

Petition 34TCH-07 PB City of Gainesville. Amend the City of Gainesville Land Development Code, UMU-1 District (Urban Mixed-Use 1: up to 75 units per acre) to change the height limit to 5 stories by right and 6 stories by Planned Development.

Dom Nozzi, Sr. Planner gave the Staff presentation and stated the Community Development Review Board believes that five stories by right and six stories by Planned Development makes more sense for this zoning district, while keeping the density at 75 by right and 100 dwelling units per acre by Planned Development.

David Gold stated that with the Special Use Permit process the Board can have a lot of input as to how the development proceeds and inquired as to why the Community Development Review Board decided to change from the Special Use Permit process to a Planned Development process. Mr. Nozzi stated to minimize confusion and allow the same process for the special approval.

Chair Polshek stated it is important for the Board to know the rationale behind this amendment because the Board feels that a SUP better serves the community opposed to a PD.

Bob Cohen inquired as to what it would take to exceed the story maximum, as PDs generally have a lot of flexibility. Mr. Cohen restated his inquiry by stating that if you look at it from a density perspective instead of height would a PD exceed a set unit of density.

The Board discussed the petition.

Mr. Mimms stated that from the questions that have been asked by the Board, he would urge continuation of this petition and have Staff come back with some answers. Mr. Cohen stated that this Board has requested the City Attorney be more involved with the Plan Board as tonight's discussion makes that point clear.

Citizens spoke both for and against the petition as presented.

The Board had further discussion on the following issues that were brought up during public comments:

- Height issue- why six stories and not eight stories
- PD vs. SUP
- 13 foot calculation/floor to ceiling
- Density

Mr. Mimms pointed out that in the College Park neighborhood the UMU-1 is subject to the Special Area Plan and those rules apply, as any divergence in a PD that may come before this Board from that, would be subject to great scrutiny.

Motion By: David Gold	Seconded By: Jack Walls
Moved To: Continue with Staff to bring back additional information.	Upon Vote: None taken.

Motion By: Bob Cohen	Seconded By: None.
Moved To: Amend motion to request the City Attorney be present or submit their written legal opinion when this petition comes back to the Board.	Upon Vote: None.

The Board had further discussion.

Chair Polshek clarified that the question that is posed to Staff is does the PD process as recommended by Staff, allow the developer to impose greater than the height limit of 5 feet by right and a maximum of 78 feet.

Mr. Mimms stated he understands the question and will bring back that information to the Board if it is being continued.

Chair Polshek requested a roll call for the motion.

Motion By: David Gold	Seconded By: Jack Walls
Moved To: Continue with Staff to bring back additional information.	Upon Vote: 2 – 4. Motion dies. (Nays: B. Cohen, L. High, P. Polshek and J. Reiskind)

Chair Polshek stated that the legal issue between the PD and the SUP process by which we would attain the maximum will be resolved by the Legal Department at the City Commission hearing. Chair Polshek further stated that the real issue is the height; as it comes down to giving a foot height above grade and maybe just letting it sort itself out between the architect, developer, staff and the final reviewing board.

The Board had further discussion and re-opened the floor for public comments.

Motion By: Jon Reiskind	Seconded By: Jack Walls
Moved To: Amend the Land Development Code for the UMU-1 District to change the height limit to six stories by right.	Upon Vote: 6 – 0.