

**CONDITION MODIFIED BY THE PLAN BOARD**

**Condition 11.** To minimize the impact of the development on the road network weekday traffic and RTS bus service to campus, the developer shall enter into a development agreement to contribute proportionally to enhanced bus service along NW 13<sup>th</sup> Street. ~~The type, amount and nature of the contribution shall be determined by RTS and included in the development agreement.~~ The type, amount and nature of the contribution shall be negotiated by the applicant and a third party (presumably the MTPO or Kutter or some other traffic consultant) City and RTS and included in the development agreement It shall be based on an analysis of current conditions, future needs, the source of major contributors to student commuting, the ratio of student/non-student occupancy, among other factors. The development shall participate in the cost of generating such analysis. The agreement shall be executed no later than one year after a certificate of occupancy is issued for 80% of the total number of units.

**STAFF RECOMMENDED CONDITIONS OF APPROVAL**

**Condition 1.** The regulating ordinance and development report shall remain in effect, except as modified and incorporated as Exhibit "A" (Summary of Conditions). "University House, Planned Development Amendment, Revised Application", dated June 2006.

**Condition 2.** Within and surrounding the proposed surface parking area, additional landscaping materials shall be incorporated. The Land Development Regulations shall be the basis for providing landscape materials.

**Condition 3.** Driving aisles shall be reduced to the minimum that would facilitate safe and efficient movement of vehicles. This decision will be determined during development plan review by the development review board.

**Condition 4.** Sidewalks shall be placed appropriately around and across the vehicular use area to facilitate safe and efficient movement of pedestrians.

**Condition 5.** Lighting within the vehicular use area shall be consistent with the standards for Traditional City District.

**Condition 6.** Landscaping islands with seating areas shall be incorporated in appropriate places to foster or enhance pedestrian use and circulation.

**Condition 7.** Bicycle parking, speed tables, handicapped ramps and textured surfaces shall be incorporated within the design of the vehicular use area.

**Condition 8.** The access points off Northwest 12<sup>th</sup> Street should remain as regulated by the current PD Layout Plan. Opening this access will result a greater volume of traffic onto Northwest 8<sup>th</sup> Avenue and then through the College Park Neighborhood. A controlled gate with

an Opticom system should be installed to facilitate control of both access points off Northwest 12<sup>th</sup> Street.

**Condition 9.** During development plan review, the applicant shall conduct a traffic analysis and implement the findings that would render the development consistent with the comprehensive plan and Land Development Regulations.

**Condition 10.** The total number of bedrooms allowed within the development shall be 585, consistent with the traffic analysis approved by the Technical Review Committee. The reviewing board may allow a 2% increase in the number of bedrooms, subject to review of a new traffic analysis, number of vehicular, bicycle and motorcycle parking. Alternatively, the board may allow the number of bedrooms to be driven by the impacts of the traffic study and the number of bedrooms determined by the Development Review Board, during development plan review.

**Condition 11.** To minimize the impact of the development on the road network weekday traffic and RTS bus service to campus, the developer shall enter into a development agreement to contribute proportionally to enhanced bus service along NW 13<sup>th</sup> Street. The type, amount and nature of the contribution shall be determined by RTS and included in the development agreement. It shall be based on an analysis of current conditions, future needs, the source of major contributors to student commuting, the ratio of student/non-student occupancy, among other factors. The development shall participate in the cost of generating such analysis. The agreement shall be executed no later than one year after a certificate of occupancy is issued for 80% of the total number of units.

**Condition 12.** The development must satisfy concurrency requirements and demonstrate the ability to handle additional parking and trip generation due to the increase in overall occupancy of the development.

**Condition 13.** Except as provided for development of passive recreational areas, there shall be no development on the portion of the subject property between the centerline of Rattlesnake Branch Creek and the south right-of-way line of N.W. 8<sup>th</sup> Avenue.

**Condition 14.** At a minimum, total on-site parking shall be provided at a rate of 1 per bedroom. Exterior surface parking shall not exceed the minimum required for the total number of bedrooms in the two buildings along NW 7<sup>th</sup> Avenue.

**Condition 15.** Except as provided in the ordinance, the surface parking shall comply with the requirements of the Land Development Code.

*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
X5022, FAX x2282, Station 11

Item No. 8

**TO:** City Plan Board **DATE:** July 20, 2006  
**FROM:** Planning Division Staff  
**SUBJECT:** Petition No. 30PDA-06PB, Causseaux & Ellington, Inc., agent for University House. Planned Development Amendment to allow modifications to the approved Planned Development Layout Plan. Located in the 700 Block of Northwest 13<sup>th</sup> Street, east side.

Recommendation

**Planning staff recommends approval of Petition 30PDA-06 PB with conditions.**

Explanation

This petition addresses a request by the applicant to modify the approved, Park Central Holdings, Planned Development for property located in the 700 Block of Northwest 13<sup>th</sup> Street, east side. Map 1 shows the currently approved PD Layout Plan and Map 2 shows the proposed PD Layout Plan. The new name for the planned development project is University House.

The requested modifications are as follows:

1. Add additional surface parking within the interior of the development, north of the two Residential Building Groupings which front Northwest 7<sup>th</sup> Avenue:

The approved PD Layout plan shows a 20-foot wide access off Northwest 12<sup>th</sup> Street with "Restricted Vehicular Ingress/Egress." That access and driveway area was intended for use by the Fire Department as a means of access to serve interior buildings. The request is to widen this southern access point and driveway area and to include surface parking between the building groupings. See the attached Map 2, Modified PD Layout Plan.

2. Create adjustments to the location and configuration of the proposed building footprints:

The approved PD Layout Plan, Map 1 shows a higher percentage of building coverage and a tight clustering of buildings around the central open space where the three large Heritage Trees are located. The area of building footprint is slightly greater than what is proposed in the amended PD Layout plan. The proposed amendment shows the same area for tree protection and a larger area of open space. However, in some areas, proposed building

footprints are closer to the main tree trunks and a new, large stormwater facility is introduced between the heritage trees and the protected creek area to the north.

3. Modify the configuration and function of access points off Northwest 12<sup>th</sup> Street:

The approved PD Layout Plan, Map 1, shows two, 20-foot wide access points off Northwest 12<sup>th</sup> Street. Both were intended for fire service access but the southern access was approved to have limited seasonal loading and unloading activities. The PD amendment is requesting elimination of the northern access point off Northwest 12<sup>th</sup> Street. The southern access point will remain as a limited, seasonal loading and unloading point but will be modified to provide limited access to a new surface parking area, which will have a primary access from Northwest 7<sup>th</sup> Avenue.

4. Adjust the location of the main parking structure:

The approved PD Layout Plan, Map 1, shows the parking garage closer to Northwest 13<sup>th</sup> Street, lying east of a much narrower and longer building. The proposed amendment will shift the parking garage to the east to accommodate a larger and taller building along Northwest 13<sup>th</sup> Street.

5. Provide clearer regulations pertaining to the areas north of the Rattlesnake Creek Branch:

During the review process for the last PD application, a number of issues were unresolved concerning development types, setbacks and preservation areas, existing north of the Rattlesnake Creek Branch. This amendment provides an opportunity to design clearer regulations and establish definitive decisions about development on the north side of the creek.

