
City of
Gainesville

Inter-Office Communication

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

Item No. 11

TO: City Plan Board

DATE: March 16, 2006

FROM: Planning Division Staff

SUBJECT: Petition 24TCH-06 PB. City of Gainesville. Implement a new overlay zoning district containing special land development regulations for an area south of Hawthorne Road and east of Southeast 11th Street.

Recommendation

Staff recommends approval of Petition 24TCH-06 PB.

Explanation

This petition proposes a new overlay zoning district for an area in Southeast Gainesville that is south of Hawthorne Road and east of Southeast 11th Street, and that includes the existing Five Points Special Area Plan overlay zoning district (located east of Waldo Road, west of Northeast 15th Street, south of Northeast 3rd Avenue, and north of Southeast 1st Avenue, and is south of Hawthorne Road and north of Southeast 4th Avenue between Southeast 15th and 17th Streets). The additional area proposed for new land development regulations is located to the south and east of the existing Five Points Special Area Plan (SAP) overlay district. The resultant new overlay district will include the existing Five Points SAP and its provisions, and will have separate provisions that pertain to the area that is outside of Five Points. A map of the new overlay district is attached.

The Southeast Gainesville Special Area Plan is intended to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; and support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses. Development standards should be designed to make Southeast Gainesville a more vibrant, livable place, and increase citizen pride in its development. This special area plan will further the implementation of Plan East Gainesville.

Adopted Gainesville Comprehensive Plan

The City amended the Gainesville Comprehensive Plan early in 2004 to incorporate objectives and policies called for by Plan East Gainesville (PEG). These adopted policies are as follows:

Policy 2.1.5 The City shall strive to implement certain land use-related elements of Plan East Gainesville, including but not limited to:

- a. Establishing a three-tiered land use transect for east Gainesville to transition land development regulations from urban to suburban to rural;
- b. Coordinating with Alachua County in its development of a strategy for the Alachua County fairgrounds for creation of a mixed-use employment center; and
- c. Coordinating with Alachua County and the Tourist Development Council to evaluate the site east of Fred Cone Park as a potential cultural or recreational center to be compatible with the existing uses at Cone Park.

Proposed Special Area Plan

Appendix A. Special Area Plans

Exhibit . Special Area Plan

Southeast Gainesville

- (a) **Purpose.** The Southeast Gainesville Special Area Plan is established to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; and support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses. The standards are designed to make Southeast Gainesville a more vibrant, livable place, and increase citizen pride in its development.
- (b) **Effect of classification.** The Southeast Gainesville Special Area Plan standards are applied as an overlay zoning district. They shall operate in conjunction with any underlying zoning district in this area. The regulations of the underlying zoning district, and all other applicable regulations, remain in effect and are further regulated by the Southeast Gainesville Special Area Plan standards. If provisions of the Southeast Gainesville Special Area Plan standards conflict with the underlying zoning, the provisions of the Southeast Gainesville Special Area Plan standards shall prevail, except as to uses inconsistent with the underlying zoning district or land use element of the comprehensive plan.
- (c) **Exceptions.** Exceptions to these standards can be granted by the appropriate reviewing board, city manager or designee, upon a finding that either of the following criteria are met:
 1. The proposed construction is consistent with the overall intent of the Southeast Gainesville Special Area Plan standards; or
 2. The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.

In addition to the exceptions that may be granted above, exceptions to the *build-to line* may be granted if the proposed construction includes an existing structure which has been designated as a historic property or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a view shed of the existing historic structure is in the public interest.

