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**LAND USE CHANGE – SMALL SCALE – MIXED-USE DEVELOPMENT ON NW 13<sup>TH</sup> (B)**

Ordinance No. 130514; Petition No. PB-13-86 LUC

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Comprehensive Plan, Future Land Use Map, by overlaying the Planned Use District (PUD) land use category on approximately 1.67 acres of property located at 1226 NW 3<sup>rd</sup> Avenue, 303 NW 13<sup>th</sup> Street, 1249 NW 4<sup>th</sup> Avenue and 1227 NW 4<sup>th</sup> Avenue, as more specifically described in this ordinance; providing development conditions; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

..recommendation

The City Commission adopt the proposed ordinance.

..explanation

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends an existing 1.53 acre Planned Use District (PUD) located on NW 13<sup>th</sup> Street by adding an additional 0.14 acres, reducing the maximum building height limit, increasing the allowable residential units, and clarifying provisions for nonresidential square footage. The added parcel is located at 1226 NW 3<sup>rd</sup> Avenue and is currently developed with a single-family residence. This amendment will allow the applicant to develop a mixed-use redevelopment project that will include commercial and multiple-family residential uses.

The PUD land use overlay may be applied on any specific property in the City and was created to allow unique, innovative and narrowly construed land use proposals that are compatible with the character of the surrounding land uses. The PUD overlay allows for a mix of residential and nonresidential uses and unique design features that may not otherwise be allowed in the underlying land use category.

This ordinance makes the following specific changes to the development conditions for the PUD:

1. Remove the requirement for 20,000 square feet of office and clarify that a total of 26,000 square feet of nonresidential uses are allowed.
2. Increase the maximum number of multiple-family residential units from 168 to 202, and increase the maximum number of bedrooms from 230 to 288.
3. Reduce the overall maximum building height from 8 stories to 6 stories, and 106 feet to 85 feet.
4. Allow for the maximum building height to extend further to the east.

The staff recommendation is based on the factors stated in the Future Land Use Element and state statute criteria, which are: conformance with the comprehensive plan; compatibility with surrounding land uses; environmental impacts and constraints; infill and redevelopment;

impacts on affordable housing; impacts on the transportation system; an analysis of the availability of facilities and services; need for the additional acreage in the proposed future land use category; discouragement of urban sprawl; need for job creation, capital investment, and

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Adoption Reading:

economic development; need to modify land use categories and development patterns within antiquated subdivisions.

After public notice was published in the Gainesville Sun on October 8, 2013, the City Plan Board held a public hearing on October 24, 2013, and by a vote of 5-1 recommended approval of the petition with certain revisions. The City Commission held a public hearing on January 16, 2014, and approved the petition by a vote of 4-3.

#### CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.

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## ORDINANCE NO. 130514

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3       **An ordinance of the City of Gainesville, Florida, amending the City of**  
4       **Gainesville Comprehensive Plan, Future Land Use Map, by overlaying the**  
5       **Planned Use District (PUD) land use category on approximately 1.67 acres of**  
6       **property located at 1226 NW 3<sup>rd</sup> Avenue, 303 NW 13<sup>th</sup> Street, 1249 NW 4<sup>th</sup>**  
7       **Avenue and 1227 NW 4<sup>th</sup> Avenue, as more specifically described in this**  
8       **ordinance; providing development conditions; providing directions to the**  
9       **City Manager; providing a severability clause; providing a repealing clause;**  
10       **and providing an effective date.**

11  
12       **WHEREAS**, the Planned Use District (PUD) land use category is an overlay land use  
13 district that may be applied to any specific property in the City to allow for the consideration of  
14 unique, innovative or narrowly construed land use proposals that might otherwise not be  
15 addressed or provided for in the underlying land use category; and

16       **WHEREAS**, each PUD land use overlay shall be adopted by an ordinance with land use  
17 regulations that address density and intensity, permitted uses, access by car, foot, bicycle, and  
18 transit, trip generation and trip capture, environmental features and, when necessary, buffering of  
19 adjacent uses; and

20       **WHEREAS**, on January 5, 2012, the City Commission adopted Ordinance No. 100896,  
21 which overlaid the PUD land use category with implementing land use regulations on  
22 approximately 1.53 acres of the subject property; and

23       **WHEREAS**, by initiation of the owners of the subject property, notice of public  
24 meetings was given as required by law that the Future Land Use Map of the City of Gainesville  
25 Comprehensive Plan be amended by overlaying the PUD land use category on the subject  
26 property, which includes the original approximately 1.53 acres included in Ordinance No.

