

06-0934

*City of
Gainesville*

Inter-Office Communication

Planning Division
X5022, FAX x2282, Station 11

Item No. 8

TO: City Plan Board

DATE: November 16, 2006

FROM: Planning Division Staff

SUBJECT: Petition 149PDA-06 PB, Kimley-Horn & Associates, Inc., agent for University Development of Gainesville, LLC. Amend the existing mixed-use PD (planned development) Ordinance No. 040657, PD Plan Report, PD Layout Plan and PD Elevations to allow for an increase in the total number of residential dwelling units from a maximum of 400 units to a maximum of 490 residential dwelling units and to allow for an increase in the number of stories and building height for the parking garage from eight (8) to nine (9) stories and increase the allowable garage height from 85-feet to 95-feet to top of guard rail. Located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. Related to Petition 148LUC-06PB.

Recommendation

Staff recommends that the proposed Planned Development Amendment with associated PD Plan Report, PD Layout Plan and PD Elevations, Petition 149PDA-06PB, be approved with staff conditions.

Explanation

The purpose and intent of this project is to amend portions of the approved (May 23, 2005) PD Ordinance No. 040657, PD Plan Report, PD Layout Plan and PD Elevation for the mixed-use development known as University Corners, a 1,185,000 square foot development located on approximately 4.4 acres of land located between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street.

The petitioner is requesting to increase the maximum number of residential dwelling units from a total of 400 units to a maximum of 490 dwelling units without increasing the number of stories of the mixed-use buildings or the total square footage. The 490-unit total includes both the standard condominium units (247) and the condo/hotel (243) dwelling units. The actual density for this project will, therefore, increase from 90 dwelling units per acre to 112 dwelling units per acre. The petitioner intends to increase the total number of condos by decreasing the presently approved unit sizes, converting two-story townhouse units into flats and utilizing much of the previously approved second story retail and office space.

During the past year, much of the land surrounding the subject property has had its residential densities increased with the recent land use plan change and rezoning to UMU-1 and 2 (urban mixed-use 1 and 2, allowing 75 dwelling units per acre by right and up to 100 dwelling units per acre by Special Use Permit) which greatly increased the allowable residential density from a maximum of only 30 dwelling units per acre allowed under the older MU-1 and 2 (mixed-use) zoning classifications. The maximum density allowed on most of the properties located to the west and north (UMU-1) of the site has increased to 75 dwelling units per acre by right or 100 dwelling units per acre with approval of a Special Use Permit. The maximum density allowed on the properties to the east (UMU-2), across Northwest 13th Street (US 441), has increased to 100 dwelling units per acre by right or 125 dwelling units per acre by Special Use Permit.

In addition to increasing the maximum number of dwelling units allowed, the petitioner is also proposing to increase the number of stories of the above ground parking garage from eight to nine stories and increasing the garage height from 85 feet to 95 feet above grade level to the top of the guard rail. The additional story and height is being requested due to the loss of parking spaces in the original underground parking garage, which has been reduced in size. The new structured parking system, being proposed, should house approximately 1,000 spaces, 300 less than previously approved and have a maximum square footage of 350,000 square feet, approximately 100,000 square feet less. Because of the expense required to construct and keep the groundwater out of the previously approved 3-block long underground parking garage, the petitioner is proposing to reduce the depth of the underground portion of the garage and cut the parking area in half. The petitioner shall accomplish this by lowering the central portion of the site by only 6 to 8 feet and raising the ceiling portion above grade, thereby, integrating the garage ceiling with the raised plaza/floor area above natural grade.

The University United Methodist Church, another approved use within the PUD/PD, received Preliminary site plan approval by the Development Review Board in 2005. The church is presently undergoing Final site plan review by City staff and is hoping to begin construction on the facility shortly after the first of 2007, sooner than the remainder of University Corners. The petitioner will be identifying the church property for Phase 1 development on their newly submitted PD Layout/Master Plan with a starting date prior to July 1, 2007.

The petitioner is also proposing to relocate the mechanical and AC chiller unit/s from the roof of the parking garage to the southwest portion of the first story parking structure. This will have the effect of reducing a portion of previously approved retail space. Because this space was located more internal within the site, the petitioner indicated to City staff that there was very little interest in leasing/owning that retail space.

The amendments to the Planned Development ordinance will result in a net reduction in the trips from what was originally proposed. The net, new trip generation is 2,964 average daily trips.

Existing Conditions

The subject property is located in the southeast corner of the College Park Special Area Plan between West University Avenue and Northwest 3rd Avenue and between Northwest 13th Street (US 441) and Northwest 14th Street. The subject property (3-block area) has been totally cleared of all existing residential, commercial, and church facilities except for a small portion of the commercial structure (Starbucks) located in the extreme southeast corner of the site.