6. Change the bedroom mix and increase the number of bedrooms. Those are significant element, which affects the function, style and operation of the proposed development:

- a. One of the proposed modifications to the development is a change in the mix of bedrooms per dwelling unit. Although this modification is allowed under the current Planned Development, a significant increase in the number of bedrooms can have impacts on other elements of the planned development, mainly traffic. The project has received preliminary development plan approval and is under review for final approval. The approved plan shows 185 dwelling units with a total of 402 bedrooms. The mix of bedrooms are 39 one-bedrooms, 75 two-bedrooms and 71 three-bedrooms. Based on the Land Use and Zoning, a maximum of 225 dwelling units are allowed. The current PD amendment does not address the number of bedrooms proposed for the site. However, in the Traffic Impact Study, trip generation and distribution is based on 166 dwelling units with a breakdown of 110 four-bedrooms, 33 three-bedrooms, and 23 two-bedrooms units. This yields a total of 585 bedrooms.

- b. The current request to amend the PD does not include a modification of the maximum density, which is 30 dwelling units per acre. Based on that density limit, a maximum of 227 units may be constructed on the 7.57 acres. The density of 30 dwelling units per acre is derived from the maximum allowable density under the Land use designations of Residential Medium Density, Mixed Use Low and Mixed Use Medium Intensity.
- c. Under the density allowed, the number of bedrooms could vary. In the earlier PD, there was no request for a specific number of bedrooms. Staff relied on the traffic study to ensure compatibility. The traffic study showed a total of 492 bedrooms. If a submitted development plan exceeded that total of 492 bedrooms, a modified traffic study would be required. The reviewing body would review the petition based on traffic safety and operations and the impacts determined by the traffic analysis. During this review, amendment related to the configuration and height of buildings was discussed as well as the number of bedrooms. Staff is relying on the traffic study as the main determination of number of bedrooms. Based on minutes of the neighborhood meeting and discussions with the applicant, staff understands that the applicant is proposing approximately 166 units with a mix of two, three and four bedroom units, totaling approximately 585 bedrooms. However, considering the significant variation that is possible, staff has included a condition pertaining to the number of bedrooms and surface parking, allowed in the development.
- d. The number of parking spaces is another development standard that could be significantly impacted by a change in the number of bedrooms. The currently approved PD includes a parking garage and no surface parking. One element of the PD amendment is the creation of additional parking. The number of spaces in the parking structure has increased and a new surface parking is proposed north of the buildings fronting NW 7<sup>th</sup> Avenue.

On July 12, 2004, the City Commission adopted Ordinance 030904, approving petition 10PDV-04PB with a Planned Development Layout Plan and a Development Plan Report. The development is approved for a maximum of 225 dwelling units at a density of 30 units per acre. It also includes an option for development of 15,000 square feet of commercial use along Northwest 13<sup>th</sup> Street.

### **Analysis**

The essential elements of the PD remain the same and the relationships of major elements are not modified. No development is proposed north of the creek. A single use, multi-family residential development is proposed with associated parking and accessory amenities. The parking structure maintains its relationship with the other structures. It is well screened from the Northwest 13<sup>th</sup> Street right-of-way by the adjacent four-story residential building to the west. On the east side, the structure is adjacent to another residential building and overlooks the open courtyard area in the center of the development. Three and four-story residential buildings lay parallel to the three adjacent streets with each have a front orientation to each right-of-way. Access to the development is limited to Northwest 13<sup>th</sup> Street, Northwest 7<sup>th</sup> Avenue with limited service and utility vehicle access off Northwest 12<sup>th</sup> Street.

**Conformance with comprehensive plan**

The essential elements of the development as proposed remain in conformance with the overall goals and objectives of the Comprehensive Plan. The addition of surface parking can be designed and accommodated within the parameters of the comprehensive plan. Establishing clear guidelines and prohibiting development on areas north of the creek is consistent with the elements of the comprehensive plan.

**Condition 1.** The regulating ordinance and development report shall remain in effect, except as modified and incorporated in the attached document entitled, “University House, Planned Development Amendment, Revised Application”, dated June 2006.

**Concurrency**

A concurrency review for the proposed amendment has been conducted. The project is in TCEA, Zone “A” and has met the required Concurrency Management Element standards. A preliminary or final certificate of concurrency will be considered during the development review process. The proposal is approved with conditions.

**Internal compatibility**

In terms of uses, the development as proposed comprises residential and associated accessory uses. The development has the option to implement non-residential development but no commercial is proposed under the PD Layout Plan. The internal elements and uses within the development remain the same. Under this amendment, the area proposed for surface parking was designed to accommodate access for emergency vehicles and as limited loading/unloading areas during the beginning and ending of the academic semester. The area is buffered on both the north and south sides by buildings and is completely screened from the Northwest 7<sup>th</sup> Avenue public right-of-way. The impact is therefore negligible. Within the development, staff is proposing additional landscaping and architectural elements, variation in paving materials, textured hardscape elements, lighting, narrower driving aisles, speed tables, prominent pedestrian facilities and restricted vehicular movement that would minimize impacts and reduce the dominance of the parked vehicles.

**Condition 2.** Within and surrounding the proposed surface parking area, additional landscaping materials shall be incorporated. The Land Development Regulations shall be the basis for providing landscape materials.

**Condition 3.** Driving aisles shall be reduced to the minimum that would facilitate safe and efficient movement of vehicles. This decision will be determined during development plan review by the development review board.

**Condition 4.** Sidewalks shall be placed appropriately around and across the vehicular use area to facilitate safe and efficient movement of pedestrians.

**Condition 5.** Lighting within the vehicular use area shall be consistent with the standards for Traditional City District.

**Condition 6.** Landscaping islands with seating areas shall be incorporated in appropriate places to foster or enhance pedestrian use and circulation.

**Condition 7.** Bicycle parking, speed tables, handicapped ramps and textured surfaces shall be incorporated within the design of the vehicular use area.

**External compatibility**

The proposed amendment to the planned development does not significantly alter the relationship of the development to its external adjacent and nearby uses. The newly created surface parking will not be visible from the public right-of-way. Access to the surface parking is expected to be from Northwest 7<sup>th</sup> Avenue and Northwest 13<sup>th</sup> Street via the parking structure. While it appears that direct access to Northwest 12<sup>th</sup> Street from the parking area is included, the Northwest 12<sup>th</sup> Street access points are limited to emergency and service vehicles. A gate will be constructed at the Northwest 12th Street access to the surface parking and an Opticom control will be installed. This element of the planned development has not changed. Building heights and façade are proposed to be modified but those elements will remain consistent with the approved planned development.

The amendment includes a reduction in the number of units to be constructed from 185 to 166 units. However, there is a significant increase in the number of bedrooms, from 402 to 585 bedrooms. While this increase does not affect the allowable density, it impacts the number of parking spaces, the number of automobile trips and the overall level of activity associated with the development. Those factors are addressed in the traffic and concurrency analysis.

Another modification to the approved planned development is the complete elimination of any type of development on areas north of the creek. The area north of the creek is the most environmentally sensitive area and its removal, as an option for development will server to improve the external compatibility of the proposed development to surrounding developments.

**Condition 8.** The access points off Northwest 12<sup>th</sup> Street should remain as regulated by the current PD Layout Plan. Opening this access will result in a greater volume of traffic onto Northwest 8<sup>th</sup> Avenue and then through the College Park Neighborhood. A controlled gate with an Opticom system should be installed to facilitate control of both access points off Northwest 12<sup>th</sup> Street.

**Condition 9.** During development plan review, the applicant shall conduct a traffic analysis and implement the findings that would render the development consistent with the comprehensive plan and Land Development Regulations.