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1 100896 plus an additional approximately 0.14 acres, with amended implementing land use  
2 regulations; and

3       **WHEREAS**, the property that is the subject of this ordinance has underlying land use  
4 categories of Residential Low-Density (RL), Mixed-Use Low-Intensity (MUL), and Commercial  
5 (C); and

6       **WHEREAS**, upon the adoption of this PUD land use overlay, the underlying land use  
7 categories for the subject property are neither abandoned nor repealed, but are inapplicable as  
8 long as a Planned Development District (PD) zoning ordinance implementing this PUD land use  
9 overlay is adopted by the City Commission within 18 months of the effective date of this plan  
10 amendment as provided in Section 7 of this ordinance; and

11       **WHEREAS**, the amendment to the Future Land Use Map of the City of Gainesville  
12 Comprehensive Plan proposed herein involves a use of 10 acres or fewer and qualifies as a  
13 small-scale development amendment as provided in Section 163.3187, Florida Statutes; and

14       **WHEREAS**, on October 24, 2013, a public hearing was held by the City Plan Board,  
15 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it  
16 recommended approval of the petition with certain revisions; and

17       **WHEREAS**, on January 16, 2014, the City Commission held a public hearing and  
18 approved the petition with certain revisions; and

19       **WHEREAS**, at least five (5) days' notice has been given once by publication in a  
20 newspaper of general circulation notifying the public of this proposed ordinance and of a public

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1 hearing in the City Hall Auditorium located on the first floor of City Hall in the City of  
2 Gainesville; and

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

5       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
6 **CITY OF GAINESVILLE, FLORIDA:**

7       **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
8 amended by overlaying the Planned Use District (PUD) land use category on the following  
9 described property:

10               The legal description of the property is attached as Exhibit "A" and  
11               made a part hereof as if set forth in full. The property is depicted  
12               on the map attached as Exhibit "B" and made a part hereof as if set  
13               forth in full. In the event of conflict or inconsistency, Exhibit "A"  
14               shall prevail over Exhibit "B".  
15

16       **Section 2.** The following conditions, restrictions and regulations shall apply to the  
17 development and use of the property:

18 Condition 1. The maximum density/intensity of development shall be 26,000 square feet of  
19 nonresidential uses and 202 multiple-family residential units with a maximum of 288 bedrooms.  
20 The leasing office associated with the onsite residential units shall not count towards the  
21 allowable nonresidential square footage.  
22

23 Condition 2. The permitted uses shall be specified in the Planned Development (PD) zoning  
24 ordinance. No drive-through facilities shall be permitted.  
25

26 Condition 3. The owner/developer shall construct a bus shelter on NW 13th Street that is  
27 architecturally consistent with the development. The specific location of the bus shelter shall be  
28 determined by the Regional Transit System and the Public Works Department during  
29 development plan review.  
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1 Condition 4. Vehicular access to the development shall be limited to ingress and egress from  
 2 NW 3rd Avenue and NW 4th Avenue. The owner/developer shall construct sidewalks around the  
 3 street edges of the property to provide pedestrian and bicycle access to the development.

4  
 5 Condition 5. The owner/developer shall relocate the structures to another location within the  
 6 University Heights North Historic District or to a site in another historic district in the City as  
 7 approved by the Historic Preservation Planner during development plan review.

8  
 9 Condition 6. The maximum building height shall be six (6) stories (not to exceed 85 feet) along  
 10 NW 13th Street and extending no further east than within 100 feet of the eastern property  
 11 boundary. The maximum building height of the parking garage located adjacent to property with  
 12 a Residential Low-Density (RL) land use designation shall be 5 stories (not to exceed 60 feet).

13  
 14 Condition 7. The Planned Use District (PUD) land use category does not vest the development  
 15 for concurrency. The owner/developer is required to apply for and meet concurrency  
 16 management standards, including all relevant Transportation Mobility Program standards or any  
 17 other program in effect at the time of application for development plan review. An application  
 18 for a Certificate of Final Concurrency shall be submitted with the application for final  
 19 development plan review.