The subject property is bounded by the University of Florida to the south across West University Avenue, having an ED (education) land use plan and zoning designation. The property to the east, across Northwest 13th Street (US 441) has the newly created zoning district, UMU-2 (urban mixed-use up to 100 units per acre by right and 125 with Special Use Permit) and C (commercial) land use plan designation. The property located north of the subject property, across Northwest 3rd Avenue, has the newly created zoning district; UMU-1 (urban mixed-use, up to 75 units per acre by right and 100 with Special Use Permit) and MUR (mixed-use residential, up to 75 units per acre) land use plan designation and RMU (residential mixed use) zoning. The property to the west, across Northwest 14th Street, also has the newly created zoning district; UMU-1 (urban mixed-use, up to 75 units per acre by right and 100 by Special Use Permit) and MUR (mixed-use residential, up to 75 units per acre) land use plan designation and RMU (residential mixed-use).

Proposed Amendments to Ordinance No. 040657:

The petitioner is proposing to amend the approved PD Ordinance No. 040657, as follows, by utilizing "Strike-Through" and "Underline" changes to Section 4. of the approved ordinance. The proposed Planned Development (PD) is subject to the following terms, conditions and restrictions:

Condition 1. The maximum building height permitted on site shall be limited to 95 feet to the top of plate.

Condition 2. The maximum number of building stories allowed shall be limited to eight (8) stories above grade level.

Condition 3. The site shall be developed and regulated by the College Park Special Area Plan design standards, except where the PD Plan Report, PD Layout Plan and PD Elevations deviate from those development guidelines; the uses are those allowed in the PD report.

Condition 4. Prior to final site plan approval, the owner/developer shall provide the City Manager or designee with a copy of a recorded cross-access and parking agreement between the Place of Religious Assembly and owner/developer.

Condition 5. There shall be no building encroachment (above ground) into any rights-of-way except for the encroachment of raised balconies, up to a maximum of 4 feet beyond the property

line. All projections shall comply with Chapter 32, Construction in the Public Right of Way, of the Florida Building Code; or as may be amended or superseded from time to time.

Condition 6. Minor shifts in building location, up to 5 feet, may be authorized by City staff during site plan review, as long as the first floor building lot coverage is not increased by more than 1%, as shown on the PD Layout Plan.

Condition 7. An application for final Concurrency Certification must be filed with the final development plan application submittal.

Condition 8. The site plan submitted in association with this development must comply with all relevant Transportation Concurrency Exception Area (TCEA) requirements in the Concurrency Management Element of the City's Comprehensive Plan.

Condition 9. Fire wall separation between the Place or Religious Assembly and mixed-use building ~~and their structured parking areas~~, separate means of ingress and egress for each building, and separate systems of conditioned air shall comply with the Florida Building Code requirements, or as may be amended or superseded from time to time, that must be considered, related to separate parcels for the place of religious assembly and mixed-use building/s.

Condition 10. The maximum building height of the parking garage located at north and west property lines, shall be limited to ~~85~~ 95 feet measured from grade level to the top of the 9 ~~8~~-story guard rail.

Condition 11. The exterior building materials for the University Corners shall be as follows:

South Block:

1. The Retail levels will be a combination of brick, precast, or cast stone and/or other materials with aluminum storefront, entrances, terrace and balcony railings. The retail glass is clear.
2. The upper levels will be a combination of brick, stucco, precast or cast stone or other durable materials with aluminum windows and balcony railings.
3. The roofing material will be either, metal, cementitious roof tile or other material to simulate a natural stone pattern.

Middle Block:

4. The Retail levels will be a combination of brick, precast, or cast stone and/or other durable materials with aluminum storefront, entrances, terrace and balcony railings. The retail glass is clear.
5. The upper levels will be a combination of brick, stucco, precast or cast stone or other durable materials with aluminum windows and balcony railings.
6. The roofing material will be either, metal, cementitious roof tile or other material to simulate a natural stone pattern.

North Block:

7. The Retail levels will be a combination of brick, precast, cast stone and/or other durable materials with aluminum storefront, entrances, terrace and balcony railings. The retail glass is clear.
8. The upper levels will be a combination of brick, stucco, precast or cast stone or other durable materials with aluminum windows and balcony railings.
9. The roofs will be flat with built-up, modified bituminous roof membrane system or single-ply roofing system.

Condition 12. The façade of the garage and/or other retail/commercial use, should be designed so that it (façade) replicates the general design, texture, and color of the principal structures. Streetscape shall include canopies, street shade trees and pedestrian scale lighting.