**Condition 10.** The total number of bedrooms allowed within the development shall be 585, consistent with the traffic analysis approved by the Technical Review Committee. The reviewing

board may allow a 2% increase in the number of bedrooms, subject to review of a new traffic analysis, number of vehicular, bicycle and motorcycle parking. Alternatively, the board may allow the number of bedrooms to be driven by the impacts of the traffic study and the number of bedrooms determined by the Development Review Board, during development plan review.

**Condition 11.** To minimize the impact of the development on the road network weekday traffic and RTS bus service to campus, the developer shall enter into a development agreement to contribute proportionally to enhanced bus service along NW 13<sup>th</sup> Street. The type, amount and nature of the contribution shall be determined by RTS and included in the development agreement. It shall be based on an analysis of current conditions, future needs, the source of major contributors to student commuting, the ratio of student/non-student occupancy, among other factors. The development shall participate in the cost of generating such analysis. The agreement shall be executed no later than one year after a certificate of occupancy is issued for 80% of the total number of units.

**Intensity of development & useable open spaces, plazas and recreation areas.**

The development includes a single use, multi-family residential at the approved density, with a total of 185 dwelling units. Although the proposed number of units is less than the maximum 225 units allowed, a significant increase in the number of bedrooms and associated traffic and parking impacts could affect the intensity of the development. Open space, plazas and recreation areas will be consistent with the intent of the comprehensive plan and the PD zoning designation.

**Condition 12.** The development must satisfy concurrency requirements and demonstrate the ability to handle additional parking and trip generation due to the increase in overall occupancy of the development.

**Environmental constraints**

The property is traversed along the northern section, by Rattlesnake Creek, at a line almost consistent with the south boundaries of tax parcel number 14095. Due to environmental concerns, a creek setback is established along the south side of the creek at approximately 110 feet on the west side and 50 feet on the east end of the subject property. Along the north side of the creek, the setback varies from 45 feet on the west side to approximately 150 feet on the east side. No development is allowed within the creek setback limits. The creek clearly creates two distinct and separate portions of the subject property and also forms the boundaries of the current land use and zoning designations. The creek and its immediate adjacent areas are also environmental concerns in the consideration of any development in the area. The area south of the creek setback is clearly developable with some minor concerns. However, the area north of the creek setback is questionable in terms of supporting development. The proposed modification will completely eliminate the potential of any development in this sensitive environmental area, thus rendering the development more compatible with the surrounding environmental features.

**Condition 13.** Except as provided for development of passive recreational areas, there shall be no development on the portion of the subject property between the centerline of Rattlesnake Branch Creek and the south right-of-way line of N.W. 8<sup>th</sup> Avenue.



### **External and Internal transportation access**

The development is bounded on all four sides by fully developed roads that connect efficiently into the overall road network. The project is therefore easily accessible via automobile. The main transportation access to the development is limited to Northwest 13<sup>th</sup> Street and Northwest 7<sup>th</sup> Avenues. Other limited access points for fire, emergency, utility and loading services are allowed off Northwest 12<sup>th</sup> Street.

The proposed amendment to add surface parking shows an access to Northwest 12<sup>th</sup> Street. However, that driveway will comply with the initial PD restrictions on access. This modification is therefore not expected to affect external transportation access. Internally, the modification will allow automobile traffic further into the development. Due to the proposed conditions to satisfy internal compatibility, it is not expected that the amendment will result in significant changes.

### **Off-street parking**

The development is within a district where no motor vehicle parking is required. However, a parking structure is proposed to facilitate the needs of the development. The intent of no required parking is to facilitate developments, and to encourage alternative modes of travel in the urban core. To this end, the development shall ensure the efficient accommodation and circulation of vehicles associated with the development.

The proposed modification will increase the total number off-street parking both within the parking structure and at surface level. Within the Traditional City District and the approved PD ordinance, the number of parking spaces within a structure is not regulated. The modification therefore complies with the approved PD as well as the Traditional City standards. The surface parking is not allowed in the approved PD and in Traditional City, is restricted to the minimum allowed for the use.

Staff has determined that the conditions recommended for internal compatible will be adequate to minimize any potential impact of the proposed surface parking.

**Condition 14.** At a minimum, total on-site parking shall be provided at a rate of 1 per bedroom. Exterior surface parking shall not exceed the minimum required for the total number of bedrooms in the two buildings along NW 7<sup>th</sup> Avenue.

**Condition 15.** Except as provided in the ordinance, the surface parking shall comply with the requirements of the Land Development Code.

### **Sidewalks, trails and bikeways**

The development is in an area, which strongly encourages pedestrian movement. It is therefore expected that sidewalks will be a prominent feature of the development. Sidewalks are required along all streets on which the development fronts. Adequate space shall be provided or secured for placement of the sidewalks. Internal movement should be facilitated through the provision of sidewalks linking buildings and main areas of activity.

City Plan Board  
Petition 30PDA-06 PB  
July 20, 2006

The proposed modification will be consistent with the current requirements of the ordinance. Additionally, new conditions are included to facilitate pedestrian and bicycle activities in the area.

**Public facilities**

Public facilities are available within close proximity to the development site. The proposed amendment is not expected to affect the service levels of public facilities

**Unified control**

Documents provided with the application indicate unified control of the property. The amendment satisfies this requirement.

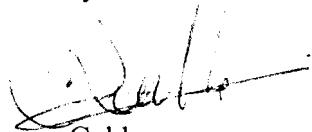
**Development time limits**

The development is proposed as a single phase. The conditions of initial approval will not be modified.

**Bonds**

This section is not applicable at this time, during subdivision review, any required bonding will be addressed at a later date.

Respectfully submitted,



Lawrence Calderon  
Chief of Current Planning

LDC:ldc

# Zoning District Categories

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- UMU1 Urban Mixed Use District 1 (up to 75 du/acre)
- UMU2 Urban Mixed Use District 2 (up to 100 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