(d) **Regulations.**

1. **Building Disposition for New and Renovated Buildings.** New buildings constructed in the Southeast Gainesville Special Area Plan shall have a build-to line of 15 to 50 feet. Government office buildings may have a build-to line up to 60 feet to allow assembly/open space, as long as at least 50 percent of the building façade is built at the required build-to line.
2. **Building Orientation.** The primary building entrance shall face the primary street. Buildings shall be aligned, when possible, to frame squares, streets, plazas or other forms of a pleasant public realm. Buildings shall be aligned parallel to the streetside sidewalk and adjacent buildings, instead of being rotated.
3. **Building Height.** The primary building is encouraged to be at least 2 stories high.
4. **Building Facades.** No more than 40 horizontal feet of unarticulated blank wall is allowed.
5. **Connections.** Where possible, cross-access between adjacent properties shall be established in order to encourage travel choices to nearby developments and neighborhoods.
6. **Sidewalks.** All building facades shall front a sidewalk. The sidewalk shall be wide enough to permit 5 feet of clear width, street trees, and sidewalk furniture. Arcades, balconies, porches, stoops, and bay windows are encouraged, and may occur forward of the build-to line.
7. **Parking.** Parking shall be provided as required by the Gainesville Land Development Code. Off-street parking shall be to the rear or side of buildings. Multi-story parking structures are encouraged and shall be fronted by liner buildings having retail or office.
8. **Accessory Dwelling Units.** Accessory dwelling units (residences) above shops and offices (only where shops and offices are allowed by the underlying commercial or mixed-use zoning district) are encouraged.
9. **Encouraged Uses and Features.** Community-serving public gathering facilities such as schools, libraries, residential, recreation centers, and child care are encouraged, as are public spaces with strong design features, such as water, benches, and public art.

City Plan Board
Petition 24TCH-06PB
March 16, 2006

Summary

Southeast Gainesville Special Area Plan is consistent with the Comprehensive Plan, will help implement Plan East Gainesville, and is recommended for approval.