Condition 13. The loading/mechanical/service area/s shall be screened or made less obtrusive, by utilizing a combination of decorative screening walls, wrought-iron type fences or gates, vegetation and textured or painted materials.

Condition 14. ~~The cooling tower/s, shall be located internally on the northern block site so that they (cooling towers) have minimal impact on the neighborhood to the north of Northwest 3rd Avenue and west of Northwest 14th Street.~~ There shall be no vent or exhaust openings allowed along Northwest 14th Street from the mechanical-chiller room/s that have been relocated to the first floor of the parking garage building in the third block.

Condition 14a. The owner/developer shall insulate all of the machinery, as necessary, that is located within the mechanical-chiller rooms to help prevent/lessen vibrations throughout the third block building/s. The mechanical-chiller room/s shall be soundproofed to the greatest extent possible utilizing "Best Construction Practices" and additional insulation materials.

Condition 15. No commercial uses shall be permitted fronting Northwest 14th Street and Northwest 3rd Avenue.

Condition 16. There shall be no drive-through facilities (banks, fast-food, etc.) allowed within this planned development.

Condition 17. There shall be no communication towers (transmitting or receiving) that extend beyond the highest point of the roof system of the planned development. Any and all towers shall be located internally on the site, at least 25 feet from the nearest property line. Where possible, communication transmitters and receivers shall be mounted on the building itself.

Condition 18. The maximum building lot coverage for the site shall be 75%.

Condition 19. The maximum impervious area of the site shall be 98%.

Condition 20. Useable open space (open air plaza, open air arcades on the ground level, and open air pool/rec. areas on multiple building levels) shall not be less than ~~35%~~ 31% of the site area, or ~~67,000~~ 60,000 square feet.

Condition 21. The owner/developer represents to the City that the proposed development does not and will not exceed the thresholds of a development of regional impact (DRI) as defined in Chapter 380, F.S. All pertinent development thresholds (e.g., number of residential dwelling units, office square footage, retail/service square footage) shall be confirmed by the City Manager or designee at the time of 'Development Plan Review' that the thresholds have not been exceeded. The owner/developer shall include those thresholds in the final Planned Development Report, under 'Statistical Information', and also include a statement that the development does not exceed any thresholds that requires the development to undergo development of regional-impact review. This ordinance does not permit or allow any development that would constitute a development of regional impact or any development that would require a development-of-regional-impact review.

DRI ANALYSIS
UNIVERSITY CORNERS

Total Site Area (SF): 192,056 (4.409 Acres)

Building Summary

	Parking	Retail/ Rest	Meeting Rooms	Office	Res. DU	Lobby/ Condo/ Hotel	Place of Religious Assembly	Garage	Total
Spaces	1,500								1,500
Units					125	215			340
Total Gross SF		140,000	2,500	95,000	260,000	150,000	20,000	450,000	1,126,500

DRI Threshold Requirements:

	Office Development	Retail/Service Development	Residential DU	Lobby/Condo/ Hotel
Units			125	215
Total Gross SF	97,500	140,000	260,000	150,000
DRI Threshold	300,000	400,000	1,000	350
Percentage Threshold	32.5%	35.0%	12.5%	61.4%
Total Percentage:				141.4%
Total Allowable Percentage:				160.0%

PROPOSED

Total Site Area (SF): 192,056 (4.409 Acres)

10/30/2006

Building Summary:

	Parking	Commercial	Residential	Lobby/Condo/ Hotel	Place of Religious Assembly	Plaza and Open Space	Service & Loading	Garage	Total
Spaces	1,000								1,000
Units			247	243					490
Total Gross SF		115,000	325,000	225,000	30,000	60,000	80,000	350,000	1,185,000

DRI Threshold Requirements:

	Commercial	Residential DU	Lobby/Condo/ Hotel
Units		247	243
Total Gross SF	115,000	325,000	225,000
DRI Threshold	400,000	1,000	350
Percentage Threshold	28.8%	24.7%	69.4%
Total Percentage:			122.9%
Total Allowable Percentage:			160.0%

note: areas and number of residential dwelling units may vary within the table above as long as the DRI thresholds are not exceeded.