Area under petition consideration

Historic Preservation/Conservation District

Special Area Plan

Division line between two zoning districts

City Limits

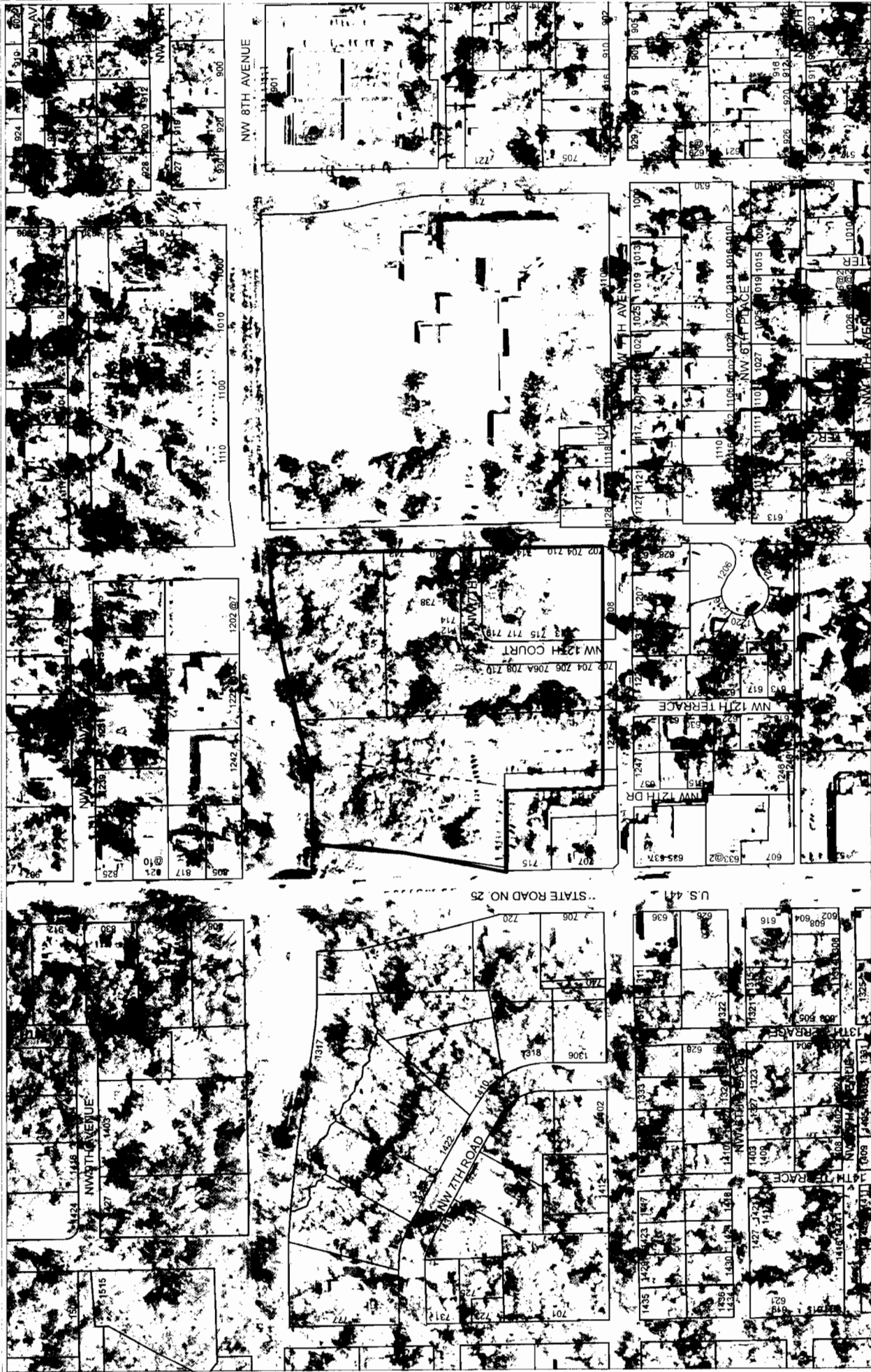


No Scale



## PROPOSED ZONING

Name	Petition Request	Map(s)	Petition Number
Gery Dedenbach, agent for Park Central Holdings of Gainesville, LLC	Amend Existing Planned Development to add Interior Parking, Shift Location of Buildings, and Increase Size of Buildings	3950	30PDA-06DB



# AERIAL PHOTOGRAPH

**Name**

**Map(s)**

**Petition Request**

**Petition Number**

Gerry Dedenbach, agent for Park  
Central Holdings of Gainesville, LLC

3950

Amend Existing Planned Development  
to add Interior Parking, Shift Location of  
Buildings, and Increase Size of Buildings

30PDA-06DB

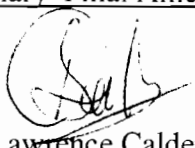


# SITE PLAN EVALUATION SHEET

## DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION

### CURRENT PLANNING ROOM 16, OLD LIBRARY

222 East University Avenue 334-5023

Petition No. <b>30PDA-06PB</b> Review Date 7/12/2006 Review For: <b>Causseaux &amp; Ellington.</b> Plan Reviewed: 7/14/2006 <u><b>Causseaux &amp; Ellington, Inc., agent for University House. Planned Development Amendment to allow modifications of the approved Planned Development Layout Plan. Located in the 700 Block of NW 13<sup>th</sup> Street, East side,</b></u>	Review Type: <u>Preliminary Final Amend.</u>  Project Planner:  <u>Lawrence Calderon</u> 7/12/06
--	--

## RECOMMENDATIONS/REQUIREMENTS/COMMENT

1. All documents submitted for modification of the PD must be consistent with the previously approved PD, except as included in the requested modification.
2. Please add the following at the end of the requirement of Condition 3. **This is not intended to offset natural development of the area.**
3. Ref: Condition 7. The intent is to have a front with three stories and stories higher than three should be terraced backwards. The way it is written, the 5<sup>th</sup> story would have to be terraced backwards. The intent is to attain compatibility with surrounding development at three stories. An eastward terrace of the fifth floor does not present an attractive and compatible façade.
4. It is understood that the PD Layout Plan is a general document. However, it is extremely helpful to the process if a rough draft of the intended plan is included. Please include any such rough draft in a ghostly fashion over the PD Layout Plan. Please include such a plan if possible.
5. Please note some deletions and modifications to the list of allowable uses, Attachment D.
  - a. Remove all uses, which are not allowed in the table
  - b. Add the phrase "Offices Only, not transmitter towers" to the uses GN-481, GN-482 and GN-483.
  - c. Remove GN-752
6. Based on the information provided and other discussions, it appears that the façade and elevations of the proposed buildings may change. Please be aware that the property is within the Traditional City Overlay District and it is expected that development will abide by the intent in accordance with the stipulations of the approved conditions. Any modifications to the currently approved façade must be consistent with the applicable standards. It would be convenient to see elevations or renderings
7. Please remove the last part of Condition 3 from Line 3, Maintenance also.... to Rattlesnake Branch. Please add the following: "All activities under this category are subject to review and approval by the City Arborist and Culture and Nature Operations.
8. Please modify condition 4 to require the plan to address the removal of invasive species should be submitted at the time of development plan review. It shall be in accordance with the requirements of Article VIII of the Land Development Code.
9. Condition 7 should be modified as follows: "Any building along NW 13<sup>th</sup> Street shall have a build-to line ranging between 15 to 30 feet from the curb line. The exact placement must facilitate the following conditions:" **Note that this condition was not included. It is important to resolve this issue since the existing approve plan had a 15 – 30 foot build-to line.**