20  
 21 Condition 8. Transportation modifications required due to operational or safety issues are the  
 22 owner/developer's responsibility and shall not count towards meeting required Transportation  
 23 Mobility Program standards or other transportation mitigation program then in effect.

24  
 25 **Section 3.** The property as described in Section 1 of this ordinance has underlying land  
 26 use categories of Residential Low-Density (RL), Mixed-Use Low-Intensity (MUL), and  
 27 Commercial (C) as depicted on attached Exhibit "C" and made a part hereof as if set forth in full.  
 28 The underlying land use categories are neither abandoned nor repealed, but are inapplicable as  
 29 long as a Planned Development District (PD) zoning ordinance implementing this PUD land use  
 30 overlay is adopted by the City Commission within 18 months of the effective date of this plan  
 31 amendment as provided in Section 7 of this ordinance. If the aforesaid time period expires  
 32 without the adoption of an implementing PD zoning ordinance, this ordinance shall be void and  
 33 have no further force and effect and the City may amend the Future Land Use Map accordingly  
 34 upon proper notice and action.

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

4           **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
 5 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
 6 finding shall not affect the other provisions or applications of this ordinance that can be given  
 7 effect without the invalid or unconstitutional provision or application, and to this end the  
 8 provisions of this ordinance are declared severable.

9           **Section 6.** Ordinance No. 100896 is hereby superseded in its entirety and is hereby  
 10 repealed effective on the effective date of this plan amendment as provided in Section 7 of this  
 11 ordinance. All other ordinances or parts of ordinances in conflict herewith are to the extent of  
 12 such conflict hereby repealed on the effective date of this plan amendment.

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

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22           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Petition No. PB-13-86 LUC

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\_\_\_\_\_  
EDWARD B. BRADY  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

This ordinance passed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.





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Delivered with Integrity*

## LEGAL DESCRIPTION

September 3, 2013

**PROJECT NO:** 13-0305  
**DESCRIPTION FOR:** OVERALL DESCRIPTION

DESCRIPTION FOR TAX PARCEL(S): 14012-000-000, 14038-000-000, 14044-000-000  
(OFFICIAL RECORDS BOOK 3826, PAGE 2134)

A PARCEL OF LAND IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, IN THE CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 3, OF BELLAH'S SUBDIVISION, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "C", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF NW 13<sup>TH</sup> STREET (80' RIGHT OF WAY) WITH THE SOUTH RIGHT OF WAY LINE OF NW 4<sup>TH</sup> AVENUE (40' RIGHT OF WAY); THENCE RUN NORTH 89°32'21" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID NW 4<sup>TH</sup> AVENUE, FOR 299.62 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BELLAH'S SUBDIVISION; THENCE RUN NORTH 89°11'10" EAST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, FOR 70.85 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SHELLIE COURT, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "C", PAGE 61 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 01°10'41" EAST, ALONG THE EAST LINE OF SAID LOT 5, FOR 100.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5; THENCE RUN SOUTH 89°12'22" WEST, ALONG THE SOUTH LINE OF SAID LOT 5 AND AN EXTENSION THEREOF, 71.24 FEET TO THE NORTHEAST CORNER OF LOT 7 OF SAID BELLAH'S SUBDIVISION; THENCE RUN SOUTH 00°15'21" WEST, ALONG THE EAST LINE OF SAID LOT 7, FOR 99.62 FEET TO THE NORTH RIGHT OF WAY LINE OF NW 3<sup>RD</sup> AVENUE (30' RIGHT OF WAY); THENCE RUN SOUTH 89°26'23" WEST, ALONG SAID NORTH RIGHT OF WAY, FOR 73.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 00°33'42" EAST, ALONG THE WEST LINE OF SAID LOT 7, FOR 59.86 FEET; THENCE RUN SOUTH 89°32'21" WEST, FOR 7.30 FEET; THENCE RUN SOUTH 00°33'42" WEST, FOR 59.85 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE; THENCE RUN SOUTH 89°30'05" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, FOR 205.00 FEET; THENCE RUN NORTH 64°22'42" WEST, FOR 11.22 FEET; THENCE RUN NORTH 00°28'51" EAST, FOR 5.06 FEET; THENCE RUN SOUTH 89°30'05" WEST, FOR 10.00 FEET TO THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF NW 13<sup>TH</sup> STREET; THENCE RUN NORTH 00°26'47" WEST, FOR 190.00 TO THE POINT OF BEGINNING.

