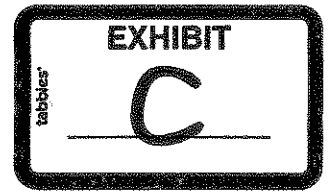


**LEGISLATIVE #**

**120616D**



ORDINANCE NO. 060733

0-07-06

1  
2  
3  
4           An ordinance amending the City of Gainesville 2000-2010  
5 Comprehensive Plan, Future Land Use Map; amending  
6 Ordinance No. 040656060733 that imposed the land use category  
7 of "Planned Use District" on certain property known as  
8 "University Corners", as more specifically described in this  
9 ordinance; located between West University Avenue on the South,  
10 Northwest 3<sup>rd</sup> Avenue on the North, Northwest 13<sup>th</sup> Street (US  
11 441) on the East and Northwest 14<sup>th</sup> Street on the West; providing  
12 revised conditions; providing a severability clause; providing a  
13 repealing clause; and providing an effective date.  
14

15  
16           WHEREAS, by initiation of a petition by the property owner, publication of notice of a public  
17 hearing was given to amend Ordinance No. 040656060733; and

18           WHEREAS, notice by the Plan Board was given and publication made as required by law and  
19 a public hearing was held by the City Plan Board on November 16, 2006 \_\_\_\_\_, 2012;  
20 and

21           WHEREAS, notice was given and publication made of a public hearing which was then held  
22 by the City Commission on January 8, 2007 \_\_\_\_\_, 2012; and

23           WHEREAS, the amendment to the land use category of the City of Gainesville 2000-2010  
24 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided  
25 in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and  
26 this proposed change to the State Land Planning Agency, the regional planning council, and any other  
27 person or entity who has requested a copy for their comments subsequent to the passage of this  
28 ordinance; and

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

1       **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by  
 2 publication in a newspaper of general circulation notifying the public of this proposed ordinance and of  
 3 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;  
 4 and

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

7       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
 8 **CITY OF GAINESVILLE, FLORIDA:**

9       **Section 1.** Section 3 of Ordinance No. ~~040656060733~~ is amended to read as follows:

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

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

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

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

27  
 28 **Condition 4.** The maximum building square footage permitted for the commercial, office, hotel  
 29 and residential buildings shall not exceed in the aggregate ~~665950,000~~ square feet.

30

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- 1 **Condition 5.** The maximum square footage permitted for the parking garage/s shall not exceed  
 2 in the aggregate ~~350~~380,000 square feet.  
 3
- 4 ~~**Condition 6.** The maximum square footage for the place of religious assembly shall not exceed  
 5 in the aggregate 30,000 square feet.~~  
 6
- 7 **Condition 67.** The maximum number of residential dwelling units shall not exceed 490~~500~~ units.  
 8 The maximum number of hotel rooms shall not exceed 250 rooms.  
 9
- 10 **Condition 78.** 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 ~~31~~44% of the site area,  
 12 or 680,000 square feet.  
 13
- 14 **Condition 89.** The maximum building height of all buildings is limited to ~~95~~110 feet measured  
 15 from grade level to the top of the building plate with the exception of the building height of the  
 16 parking garage.  
 17
- 18 **Condition 910.** The maximum building height of the parking garage located at north and west  
 19 property lines, shall be limited to ~~95~~110 feet measured from grade level to the top of the 910~~th~~  
 20 story guard rail, with the exception of the stairs, elevators and elevator machine room.  
 21
- 22 **Condition 101.** The maximum number of mixed-use building stories is limited to ~~ten (10)~~ eight  
 23 ~~(8)~~ stories above grade level, with the exception of the parking garage.  
 24
- 25 **Condition 112.** No commercial uses shall be permitted to front on Northwest 14<sup>th</sup> Street or  
 26 Northwest 3<sup>rd</sup> Avenue.  
 27
- 28 **Condition 123.** 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 14.** On information provided by the owner/developer and the Alachua County Department  
 36 of Environmental Protection, the proposed project site has dry-cleaning solvent contamination on a  
 37 portion of the site, and that site is currently listed in the State of Florida Dry-cleaning Solvent  
 38 Cleanup Program. As a condition of development, the owner/developer agree to provide the City  
 39 with a legally binding agreement that the owner/developer agree to indemnify and hold the City  
 40 harmless including, without limitation its commissioners, attorneys, employees, agents, and  
 41 assigns from and against any and all suits, actions, legal or administrative proceedings, demands,  
 42 fines, penalties, losses, injuries, claims, damages, costs and expenses, including interest and~~

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1 reasonable attorney's and paralegal's fees, liabilities and all other obligations (including third party  
 2 claims for personal injury or real or personal property damage) which owner/developer may incur  
 3 or be exposed to which result from, are caused by, arise out of or are attributable to any claims  
 4 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.  
 11 ~~040656060733~~ shall 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 \_\_\_\_ day of \_\_\_\_\_, 201207.

2

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PEGEEN HANRAHANCRAIG LOWE, MAYOR

7

8

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

9

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13

KURT LANNON,

MARION J. RADSON, CITY ATTORNEY

14

CLERK OF THE COMMISSION

15

16

This ordinance passed this \_\_\_\_ day of \_\_\_\_\_, 201207.

17

18

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