# SITE PLAN EVALUATION SHEET

## DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION

### CURRENT PLANNING ROOM 16, OLD LIBRARY

222 East University Avenue 334-5023

10. The proposed density on the subject property is 30 dwelling units per acre. While the number of units proposed is consistent with the allowable density, the number of bedrooms can have a significant impact on the intensity, parking, trips generated and pedestrian activities. It is staff understands that the ratio of bedroom to dwelling units will be significantly increased above the currently approved development. It is necessary and relevant to ensure that the elements of compatibility and intended harmonious co-existence of uses be maintained at the same level of the currently approved planned development.
11. Concerning Usable Development Area: *No activity in the area defined by the north and south Creek Setback Lines. Between the North Creek Setback Line and NW 8<sup>th</sup> Avenue, appropriately designed passive recreational activities may be allowed in accordance with all requirements of the Land Development Code; environmental factors, creek protection and creek preservation shall be the predominant factors in the determination of use.. The exact type and nature to be determined at development review.*
12. *Staff recommends a conservation easement over the portion of the property north of the south creek setback line. Alternatively, the owner may consider deeding the property to the city as a small urban recreation area.*
13. In view of the proposed modification and new ownership, several aspects of the development report should be revisited. *What is implied as temporary seasonal access and how will it be implemented?*
14. *At the time of development review, appropriate documentation addressing use and function of the access points off NW 12<sup>th</sup> Street should be presented to the city at the for approval*
15. Parking within the structure shall be designed to the minimum standard as to size of parking spaces and driveway aisles.
16. Bicycle and motorcycle parking shall be placed in a manner consistent with maintaining the intended façade along all street edges.
17. Temporary barricade install during construction shall be consistent with the regulations governing protection of creek setbacks and wetland buffers.
18. The type and placement of the barricade shall be determined during development review. The City Arborist shall supervise placement and removal of the barricade.
19. Staff would like to review the type, placement and duration of temporary barricade.
20. Please provide a design solution and development standards for placement and use of the solid waste facilities proposed.
21. Sidewalks shall be reviewed based on the merits of each façade and the level of pedestrian activities anticipated.
22. Please add note indicating that sidewalk shown on PD Layout Plan is "General", the exact layout and design of the sidewalks will be determined during development review.
23. Required sidewalks shall be within the public right-of-way. Sidewalks may be provided on private property within deeded areas or areas designated as easements.
24. The type of fencing around the property shall be consistent with the Garden-Wall types allowed in Traditional City.
25. Please address building separation within the development. The code requirement is 30 feet.
26. The area around the three oak trees is indicated as "...open space Limited landscaping/hardscape improvement allowed in this area." Please provide further explanation.
27. The area shown for solid waste is not desirable. It is best to select a different area. If this location is submitted, you must provide evidence to demonstrate operation of the facility.

**SITE PLAN EVALUATION SHEET**  
**DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION**  
**CURRENT PLANNING ROOM 16, OLD LIBRARY**  
**222 East University Avenue 334-5023**

28. Please provide dimensions to tie-down the areas shown on the PD Layout Plan. Yes, I omitted this on the previous plan. However, it is important to ensure clear intent.
29. Condition 3 in the attached ordinance should be modified to be consistent with the new condition 13 included in the staff report.
30. Staff has determined that the modified condition 7 in the attached ordinance is not consistent with the intended façade of currently approved PD. Staff recommends that terracing should commence at the third story level.
31. Conditions 14 and 15 in the ordinance shall be made consistent with condition 8 of the staff report.
32. Condition 17 in the ordinance should be revised to apply only to any proposed commercial development.
33. Condition 25 in the ordinance should remain as is, to allow review by the City Plan board.
34. Modifications to Condition 26 in the ordinance should allow for review by the City Plan board.

# SITE PLAN EVALUATION SHEET


PUBLIC WORKS DEPARTMENT 334-5072 M.S. 58

Petition No. <u>30PDA-06 DB</u>	Review Date: <u>7/11/06</u>	Review Type:
Review For : <u>Technical Review Committee</u>	Plan Reviewed: <u>7/11/2006</u>	<u>Planned Development</u>
Description, Agent & Location: <u>PCH</u>		Project Planner:
CEI <u>700 block of NW 13<sup>th</sup> Street</u>		<u>Lawrence Calderon</u>

**APPROVED**  
(as submitted)

**APPROVED**  
(subject to below)

**DISAPPROVED**

<input checked="" type="checkbox"/> Alachua County Environmental Review Required <input type="checkbox"/> Alachua County Environmental Review Not Required <input type="checkbox"/> 100 Yr. critical duration storm event must be analyzed. <input type="checkbox"/> SJRWMD stormwater permit is required. <input type="checkbox"/> Treatment volume must be recovered within 72 Hrs. (F.S. of 2) <input checked="" type="checkbox"/> Approved for Concurrency	Comments By:  Rick Melzer P.E. Development Review Engineer
---	--

## REVISIONS / RECOMMENDATIONS:

1. The Traffic Study does not account for any proposed commercial space. If commercial square footage is added, the Traffic Study must be revised to account for the increased traffic volumes.



# SITE PLAN EVALUATION SHEET

## CITY ARBORIST 334-2171 – Sta. 27

Petition: 30 PDA-06 PB Project: University House Agent: Gerry Dedenbach / Casseaux & Ellington	Review date: 7/13/06	Initial review to PD amendment Planner: L. Calderon
--	----------------------	--

APPROVED (as submitted)    
  APPROVED (with conditions)    
  DISAPPROVED

<input type="checkbox"/> Tree Survey Required <input type="checkbox"/> Landscape Plan Required <input type="checkbox"/> Irrigation system required <input checked="" type="checkbox"/> Attention to conditions (revisions/recommendations)	Comments by:  <hr style="width: 80%; margin: 0 auto;"/> Meg Niederhofer City Arborist
---	--

The concept plan for the Central park Holdings PD registered in the City’s records on march 29, 2004 differs considerably from the amended concept submitted for University House. If the University House submittal is changed to meet the following conditions, then it could be approved as an amendment. Without these conditions, I believe the PD concept would be substantially different and should not be approved.

Conditions:

(1) REMOVE the new solid line labeled “CONSTRUCTION BARRIER AREA.”

The schematic plan adopted in 2004 represented a compromise. The hatched line protected a portion of the rooting area of three very significant Heritage Live Oaks (30”, 50”, and 60”). We agreed this area would remain completely undisturbed, in exchange for accepting in concept the removal of 19 other Heritage trees of 6 species (Live Oak, Sweetgum, Sugarberries, Laurel Oak, Water Oak, and Black Cherry). This compromise also agreed to the removal of 51 other regulated trees.

Reducing the protection area would negatively affect the survivability of the only three Heritage trees to be preserved on the site.

The phrase “HERITAGE TREE DRIPLINE PROTECTION AREA” should be retained.

(2) Require that the new storm water management facility be shown at least 10’ from the Heritage Tree Dripline Protection Area. Heavy equipment will require at least this much space to access the site to accomplish the work.

(3) Redraw the Residential Building Groupings showing the outlines at least as far from the Heritage Tree Dripline Protection areas in the amendment as in the adopted concept plan. Building construction requires at least 10’ from the outside of the building footer to

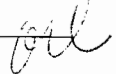
accomplish the work. The amendment schematic shows much more development activity impacting the protection area of the largest Heritage Live Oak.

(4) Redraw the concept outlines relative to NW 7<sup>th</sup> Ave and NW 12<sup>th</sup> Street to create the same amount of space as was afforded in the adopted concept plan. The required 9' wide areas to be allotted to the street buffer tree plantings is often difficult to accomplish due to required utility line separations. Getting more space allotted than was shown on the concept plan is difficult.

The NW 13<sup>th</sup> St buffer space is shown right at 9' so no adjustment should take place in this line. At present small Live Oaks in tree wells grow between the sidewalk and curb in this area. Recently a representative of the Florida Department of Transportation requested that when this particular parcel was reviewed for construction, the City require the placement of large shade trees in the street buffer area as required in the Code. The existing small Live Oaks are too close to the curb for the speeds traveled.

**CONCURRENCY REVIEW  
PLANNING DIVISION - (352) 334-5022**

Sheet 1 of 1

<b>Petition</b>	<u>30PDA-06PB</u>	<b>Date Received</b> <u>6/27/06</u>	<input checked="" type="checkbox"/> Preliminary
<input type="checkbox"/> DRB	<input checked="" type="checkbox"/> PB	<b>Review Date</b> <u>6/29/06</u>	<input type="checkbox"/> Final
<b>Project Name</b>	<u>University House PD</u>		
<b>Location</b>	<u>700 block NW 13<sup>th</sup> Street</u>		
<b>Agent/Applicant Name</b>	<u>Causeaux &amp; Ellington</u>		
<b>Reviewed by</b>	<u>Onelia Lazzari</u>		<input checked="" type="checkbox"/> Planned Dev.
			<input type="checkbox"/> Design Plat <input type="checkbox"/> Concept

Approvable (as submitted)       Approvable (subject to below)       Insufficient Information

PD Concept (Comments only)       Concept (Comments only)

RECOMMENDATIONS/REQUIREMENTS/COMMENTS

NOTE: These same comments were provided on the last submittal. No response or change to them has been noted in the current submittal.