**AND**

ALLEY DESCRIPTION (DEED BOOK 220, PAGE 468)

BEGIN AT THE SOUTHEAST CORNER OF LOT 7, BLOCK 3, OF BELLAH'S SUBDIVISION IN GAINESVILLE, FLORIDA, AND RUN NORTH 100 FEET ALONG THE EAST LINE OF SAID LOT 7, RUN THENCE EAST 5 FEET, RUN THENCE SOUTH 100 FEET TO THE NORTH LINE OF COURT STREET, RUN THENCE WEST ALONG THE NORTH LINE OF COURT STREET 5 FEET TO POINT OF BEGINNING.

**AND**

LOT 14 DESCRIPTION (OFFICIAL RECORDS BOOK 4185 , PAGE 1008)

LOT 14, SHELLIE COURT, A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK C, PAGE 61, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

ALSO: A 5 FOOT STRIP OF LANDS LYING ADJACENT TO THE WEST SIDE OF SAID LOT 14 OF SHELLIE COURT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 14 OF SHELLIE COURT, THENCE RUN WEST ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID LOT 14 A DISTANCE OF 5 FEET, THENCE RUN NORTH PARALLEL TO THE WEST LINE OF LOT 14 TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 14, THENCE RUN EAST 5 FEET ALONG THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 14 TO THE NORTHWEST CORNER OF SAID LOT 14, THENCE RUN SOUTH ALONG THE WEST LINE OF SAID LOT 14 TO THE POINT OF BEGINNING.

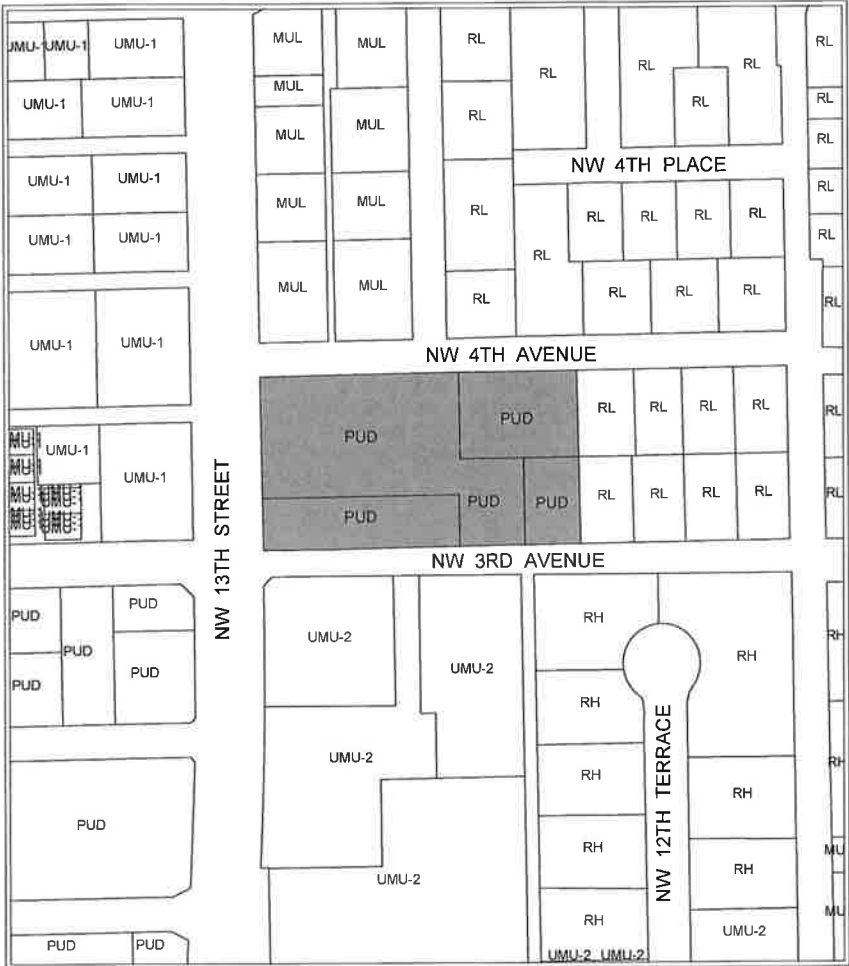
**City of Gainesville  
Land Use Designations**