Condition 22. On information provided by the owner/developer and the Alachua County Department of Environmental Protection, the proposed project site has dry-cleaning solvent contamination on a portion of the site, and that site is currently listed in the State of Florida Dry-cleaning Solvent Cleanup Program. As a condition of development, the owner/developer agree to provide the City with a legally binding agreement that the owner/developer agree to indemnify and hold the City harmless including, without limitation its commissioners, attorneys, employees, agents, and assigns from and against any and all suits, actions, legal or administrative proceedings, demands, fines, penalties, losses, injuries, claims, damages, costs and expenses, including interest and reasonable attorney's and paralegal's fees, liabilities and all other obligations (including third party claims for personal injury or real or personal property damage) which owner/developer may incur or be exposed to which result from, are caused by, arise out of or are attributable to any claims arising out of owner/developer's development and use of the property. Furthermore, owner/developer shall agree to perform the appropriate studies to verify that the proposed development will not have a negative impact on the onsite contamination, or owner/developer shall remove the onsite contamination and/or perform the required remediation as required per state guidelines.

Condition 23. Vehicular access to the site shall be limited to ingress and egress from Northwest 14th Street, northwest 3rd Avenue and Northwest 14th Street (US 441). Pedestrian and bicycle traffic shall be able to access the site from sidewalks that surround the four sides of the property. There shall be a system of plazas, arcades and sidewalks that will provide access to all uses throughout the site.

Condition 24. All construction vehicles shall utilize Northwest 14th Street and Northwest 3rd Avenue for ingress or egress to the site during the construction process, as approved by the City Public Works Department. Construction vehicles shall not access or leave the site through the College Park Neighborhood to the north or west. Access to the site from West University Avenue and Northwest 13th Street (U.S. 441) shall be regulated by FDOT. Work on Northwest 14th Street and 3rd Avenue or construction staging on 14th and 3rd shall be regulated by the City Public Works Department.

Condition 25. The owner/developer shall provide custom-designed bus shelter/s at their mixed-use development on either West University Avenue ~~and also~~ or Northwest 13th Street (US 441), or both, at a location/s coordinated with the City Manager through the RTS (Regional Transit System) and the Gainesville Public Works Department.

Condition 26. Sidewalks abutting NW 13th Street and University Avenue shall be a minimum of 12 feet in width. Except where reduced to 9 feet for a limited 40-50 foot portion of the Northwest 13th Street sidewalk located in the southern block. The exact location will be worked out during the site plan review process.

Condition 27. Any pedestrian walkway systems that cross an entrance, driveway, or parking area needs to be painted and/or textured and identified as a pedestrian crossing on the preliminary and final site plan.

Condition 28. All pedestrian and bikeways must be ramped for accessibility purposes.

Condition 29. ~~The petitioner shall not raze the two southern most blocks until all pertinent City ordinances become effective after second reading. The owner/developer may raze the structures on the northern most block, as needed, to remove contaminated soil from that block, subject to approval of the appropriate governmental regulatory entities.~~

Condition 29a. The two vacated local streets, Northwest 1st Avenue and Northwest 2nd Avenue shall not be physically closed to local pedestrian and vehicular traffic until the owner/developer has received an approved building permit from the City of Gainesville and the owner/developer commences construction on the project.

Condition 30. The development order approved by the adoption of the amended Planned Development Zoning Ordinance will be valid for a period of two years from the date of adoption. A building permit must be issued prior to expiration of said period. The City Commission may grant an extension of time for a period of one year, only if the request is in writing to the Commission prior to the 2-year expiration date. The planned development shall be completed within 5 years from the issuance of the building permit. Any extension request must be filed with the City at least 6 1 months prior to the expiration date. If the aforesaid time periods expire with no action being taken, the development order approved by the Planned Development Zoning Ordinance shall be void and have no further force and effect. The City has the option to designate other appropriate land use and zoning consistent with the City's Comprehensive Plan.

Condition 31. All signage shall comply with the College Park Special Area Plan, requirements, as may be amended from time to time.

Certificate of Concurrence

An application for Preliminary Concurrence Certification has been submitted to the City of Gainesville Department of Community Development and approved for this proposed PD. This development is located within Zone A of the Transportation Concurrence Exception Area (TCEA). The development must meet all relevant Concurrence Management Element Policy 1.1.4 standards.

Phasing and Development Schedule

The petitioner is proposing to develop the project in two phases with the construction of Phase 1 (University United Methodist Church) scheduled to begin no later than July 1, 2007. Construction of Phase 2, the remainder of University Corners Mixed Use Development, is scheduled to begin no later than December 31, 2007.

In conclusion, staff is recommending approval of **Petition 149PDV-06PB** with the above-mentioned conditions, amended PD Layout Plan, PD Plan Report and revised PD Elevations based on the department comments provided.