1. No trip generation is shown for non-residential use in the traffic study or the site plan coversheet. Since the PD allows some non-residential use, please clarify if there will NOT be any non-residential use at the site under this revised proposal. For example, p. 2 of the PD Report states that 15,000 square feet of commercial uses are allowed. But again, no trip generation is shown for this.
2. There are inconsistencies in the trip generation provided with this application. The PD Layout Plan does not match what is shown in the traffic study by Kimley-Horn. Please clarify. It appears that the method used in the traffic study by Tom Grant is the more correct method because the bedrooms in the facility will be individually leased. Also, clarify the new total number of bedrooms (which translates for trip generation to persons). In the traffic study it uses 585 bedrooms, there are statements of 583 bedrooms in the Neighborhood Workshop summary.
3. In previous versions of this plan, the developer was providing a voluntary bus shelter. What is the status of the bus shelter?
4. When an application is submitted for site plan approval, please submit an Application for a Certificate of Final Concurrency.

This development was formerly approved as PCH PD (10PDV-04PB).

# SITE PLAN EVALUATION SHEET

## BUILDING INSPECTION DEPARTMENT REVIEW

Petition No. 30PDA-06DB  
Review For : Development Review Board  
Description, Agent & Location: Gerry Dedenbach, Park Central Holding of Gainesville, 700 bl NW 13 Street

Review Date: 6/28/06

Plan Reviewed: 6/28/06

Review Type: Planned Development

Project Planner: Lawrence Calderon

**APPROVABLE**     **APPROVABLE**     **DISAPPROVED**     **CONCEPT**  
SUBJECT TO COMMENTS

This site plan has been reviewed for compliance with Chapter 5 of the Standard Building Code & for accessible routes of the Florida Accessibility Code for Building Construction.  
Complete code compliance plan review will be performed at Building Permitting.

Comments By:

*Brenda G. Strickland*

Brenda G. Strickland  
Plans Examiner

### REVISIONS / RECOMMENDATIONS:

The Building Department has no problem with the proposed PD amendment.

All Building Department Data shall be provided, for review, in the Preliminary/Final site plan submittal.

# SITE PLAN EVALUATION SHEET

## FIRE PROTECTION/LIFE SAFETY REVIEW

<u>Petition No.:</u> 30PDA06DB	<u>Due Date:</u> 7/10/2006	<u>Review Type:</u> Preliminary Final
<u>Review for:</u> Technical Review Staff Meeting	<u>Review Date:</u> 7/6/2006	<u>Project Planner:</u> Lawrence Calderon
<u>Description:</u> University House		

**Approvable**

**Approvable**  
Subject to Comments

**Disapproved**

**Concept**

- Plan meets fire protection requirements of Gainesville's Land Development Code Section 30-160 as submitted.
- Revisions are necessary for plan to meet the requirements of Gainesville's Land Development Code Section 30-160.
- Revisions are necessary for compliance with related codes and ordinances and are submitted for applicant information prior to further development review.

Comments By:

*M. F. Wilder*

MF Wilder, #233  
Fire Inspector

### Revisions/Recommendations:

1. If, as it appears, there is a fence/gate at the limited ingress/egress areas that an opticom or opticom compliant device is placed on the gate for fire department access.
2. Project must comply with the Florida Fire Prevention Code, current edition.
3. Project must comply with the Gainesville Land Development Code section 30-160.

# SITE PLAN EVALUATION SHEET

PUBLIC WORKS DEPARTMENT 334-5072 M.S. 58

Petition No. 30PDA-06PB      Review Date: 07/07/06  
Review For: Technical Review Committee Plan Reviewed:  
Description, planned development

Review Type:      Preliminary Final  
Project Planner:      Lawrence Calderon

**APPROVED**  
(as submitted)

**APPROVED**  
(subject to below)

**DISAPPROVED**

- Alachua County Environmental Review Required
- Alachua County Environmental Review Not Required
- 100 Yr. critical duration storm events must be analyzed.
- SJRWMD storm water permit is required.
- Treatment volume must be recovered within 72 Hrs. (F.S. of 2)
- Approved for Concurrency

Comments By:

Paul F. Alcantar

---

Paul F. Alcantar  
Solid Waste Manager

REVISIONS / RECOMMENDATIONS:

Plans do not reflect details for solid waste management, a set of plans must be provided outlining trash and recycling facility prior to plan approval.

# ALACHUA COUNTY ENVIRONMENTAL PROTECTION DEPARTMENT

201 SE 2<sup>nd</sup> Avenue, Suite 201, Gainesville, Florida 32601

Tel: (352) 264-6800 Fax (352) 264-6852

Suncom: 651-6800

Home Page: <http://environment.alachua-county.org>

**Date:** June 14, 2006

**To:** Lawrence Calderon,  
City of Gainesville Community Development Department  
Current Planning Division  
306 NE 6<sup>th</sup> Ave. Gainesville, FL. 32602

**From:** Betty Levin, Senior Environmental Specialist and  
Eliana Bardi, Senior Planner

**Re:** Site Plan Review – June agenda  
Please circulate the following comments to appropriate planners.

**1. 30PDA-06PB** Gerry Dedenbach, AICP, agent for Park Central Holdings of Gainesville, LLC. **University House.** Planned Development Amendment to add interior vehicular parking and to shift the location of buildings. Zoned: PD (Planned Development) Located: 700 Block of Northwest 13<sup>th</sup> Street. **(Lawrence)**

**Comments: Per telephone conversation 6/14/06 with the consultants, the following will be addressed on corrected plans: The plan received June 7, 2006 proposes minimum and average wetland buffers that meet the City's wetlands and surface waters code. However, erroneous information is provided under the wetland data table on sheet 4 of 4, which indicates that average creek buffers are not being met on the north side. The applicant will address with notations and corrections to the table that the average creek buffers are indeed met by the proposed plan.**

**In addition, the applicant will depict by scale the minimum and average wetland and creek buffers on the plans. Provide calculations to substantiate average creek buffers that are depicted on the table and plans.**

cc by email: Chris Bird, Kathy Fanning, Gus Olmos, Tim Ramsey, Bedez Massey, Gene Francis, Shenley Neely, Rick Melzer

**UNIVERSITY HOUSE**  
*Planned Development Amendment*  
*Revised Application Materials*

*Prepared for Submittal to:*  
The City of Gainesville, Florida

*Prepared on Behalf of:*  
University Partners, LLC

*Prepared by:*



June 2006

**30PDA-06PB**





**ORDINANCE NO. 030904**  
**0-04-50**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "OF: General office district"; "MU-1 : 10-30 units/acre mixed use low intensity"; and "RMF-8: 8-30 units/acre multiple-family residential district" to "Planned Development District"; located in the vicinity of the 1200-1300 block between Northwest 7<sup>th</sup> and 8<sup>th</sup> Avenue; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement; providing a severability clause; and providing an immediate effective date.**

