

1 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;
2 and

3 **WHEREAS**, the public hearing was held pursuant to the published notice described above at
4 which 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.** Section 3 of Ordinance No. 040656 is amended to read as follows:

8 Section 3. The planned use district category of the property described in Section 1 of this
9 ordinance is subject to the following terms, conditions and restrictions:

10 **Condition 1.** The uses permitted on the property shall be limited to commercial uses, general
11 office and medical office uses, multi-family residential dwelling units (apartments, condominiums
12 apartment and condo/hotel), a place of religious assembly and both underground and above
13 ground parking structure/s.

14
15 **Condition 2.** Vehicular access to the property shall be limited to ingress and egress from
16 Northwest 14th Street, Northwest 3rd Avenue and Northwest 13th Street (US 441). Pedestrian and
17 bicycle traffic shall be able to access the site from sidewalks that surround the four sides of the
18 property. There shall be a system of plazas, arcades and sidewalks that will provide access to all
19 uses throughout the site.

20
21 **Condition 3.** The owner/developer shall provide custom-designed bus shelter/s at their mixed-
22 use development on either West University Avenue ~~and also~~ or Northwest 13th Street (US 441),
23 or both, at a location/s coordinated with the City Manager through the RTS (Regional Transit
24 System) and the Gainesville Public Works Department.

25
26 ~~**Condition 4.** Subject to approval of City's Public Works Department and the Florida~~
27 ~~Department of Transportation, the owner/developer shall provide a vehicular drop-off bay along~~
28 ~~Northwest 13th Street (US 441) that may be utilized by RTS (Regional Transit System) at a~~
29 ~~location to be designated by the City Manager through the Regional Transit System and the~~
30 ~~Public Works Department.~~

31
32 **Condition 54.** The maximum building square footage permitted for the commercial, office and
33 residential buildings shall not exceed in the aggregate 650,000 665,000 square feet.

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

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2 **Condition 65.** The maximum square footage permitted for the parking garage/s shall not exceed
3 in the aggregate ~~450,000~~ 350,000 square feet.
4
5 **Condition 76.** The maximum square footage for the place of religious assembly shall not exceed
6 in the aggregate ~~29,000~~ 30,000 square feet.
7
8 **Condition 87.** The maximum number of residential dwelling units shall not exceed ~~400~~ 490 units.
9
10 **Condition 98.** Useable open space (open air plaza, open air arcades on the ground level, and
11 open air pool/rec. areas on multiple building levels) shall not be less than ~~35%~~ 31% of the site
12 area, or ~~67,000~~ 60,000 square feet.
13
14 **Condition 109.** The maximum building height ~~permitted onsite shall be of all buildings is~~ limited
15 to 95 feet measured from grade level to the top of the building plate with the exception of the
16 building height of the parking garage.
17
18 **Condition 110.** The maximum building height of the parking garage located at north and west
19 property lines, shall be limited to ~~85~~ 95 feet measured from grade level to the top of the ~~8~~ 9th-
20 story guard rail.
21
22 **Condition 1211.** The maximum number of mixed-use building stories ~~allowed shall be~~ is limited
23 to eight (8) stories above grade level, with the exception of the parking garage.
24
25 **Condition 1312.** No commercial uses shall be permitted to fronting on Northwest 14th Street and
26 or Northwest 3rd Avenue.
27
28 **Condition 1413.** This Ordinance does not vest the development for transportation concurrency as
29 provided in the Concurrency Management Element of the City's Comprehensive Plan. The
30 owner/developer is required to apply for and meet concurrency management standards, including all
31 relevant Transportation Concurrency Exception Area standards, at the time of application for
32 development plan approval. An application for a Certificate of Final Concurrency must be submitted
33 with the application for final development plan approval.
34
35 **Condition 1514.** On information provided by the owner/developer and the Alachua County
36 Department of Environmental Protection, the proposed project site has dry-cleaning solvent
37 contamination on a portion of the site, and that site is currently listed in the State of Florida Dry-
38 cleaning Solvent Cleanup Program. As a condition of development, the owner/developer agree to
39 provide the City with a legally binding agreement that the owner/developer agree to indemnify
40 and hold the City harmless including, without limitation its commissioners, attorneys, employees,
41 agents, and assigns from and against any and all suits, actions, legal or administrative proceedings,
42 demands, fines, penalties, losses, injuries, claims, damages, costs and expenses, including interest

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1 and reasonable attorney's and paralegal's fees, liabilities and all other obligations (including third
2 party claims for personal injury or real or personal property damage) which owner/developer may
3 incur or be exposed to which result from, are caused by, arise out of or are attributable to any
4 claims arising out of owner/developer's development and use of the property. Furthermore,
5 owner/developer shall agree to perform the appropriate studies to verify that the proposed
6 development will not have a negative impact on the onsite contamination, or owner/developer
7 shall remove the onsite contamination and/or perform the required remediation as required per
8 state guidelines.

9

10 **Section 2.** Except as expressly amended herein, the provisions of Ordinance No. 040656 shall
11 remain in force and effect.

12 **Section 3.** The City Manager is authorized and directed to make the necessary changes in
13 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion
14 thereof in order to comply with this ordinance.

15 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
16 unconstitutional by any court of competent jurisdiction then said holding shall in no way affect the
17 validity of the remaining portions of this ordinance.

18 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
19 conflict hereby repealed.

20 **Section 6.** This ordinance shall become effective immediately upon passage; however, the
21 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one
22 (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of
23 Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance shall not become
24 effective until the state land planning agency issues a final order determining the adopted amendment to
25 be in compliance in accordance with § 163.3187, or until the Administration Commission issues a final
26 order determining the adopted amendment to be in compliance in accordance with S.163.3187, F.S.

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1 **PASSED AND ADOPTED** this 14th day of May, 2007.

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Peggy Hanrahan

PEGEEN HANRAHAN, MAYOR

7 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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11

[Signature]

KURT LANNON,

CLERK OF THE COMMISSION

14

[Signature]

MARION J. RADSON, CITY ATTORNEY

MAY 15 2007

15

This ordinance passed this 14th day of May, 2007.

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