Respectfully submitted,



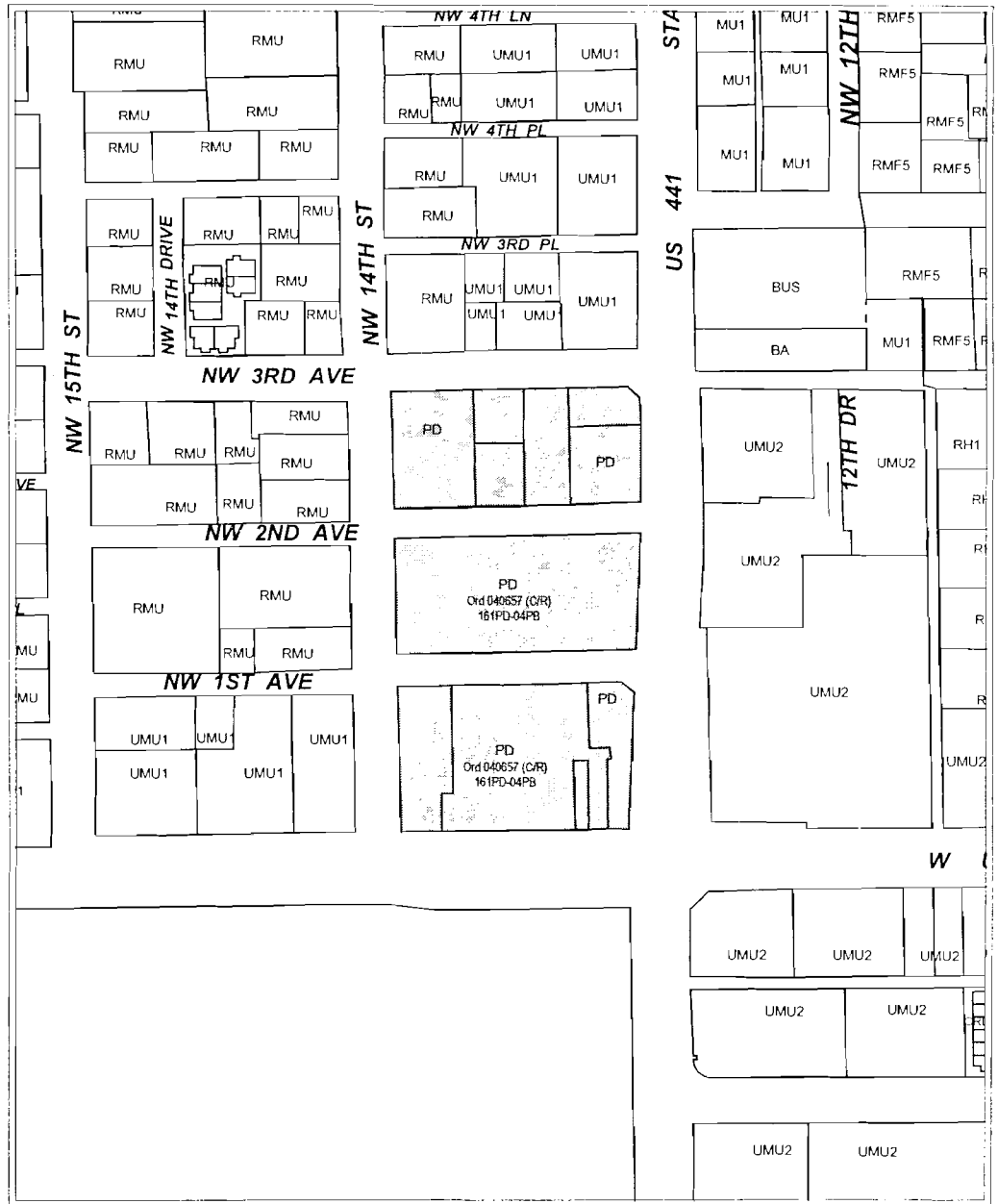
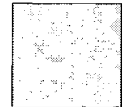
Ralph Hilliard
Planning Manager

Zoning District Categories

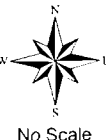
- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (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

- ▣▣▣▣▣▣ Historic Preservation/Conservation District
- Special Area Plan
- - - - - Division line between two zoning districts
- ▬ City Limits

Area under petition consideration



EXISTING ZONING

	Name	Petition Request	Map(s)	Petition Number
	University Development of Gainesville, LLC applicant	Amend Approved Planned Development and Land Uses	3949	148LUC-06PB 149PDA-06PB



Name

University Development of
Gainesville, LLC applicant

Petition Request

Amend Approved Planned
Development and Change
Land Use

Map(s)

3949

Petition Number

148LUC-06PB
149PDA-06PB

AERIAL PHOTOGRAPH



No Scale