**WHEREAS**, by initiation of a petition by the property owner, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain property within the City from "OF: General office district"; "MU-1: 10-30 units/acre mixed use low intensity"; and "RMF-8: 8-30 units/acre multiple- family residential District" to "Planned Development District"; and

**WHEREAS**, notice was given and publication made as required by law of a public hearing which was then held by the City Plan Board on March 18, 2004; and

**WHEREAS**, notice was given and publication made of a public hearing which was then held by the City Commission on April 12, 2004; and

**WHEREAS**, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

**WHEREAS**, at least ten (10) days notice has been given once by publication in a newspaper of general circulation prior to the adoption public hearing notifying the public of this

1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,  
2 City Hall, in the City of Gainesville; and

3 **WHEREAS**, Public Hearings were held pursuant to the published notices described at  
4 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
5 head.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
7 **CITY OF GAINESVILLEFLORIDA:**

8 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by  
9 rezoning the following described property from "OF: General office district"; "MU-1:  
10 10-30 units/acre mixed use low intensity"; and "RMF-8: 8-30 units/acre multiple-family  
11 residential district" to "Planned Development District";

12 See Exhibit "A" attached hereto and made a  
13 part hereof as if set forth in full.  
14

15 **Section 2.** The City Manager or designee is authorized and directed to make the  
16 necessary change in the Zoning Map Atlas to comply with this Ordinance.

17 **Section 3.** The Development Plan attached to this Ordinance which consists of  
18 the following:

- 19 1. the development plan report entitled "Park Central Holdings (PCH)  
20 Planned Development (PD) Report for Application 10 PDV", received in the  
21 Planning Division on April 16, 2004, attached and identified as Exhibit "B"; and
- 22 2. development plan maps consisting of 4 sheets: 1) "Cover Sheet", last revised on  
23 April 1, 2006; 2) "Existing Conditions Map", last revised on April 1, 2006; 3) "Existing

1 Vegetation Map" last revised on April 1, 2006; and 4) "PD Layout Plan Map" last revised  
2 on April 1, 2006; identified as Exhibit "C", are incorporated and made a part of this  
3 Ordinance as if set forth in full. The terms, conditions, and limitations of the  
4 Development Plan shall regulate the use and development of the land described herein  
5 zoned to the category of Planned Development District as provided in Chapter 30, Land  
6 Development Code of the City of Gainesville (hereinafter referred to as "Land  
7 Development Code"). In the event of conflict between the provisions of the development  
8 plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the provisions,  
9 regulations, and restrictions of the development plan maps (Exhibit "C") shall govern and  
10 prevail.

11 Section 4. The following additional conditions, restrictions and regulations shall apply to  
12 the development and use of the land:

13 Condition 1. Up to 15,000 square feet of non-residential uses may be allowed on area  
14 designated as "areas where non-residential use may be allowed" parcel 14097-001 and 14097-  
15 002, as shown on Sheet 4 of Exhibit "C" along Northwest 13<sup>th</sup> Street. The specifically permitted  
16 non-residential uses are those designated on Attachment D, attached hereto and made a part  
17 hereof as if set forth in full.

18  
19 Condition 2. Any use as permitted under Attachment "D" shall be located in a multi-  
20 story building with a design and architectural pattern that is compatible with the remainder of the  
21 development, and must comply with development requirements of the Special Area Plan for  
22 Traditional City of the City's Land Development Code. Such uses shall be subject to  
23 development plan review.

24  
25 Condition 3. A creek setback line has been established along the south side of the creek  
26 as shown on Sheet 4 of Exhibit "C". There shall be no development on the north side of the  
27 creek, ~~except for fencing and a stormwater management facility.~~ Except for routine maintenance  
28 activities, no development, shall be allowed within or over the areas delineated as the "Creek  
29 Setback Area" located north and south of the creek (See Sheet 4 of Exhibit "C"). Routine  
30 maintenance shall mean the following:  
31

1 the regular care and upkeep of property, removal of invasive species from the  
2 property, regularly scheduled cleaning and removal from the site of miscellaneous  
3 debris and trash, and execution of elements of a stormwater management plan  
4 designed to control erosional sedimentation into Rattlesnake Branch.

5  
6 ~~Condition 4. An appropriate structure, such as a building with a compatible~~  
7 ~~configuration and orientation, a fence and/or an above grade boardwalk system with a railing~~  
8 ~~may be erected between the residential buildings and the areas designated as creek setback on the~~  
9 ~~south side of the creek. Any improvements or development shall address construction activity,~~  
10 ~~safety after construction and the need to protect the creek system and its buffers from activities~~  
11 ~~that would be detrimental to the creek. The exact type, location and nature of the fencing shall~~  
12 ~~be determined during development plan review.~~

13  
14 ~~Condition 5. Prior to development plan approval, the owner/applicant shall coordinate~~  
15 ~~with staff: Public Works, Planning, Alachua County Department of Environmental Services and~~  
16 ~~the City Arborist to establish an exact limit of development/creek setback along the north side of~~  
17 ~~the creek. The designated area shall be plotted out in the field and designated on the~~  
18 ~~development plan.~~

19  
20 ~~Condition 6. Except for routine maintenance activities, no development, beyond~~  
21 ~~construction of the fence and/or an above grade boardwalk system with a railing or stormwater~~  
22 ~~management, shall be allowed within or over the areas delineated as the "Creek Setback Area"~~  
23 ~~located north and south of the creek (See Sheet 4 of Exhibit "C"). Routine maintenance shall~~  
24 ~~mean the following:~~

25  
26 ~~the regular care and upkeep of property, which includes vegetative watering,~~  
27 ~~trimming and pruning, and removal of invasive species upon the property.~~  
28 ~~Maintenance also will include the regularly scheduled cleaning and removal from~~  
29 ~~the site of miscellaneous debris and trash.~~

30  
31 Condition 4. A plan detailing the management of invasive/non-invasive plant  
32 species shall be submitted for review and final consideration by the board considering  
33 development plan review.

34  
35 ~~Condition 75. Any building along Northwest 13<sup>th</sup> Street shall be setback a minimum~~  
36 ~~distance between of~~ have a build-to line ranging between 15 to 30-feet from the curb line. The  
37 exact placement must facilitate the following conditions:

- 38 a. allow sidewalks between 6 to 8 feet in width;  
39 b. allow placement of street trees;  
40 c. provide for the greatest pedestrian safety,

41  
42 subject to final development plan approval.  
43

1 Condition ~~8~~6. Any building along Northwest 13<sup>th</sup> Street and Northwest 7<sup>th</sup> Avenue, shall  
2 present a unified architectural style, which reflects a multiple-unit facade, each with a separate  
3 identity, subject to final development plan approval. Entrances at ground level shall be oriented  
4 towards the street with stairs, porches or a compatible entrance feature directly related to the  
5 adjacent sidewalk.

6  
7 Condition ~~9~~7. Building height shall be a minimum of two stories and a maximum of five  
8 stories or 65 feet along Northwest 13<sup>th</sup> Street. If more than ~~three~~ four stories are proposed along  
9 Northwest 13<sup>th</sup> Street, the upper stories shall be terraced or stepped back.

10  
11 Condition ~~10~~8. Building height along Northwest 7<sup>th</sup> Avenue shall be a maximum of three  
12 stories or 39 feet, as measured from the finished floor elevation to the top plate of the highest  
13 story and excluding stair towers. ~~Overall building height on the subject property shall not exceed~~  
14 ~~five (5) stories or 65 feet.~~

15  
16 Condition 9: Overall building height on the subject property shall not exceed five (5)  
17 stories or 65 feet.