Respectfully submitted,

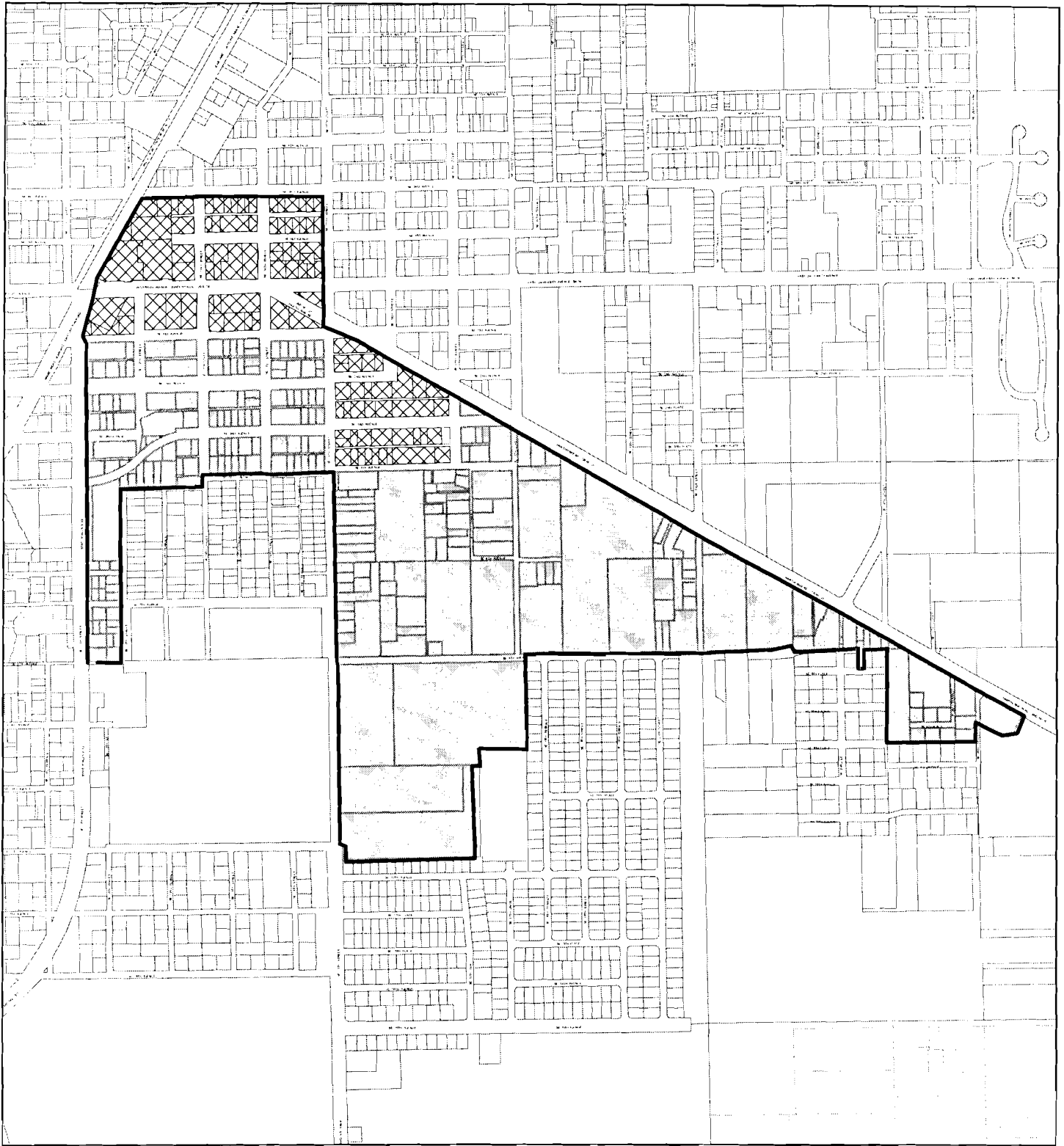


Ralph Hilliard
Planning Manager


DM: DN

Attachments


- Map of Proposed Southeast Gainesville Special Area Plan
- Special Area Plan for Five Points Area
- Plan East Gainesville Urban Locator Map (shows Five Points SAP)



Petition 24TCH-06PB
Proposed Overlay

 Existing Five-Points Area

 Proposed Additional Area

 Proposed Overlay Area Boundary

Prepared by: Department of Community Development
City of Gainesville, Florida
3.6.2006



1 inch equals 1,016 feet

This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.

Exhibit A. Special Area Plan Five Points Area

Special Area Plan for the Five Points Area

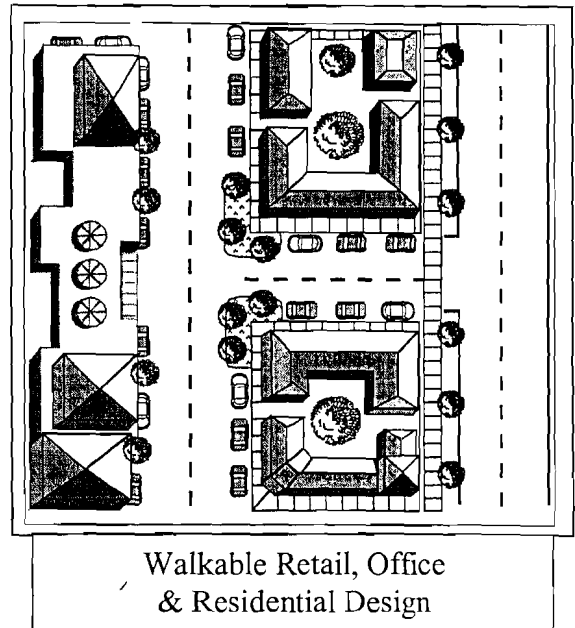
(a) Purpose. The Special Area Plan for the Five Points Area within Plan East Gainesville is hereby established. The purpose of this plan is to accommodate redevelopment of the Five Points Town Center that will gradually transform the Center using high-quality urban design.

(b) Background.

With this Special Area Plan, the City calls for the retrofitting of the Five Points area to function as a neighborhood center. By doing so, retail and residential projects can effectively set themselves apart from more conventional developments in other parts of the urban area, and therefore have a better chance of retail and residential success. The conceptual drawing shown is an example of how retail, office and residential would generally look when following the regulations specified below for Five Points—that is, new buildings would be pulled up towards the street and sidewalk.

(c) Objectives. The provisions of this plan are intended to accommodate redevelopment of the Five Points area to:

- (1) Promote the development of both residential and non-residential development.
- (2) Ensure that design gradually creates improved transit and retail health.
- (3) Create and maintain a connected grid of internal streets.
- (4) Encourage community-serving public gathering facilities such as schools, libraries, residential, recreation centers, and child care, and public spaces with strong design features, such as water, benches, and public art.



