

**LEGISLATIVE #**

**120616A**

## ORDINANCE NO. 120616

1  
2  
3 **An ordinance of the City of Gainesville, Florida, amending the Future Land**  
4 **Use Map and the Future Land Use Element of the Comprehensive Plan by**  
5 **overlaying the land use category of "Planned Use District" on certain**  
6 **property with the underlying land use categories of "Mixed-Use Low-**  
7 **Intensity and Mixed-Use Residential" known as "University Corners"**  
8 **generally located between West University Avenue on the South, Northwest**  
9 **3rd Avenue on the North, Northwest 13th Street (US 441) on the East, and**  
10 **Northwest 14th Street on the West, as more specifically described in this**  
11 **ordinance; providing development conditions; providing directions to the**  
12 **City Manager; providing a severability clause; providing a repealing clause;**  
13 **and providing an effective date.**  
14

15 **WHEREAS**, the Planned Use District (PUD) land use category is an overlay land use  
16 district, which may be applied to any specific property in the City, that allows the consideration  
17 of unique, innovative or narrowly construed land use proposals that might otherwise not be  
18 allowed in the underlying land use category; and

19 **WHEREAS**, the property that is the subject of this ordinance has underlying land use  
20 categories of Mixed-Use Low-Intensity and Mixed-Use Residential; and

21 **WHEREAS**, on May 9, 2005, the City Commission adopted Ordinance No. 040656,  
22 which overlaid the Planned Use District (PUD) land use category with implementing land use  
23 regulations on the subject property; on May 14, 2007, the City Commission adopted Ordinance  
24 No. 060733, which amended the subject property's Planned Use District (PUD) land use overlay  
25 and implementing land use regulations; and

26 **WHEREAS**, by initiation of a petition by the owners of the subject property, notice was  
27 given as required by law that the subject property's Planned Use District (PUD) land use overlay  
28 and implementing land use regulations be amended; and

1           **WHEREAS**, the amendment to the subject property's Planned Use District (PUD) land  
2 use overlay and implementing land use regulations proposed herein qualifies as a small-scale  
3 development amendment as provided in Chapter 163, Florida Statutes; and

4           **WHEREAS**, notice was given as required by law and a public hearing regarding the  
5 petition was held by the City Plan Board on December 3, 2012; and

6           **WHEREAS**, notice was given as required by law and a public hearing regarding the  
7 petition was held by the City Commission on January 3, 2013; and

8           **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
9 newspaper of general circulation notifying the public of this proposed ordinance and of a public  
10 hearing in the City Hall Auditorium, First Floor, City Hall in the City of Gainesville; and

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

13           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
14 **CITY OF GAINESVILLE, FLORIDA:**

15           **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
16 amended by overlaying the "Planned Use District" (PUD) category on the following described  
17 property that has underlying land use categories of Mixed-Use Low-Intensity and Mixed-Use  
18 Residential:

19                   See legal description attached as Exhibit "A" and made a part  
20 hereof as if set forth in full. The property is depicted on the  
21 map attached as Exhibit "B" and made a part hereof as if set  
22 forth in full. In the event of conflict or inconsistency, Exhibit  
23 "A" shall prevail over Exhibit "B."  
24

25           **Section 2.** The Future Land Use Element of the City of Gainesville Comprehensive Plan

1 is amended by adding a new Policy 4.3.7 to read as follows:

2 4.3.7 The property governed by this policy shall be known as the University Corners Planned  
3 Use District (PUD) for land use purposes. The PUD property, as depicted on the map labeled  
4 University Corner PUD and Underlying Future Land Use in the Future Land Use Map Series,  
5 shall be governed by the following conditions:

6

7 a. The uses permitted on the property shall be limited to commercial uses, general office and  
8 medical office uses, multi-family residential dwelling units (apartments or condominiums), a  
9 hotel, a place of religious assembly, and an above ground parking structure(s).

10

11 b. The maximum building square footage permitted for the commercial, office, hotel and  
12 residential buildings shall not exceed in the aggregate 950,000 square feet.

13

14 c. The maximum square footage permitted for the parking structure(s) shall not exceed in the  
15 aggregate 380,000 square feet.

16

17 d. The maximum number of residential dwelling units shall not exceed 500 units. The  
18 maximum number of hotel rooms shall not exceed 250 rooms.

19

20 e. Useable open space (open air plaza, open air arcades on the ground level, and open air  
21 pool/recreation areas on multiple building levels) shall be equal to or greater than 80,000 square  
22 feet.

23

24 f. The maximum building height of all buildings (except the parking structure) is limited to  
25 110 feet measured from grade level to the top of the building plate. The tower features, stairs,  
26 elevators, and elevator machine room may exceed the maximum height.

27

28 g. The maximum building height of the parking structure is limited to 110 feet measured from  
29 grade level to the top of the guard rail. The tower features, accessory recreational facilities, stairs,  
30 elevators, and elevator machine room may exceed the maximum height.

31

32 h. The maximum number of stories for all buildings (except the parking structure) is limited  
33 to ten (10) stories above grade level.

