Exhibit C-5: McDonald's Boundary & Topographic Survey

Exhibit C-6: McDonald's PD Report

Exhibit C-7: Public Notice Signage Affidavit

Exhibit C-8: Letter of Request to Withdraw Previous Development Applications

Appendix D Application and Neighborhood Workshop**Appendix E Technical Review Committee Conditions**