18  
19 Condition ~~11~~10 Existing trees along Northwest 12<sup>th</sup> Street shall be preserved, except  
20 those determined by the city arborist to be invasive species or that have no significant value.

21  
22 ~~Condition 12. Development allowed on the portion of the property between the creek and~~  
23 ~~N.W. 8<sup>th</sup> Avenue, shall be limited to fencing and stormwater management. The type of fencing,~~  
24 ~~the nature, design and configuration of the stormwater management facilities shall meet~~  
25 ~~requirements of this ordinance and the Land Development Code. A determination as to whether~~  
26 ~~the proposed development is in compliance will be issued at development plan review.~~

27  
28 Condition ~~13~~11. The existing billboard on the subject property shall be removed during  
29 commencement of site work. The city shall have no liability in the removal of such billboard or  
30 other related graphics.

31  
32 Condition ~~14~~12. Signage for the development shall be in accordance with the Land  
33 Development Regulations.

34  
35 Condition ~~15~~13. The maximum allowable density on the subject property shall be 30  
36 dwelling units per acre with a maximum of 225 residential units. There shall be no residential  
37 units located north of the creek.

38  
39 Condition ~~16~~14. One vehicular ingress/egress driveway will be allowed onto Northwest  
40 7<sup>th</sup> Avenue and one driveway onto Northwest 13<sup>th</sup> Street. The configuration and location of each  
41 access shall be subject to development plan approval. The reviewing body shall impose  
42 standards appropriate to facilitating safe and efficient movement of vehicular, bicycle and  
43 pedestrian traffic. All traffic improvements associated with the impact of this development shall

1 be made at the full cost and expense of the owner/applicant. The final determination of access  
2 points shall also be based on a full traffic analysis, such as the analysis provided by the  
3 owner/applicant with the petition submitted by the owner/developer with the rezoning  
4 application.  
5

6 Condition ~~17~~15. The design, placement, configuration and use of the limited access  
7 points/emergency/occasional service points, off of Northwest 12<sup>th</sup> Street shall be subject to  
8 development plan approval. The design approved by the reviewing body, shall be based on  
9 development standards and regulations of the jurisdiction having authority over the specific right-  
10 of-way. Access to the rights-of-way ingress/egress points on Northwest 12<sup>th</sup> Street shall only  
11 occur during limited times, as approved during development plan review, which shall be managed  
12 by the property owner/management. Emergency access will be controlled by a 3M Opticom  
13 system or similar system. Access points shall allow access by City services, such as fire, police,  
14 and solid waste. Temporary access, for the purposes of loading and unloading, will be allowed  
15 for residents of the development for the two week period surrounding the beginning and ending of  
16 the University of Florida's semesters.  
17

18 Condition ~~18~~16. During development plan review, the ~~city applicant~~ shall analyze the  
19 proposed development in terms of its traffic impact on the existing roadway and traffic  
20 signalization patterns. The owner/applicant shall be required to make improvements at its own  
21 cost and expense commensurate with the potential impacts of the development on the roadway  
22 system. The analysis and findings shall be submitted to the City for review and determination of  
23 approval or approval with conditions.  
24

25 Condition ~~19~~17. The development shall provide vehicular and bicycle parking that  
26 complies with the parking standards of the City's Land Development Code for multiple family  
27 and commercial uses, as applicable.  
28

29 Condition ~~20~~18. ~~On street parking may be permitted by the City but it shall be available~~  
30 ~~to the general public. The City may elect to create new parking spaces on streets adjacent to the~~  
31 development. However, such parking shall be open to the general public and shall not be  
32 exclusive to the subject development.  
33

34 Condition ~~21~~19. Along Northwest 12<sup>th</sup> Street, building setbacks shall be established in a  
35 manner that will preserve the existing non-invasive trees, which are greater than eight (8")  
36 inches. During development plan review, the development review board and/or the city manager  
37 or his designee, may allow removal of trees based on safety and health of the specific tree(s) at  
38 issue.  
39

40 Condition ~~22~~20. Along NW 7<sup>th</sup> Avenue, all buildings shall be setback so as to allow  
41 placement of a 6-foot to 8-foot wide sidewalk, allow tree planting and a vehicular street entrance  
42 along that Avenue, ~~subject to development plan approval.~~ The final design, orientation and  
43 layout of the access point shall be determined by the Development Review Board.

1  
2 Condition ~~23~~21. Sidewalks are required to be constructed by the owner/developer along  
3 the street edge of all adjacent streets on the side contiguous to the property.  
4

5 Condition ~~24~~22. Along Northwest 13<sup>th</sup> Street, all buildings shall be setback so as to  
6 allow placement of a 6-foot to 8-foot wide sidewalk, allow tree planting, and a vehicular street  
7 entrance and building front orientations along that street, subject to development plan approval.  
8

9 Condition ~~25~~23. Treatment of streetscape, street and sidewalk design and building  
10 orientation shall be consistent with the Special Area Plan for Traditional City as provided in the  
11 City's Land Development Code.  
12

13 Condition ~~26~~24. Along all roadway frontages, where existing sidewalks are deficient or  
14 deteriorated, the owner/developer shall provide at its own cost and expense adequate sidewalks  
15 to serve this development and otherwise meet code requirements.  
16

17 Condition ~~27~~25. The development order approved by this ordinance shall be valid for a  
18 period of two (2) years. A one-time, one-year extension may be approved by the City  
19 Commission, ~~after review and recommendation by the City Plan Board~~. During that period, the  
20 owner/developer must obtain development plan approval from the City Plan Board consistent  
21 with this ordinance. Final development plan approval must be obtained within one year of  
22 obtaining preliminary development plan approval from the board. A specific construction and  
23 development schedule shall be adopted during development plan review. All development shall  
24 be completed no later than 5 years after the issuance of the first building permit.  
25

26 Condition ~~28~~26. A building permit must be obtained within one year of obtaining final  
27 development plan approval. Construction must commence within eighteen months of a final  
28 development order and must proceed with due diligence towards completion of the project. One-  
29 year extensions may be approved by the City Commission. If the construction process ceases for  
30 any reason for a period of more than one year, the development order approved by this ordinance  
31 becomes null and void.  
32

33 Condition ~~29~~27. Except as expressly provided herein, the use, regulations and development  
34 of the residential portion of the property shall be governed as if this land were zoned "RMF-8: 8-30  
35 units/acre multiple-family residential district", and the use, regulations and development of the non-  
36 residential portion of the property shall be governed as if this land were zoned "MU-1: 10-30  
37 units/acre mixed-use low intensity".  
38

39 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists,  
40 the City Manager may issue and deliver an order to cease and desist from such violation and to  
41 correct the violation, to preclude occupancy of the affected building or area, or to vacate the

1 premises. The City Manager, through the City Attorney, may seek an injunction in a court of  
2 competent jurisdiction and seek any other remedy available at law.

3 **Section 6.** Any person who violates any of the provisions of this ordinance shall be deemed  
4 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided  
5 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
6 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
7 offense.

8 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
9 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
10 the validity of the remaining portions of this ordinance.

11 **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
12 such conflict hereby repealed.

13 **Section 9.** This ordinance shall become effective immediately upon final adoption;  
14 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
15 2000-2010 Comprehensive Plan as adopted by Ordinance No. 030903 becomes effective as  
16 provided therein.

17 **PASSED AND ADOPTED** this 12<sup>th</sup> day of July, 2004.