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


Exhibit "B" to Ordinance No. 130514  
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----- Division line between two land use categories

*Area under petition consideration*



**PROPOSED LAND USE**

	Name	Petition Request	Petition Number
 No Scale	Causseaux, Hewett & Walpole, Inc agent for RBLWP Parcel D, LLC and Bruce and Kristin Hawkins	Amend an existing PUD and amend the City of Gainesville FLUM from Residential Low Density to PUD.	PB-13-86 LUC

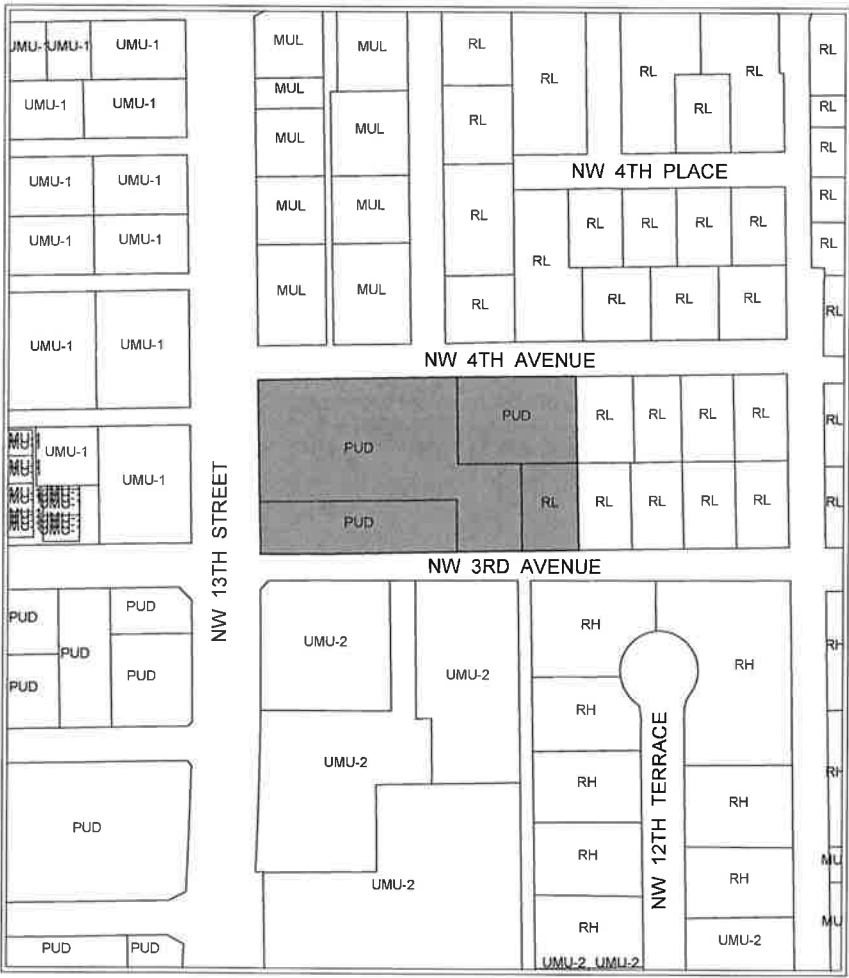
**City of Gainesville  
Land Use Designations**

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

Exhibit "B" to Ordinance No. 130514  
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--- Division line between two land use categories  
 — City Limits

Area under petition consideration



**EXISTING LAND USE**

No Scale	Name	Petition Request	Petition Number
	Causseaux, Hewett & Walpole, Inc agent for RBLWP Parcel D, LLC and Bruce and Kristin Hawkins	Amend an existing PUD and amend the City of Gainesville FLUM from Residential Low Density to PUD.	PB-13-86 LUC