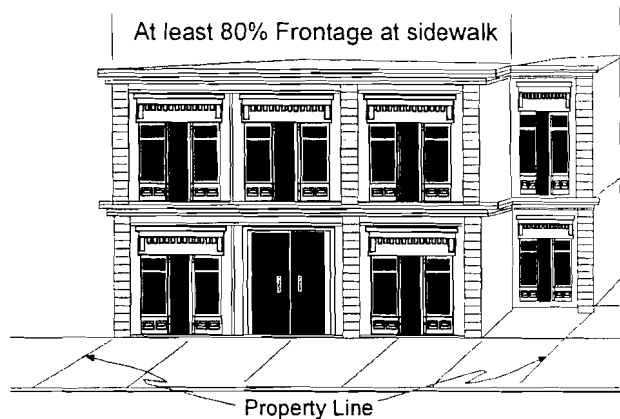
(d) Effect of Classification. This Special Area Plan is applied as an Overlay Zoning District. It shall operate in conjunction with any underlying zoning district in this area. The regulations of the underlying zoning district, and all other applicable regulations remain in effect and are further regulated by the Special Area Plan. If provisions of the Special Area Plan conflict with the underlying zoning, the provisions of the Special Area Plan shall prevail except as to uses inconsistent with the underlying zoning district or land use element of the comprehensive plan.

(e) **Definition.**

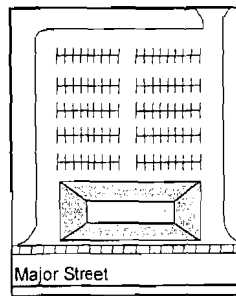
Build-to line. The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even (or more or less even) building facade line on a street.

(f) **Regulations.**

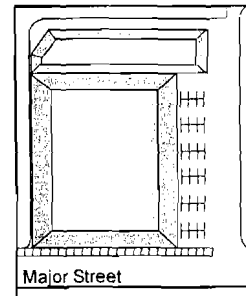
1. **Disposition of New and Renovated Buildings.** New buildings constructed within the Five Points Area shall have a build-to line of 15 to 35 feet from the curb or edge of pavement. Government office buildings may have a build-to line up to 60 feet to allow assembly/open space, as long as at least 50 percent of the building facade is built at the required build-to line. There is no required side setback. There is no minimum lot width.
2. **Building Orientation and Articulation.** The primary building entrance shall face the street, and the primary building shall be at least 2 stories high. The first floor of new buildings shall have at least 30 percent transparent glazing. No more than 20 horizontal feet of unarticulated blank wall is allowed.
3. **Building Alignment.** Buildings shall be aligned, when possible, to frame squares, streets, plazas or other forms of a pleasant public realm. Buildings shall be aligned parallel to the streetside sidewalk and adjacent buildings, instead of being rotated.
4. **Minimum Building Frontage.** At least 80 percent building frontage is required.
5. **Connections.** When possible, cross-access between adjacent properties shall be established in order to encourage travel choices to nearby developments and neighborhoods.
6. **Sidewalks.** All front building facades shall front a sidewalk. The sidewalk shall be wide enough to permit 5 feet of clear width, street trees in sidewalk wells, and sidewalk furniture. Arcades, balconies, porches, stoops, and bay windows are encouraged and may occur forward of the build-to line.



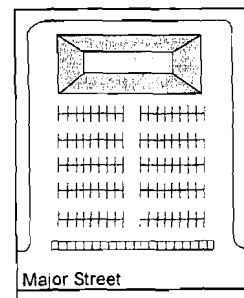
7. **Parking.** Parking shall be provided as required by the Gainesville Land Development Code. Off-street parking shall be to the rear or side of buildings. Multi-story parking structures are permitted and shall be fronted by liner buildings having retail or office space.
8. **Residential use above retail and offices.** Residential dwelling units located above retail space and office space are permitted.
9. **Prohibited Uses.** Table 1 shows uses not allowed in Five Points.



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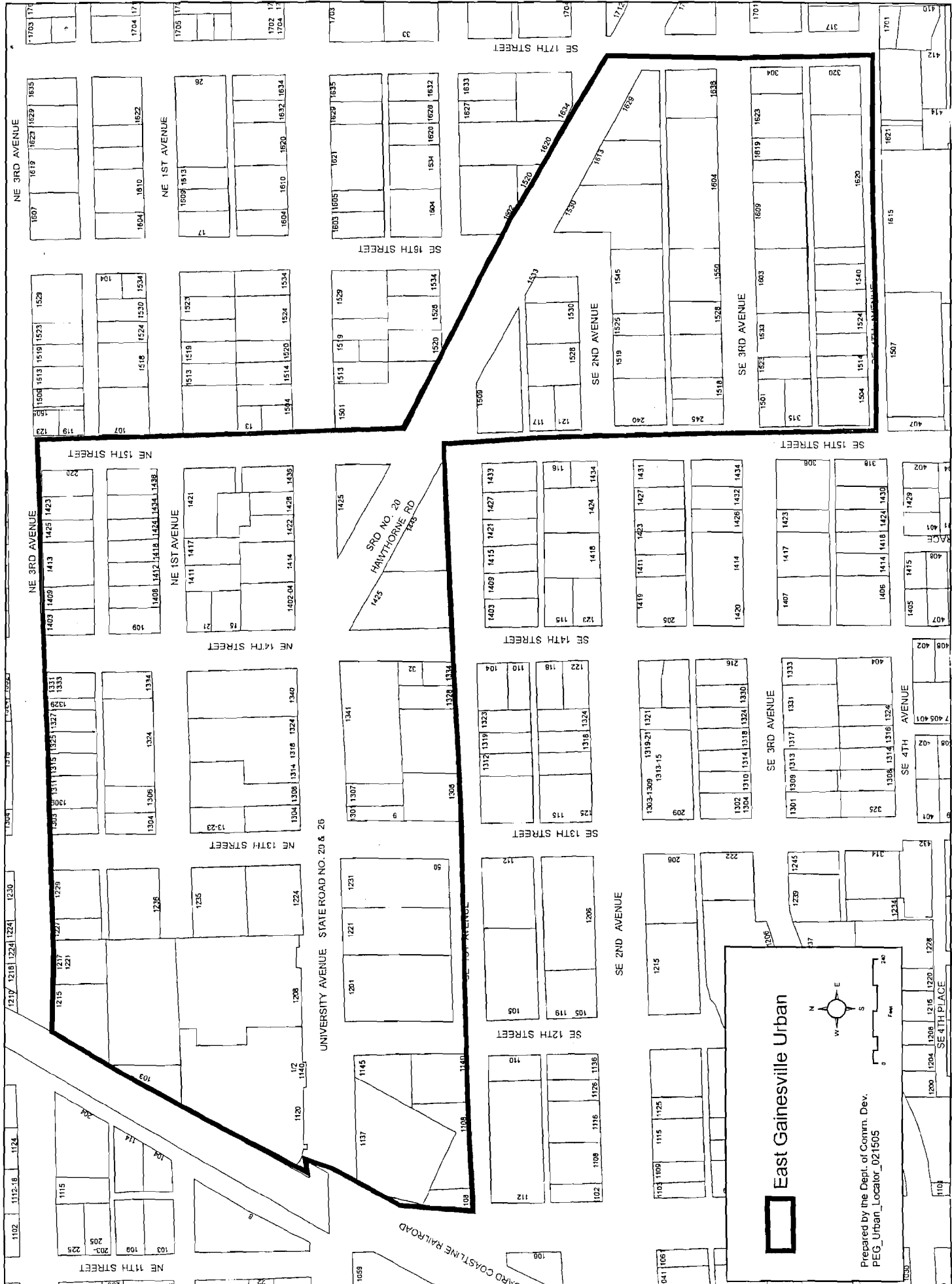
Not This

Table 1. Prohibited Uses in Five Points

Auto Dealers, Auto Service and Limited Auto Service (IN-5511, MG-753)
Carwashes (IN-7542)
Gas Service Stations (IN-5541)
Parking Lots as a principal use, other than structured parking
Outdoor Storage as a principal use
Gasoline Pumps when accessory to a food store
Drive-thru

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Plan East Gainesville Urban Locator Map



East Gainesville Urban



Prepared by the Dept. of Comm. Dev.
PEG_Urban_Locator_021505

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liability to update this information or for any error or omission on this map. For specific information, you are directed to contact the Ci

ssville, Florida.

11. **Petition 24TCH-06 PB** City of Gainesville. Implement a new overlay zoning district containing special land development regulations for an area south of Hawthorne Road and east of Southeast 11th Street.

Mr. Dom Nozzi was recognized. Mr. Nozzi explained that the petition proposed to expand the existing 5-Points Overlay to a larger area to the south and east, however, the area would not have as stringent urban regulations. He presented a map of the existing 5-Points Overlay and the area that was the subject of the petition. He described the proposed regulation in detail. He offered to answer any questions from the board.

Mr. Gold cited a concern about the proposed regulations. He noted that one of the provisions was a prohibition on drive-throughs such as restaurants, banks, or dry cleaners. He pointed out that there was also a provision for two-story high buildings.

Mr. Nozzi explained that the language involving drive-throughs was adopted in the existing regulations for 5-Points and was not the subject of the petition before the board.

Chair Gold asked if there could be an exception to the prohibition on drive-throughs in the 5-Points area with a Special Use Permit.

Mr. Mimms explained that the overall area consisted of the existing 5-Points Overlay, however, the petition addressed additional area with slightly different regulations. He indicated that drive-throughs were prohibited and not allowed with Special Use Permits in the initial 5-Points area, but the regulations did not speak to them in the expanded area.

Mr. Tecler asked how adding additional regulations encouraged business investment.

Mr. Nozzi explained that the basic premise was that, in order for 5-Points to be more economically viable, it needed to be set apart in a manner that emphasized its uniqueness in the area. He indicated that it needed to compete on its own strengths, which were derived from more traditional uses.

Mr. Mimms explained that the community leaders and elected officials developed Plan East Gainesville after a number of publicized public meetings. He pointed out that the 5-Points area was within the Enterprise Zone, which allowed significant economic incentives such as reduced fees and the possibility of federal tax credits or other programs. He explained that the area had been recognized as having special needs and there were Codes in place to address those needs and guide development.

Mr. Nozzi explained that, in general, developers, retailers, and other economic forces felt more comfortable investing their money when they saw predictability. He explained that a predictable business environment protected economic investment by assuring that compatible development would occur in the immediate area.

Mr. Polshak pointed out that Section (c) of the proposed regulation provided for exceptions if a project met certain criteria. He suggested that Section (d) 3 state that 2-story buildings be required rather than encouraged along major arterials. He indicated that Section (d) 5 should also require connections rather than encourage them, and Section (d) 7 state that liner buildings should have retail, office, or residential. He asked if the Enterprise Zone involved only the 5-Points area.

Mr. Mimms indicated that he did not have a map, but the Enterprise Zone was much larger than the 5-Points area alone.

Chair Cole opened the floor to public comment.

Mr. Wilks indicated he had a concern about the 50-foot setbacks proposed in the regulation.

Mr. Mimms explained that the 50-foot setback was a maximum and not a minimum.

Ms. Doris Edwards indicated that she had worked on the Plan East Gainesville project when it was developed and supported what the petition proposed for the area.

Ms. Linda Johnston indicated that she did not understand the concept of an overlay district. She asked how it would affect the residents currently living in the area. She stated that she did not understand the letter she received from the City.

Chair Cole asked if staff would explain how the overlay would affect the average homeowner.

Mr. Nozzi explained that, in general, an overlay applied special regulations to an area of the City with special needs or problems. He noted that an overlay only involved a small, carefully crafted set of regulations, and for the most part, the regular City Code applied to any development. He stated that the new overlay would have no affect on a property owner unless they came to the City with a proposed development or redevelopment.

Ms. Johnston asked who made the decision about what would be best for the residents of East Gainesville.

Chair Cole explained that the Plan East Gainesville project involved a partnership of community leaders, residents and City staff to guide the development and redevelopment of the area. He noted that once the plan was crafted, Planning staff and others began the process crafting regulation to obtain the goal of the plan.

Ms. Edwards indicated that there would be another symposium for Plan East Gainesville soon. She explained that Plan East Gainesville had been progressing over a number of years and all meetings were open to the public.

Mr. Carl Donald was recognized. Mr. Donald spoke to the petition.

Ms. Chiquita Henderson was recognized. Ms. Henderson spoke to the petition.

Chair Cole closed the floor to public comment.

Mr. Tecler suggested that Section (d) 4 be removed from the proposed regulations.

Mr. Polshek suggested that Item (d) 3 read the primary building shall be at least 2-stories high if located on the major arterial in the special area plan, Item (d) 5 read Connections shall be required and Item (d) read ...an shall be fronted by liner buildings having retail, office and residential.

The board discussed motion to reach a consensus on the final wording.

<u>Motion By:</u> Mr. Polshek	<u>Seconded By:</u> Mr. Gold
<u>Moved to:</u> Approve Petition 24TCH-06 PB modifying (d) Regulations to read multi-story parking structures encouraged and shall be fronted by liner buildings having retail, office or residential.	<u>Upon Vote:</u> Motion Carried 7 – 0 Aye: Polshek, Cohen, Reiskind, Gold, Tecler, McDonell, Cole