34

35 i. Vehicular access to the property shall be limited to ingress and egress from Northwest 14th  
36 Street, Northwest 3rd Avenue, and Northwest 13th Street (US 441). Pedestrian and bicycle  
37 access to the site shall be provided by sidewalks that surround the four sides of the property.  
38 There shall be a system of plazas, arcades and sidewalks that will provide access to all uses  
39 throughout the site.

40

1 j. The owner/developer shall construct bus shelter(s) that are architecturally compatible with  
2 the development at the development site on either West University Avenue or Northwest 13th  
3 Street (US 441), or both, at a location(s) coordinated with the City Manager through the  
4 Gainesville Regional Transit System (RTS) and the Gainesville Public Works Department.  
5

6 k. This ordinance does not vest any development on the property described in Section 1 of  
7 this ordinance for concurrency as provided in the City's Comprehensive Plan. The  
8 owner/developer shall apply for and meet concurrency management standards at the time of  
9 application for development plan approval. An application for a Certificate of Final  
10 Concurrency must be submitted with the application for final development plan approval.  
11

12 **Section 3.** A Planned Development (PD) zoning ordinance is required to implement the  
13 PUD land use overlay, and must be adopted by the City Commission within 18 months of the  
14 effective date of this amendment as provided in Section 7 of this ordinance. The underlying  
15 Future Land Use Map categories of Mixed-Use Low-Intensity and Mixed-Use Residential on the  
16 property as depicted on attached Exhibit "C" and made a part hereof are neither abandoned nor  
17 repealed; such categories are inapplicable as long as the property is developed and used in  
18 accordance with the implementing PD zoning ordinance. If the aforesaid time period expires  
19 without the adoption of an implementing PD zoning ordinance, this ordinance shall be void and  
20 have no further force and effect and the City may amend the Future Land Use Map accordingly  
21 upon proper notice and action.

22 **Section 4.** The City Manager or designee is authorized and directed to make the  
23 necessary changes to the Future Land Use Map and to the text, maps and other data in the City  
24 of Gainesville Comprehensive Plan in order to comply with this ordinance.

25 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
26 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
27 finding shall not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the  
2 provisions of this ordinance are declared severable.

3 **Section 6.** Ordinance No. 040656 and Ordinance No. 060733 are hereby superseded in  
4 their entirety and are hereby repealed effective on the effective date of this plan amendment. All  
5 other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict  
6 hereby repealed on the effective date of this plan amendment.

7 **Section 7.** This ordinance shall become effective immediately upon adoption; however,  
8 the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31  
9 days after adoption. If timely challenged, this amendment shall become effective on the date the  
10 state land planning agency or the Administration Commission enters a final order determining  
11 this adopted amendment to be in compliance with Chapter 163, Florida Statutes. No  
12 development orders, development permits, or land uses dependent on this amendment may be  
13 issued or commenced before this plan amendment has become effective.

14 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

15  
16  
17  
18 \_\_\_\_\_  
19 CRAIG LOWE  
20 MAYOR

21 ATTEST: APPROVED AS TO FORM AND LEGALITY:

22  
23  
24 By: \_\_\_\_\_  
25 KURT LANNON  
26 CLERK OF THE COMMISSION

24 By: \_\_\_\_\_  
25 NICOLLE M. SHALLEY  
26 CITY ATTORNEY

27  
28  
29 This ordinance passed this \_\_\_\_\_ day of May, 2013.

## UNIVERSITY CORNERS

### LEGAL DESCRIPTION:

An area of land located in Section 6, Township 10 South, Range 20 East, and further described as:

Commence at a nail and disk, P.L.S. #4788 located at the intersection of the centerline of NW 1<sup>st</sup> Avenue and the eastern right of way line of NW 14<sup>th</sup> Street and the Point of Beginning, run North 00° 28' 45" West, a distance 20.01 feet; thence run North 00° 25' 33" West, a distance of 160.16 feet; thence continue to run North 00° 25' 33" West, a distance of 40.00 feet; thence continue to run North 00° 25' 33" West, a distance of 160.30 feet; thence run North 89° 29' 47" East, a distance of 235.50 feet; thence continue to run North 89° 29' 47" East, a distance of 93.91 feet; thence run South 00° 00' 00" East, a distance of 53.33 feet; thence run South 00° 08' 37" West, a distance of 101.91 feet; thence run South 01° 22' 04" West, a distance of 50.02 feet to the point of curvature of a curve having a radius of 4,545.05 feet, a central angle of 01°25'07", a chord bearing of South 02° 23' 32" West, and a chord distance of 112.52 feet; thence continue southwesterly along said curve an arc distance of 112.53 feet; thence run South 03° 06' 06" West, a distance of 33.46 feet; thence continue to run South 03° 06' 06" West, a distance of 60.00 feet; ; thence continue to run South 03° 06' 06" West, a distance of 189.96 feet; thence run South 89° 28' 27" West, a distance of 303.30 feet; thence run North 00° 27' 46" West, a distance of 200.10 feet; thence run North 00° 28' 45" West, a distance 20.01 feet to the Point of Beginning.

Exhibit "A"

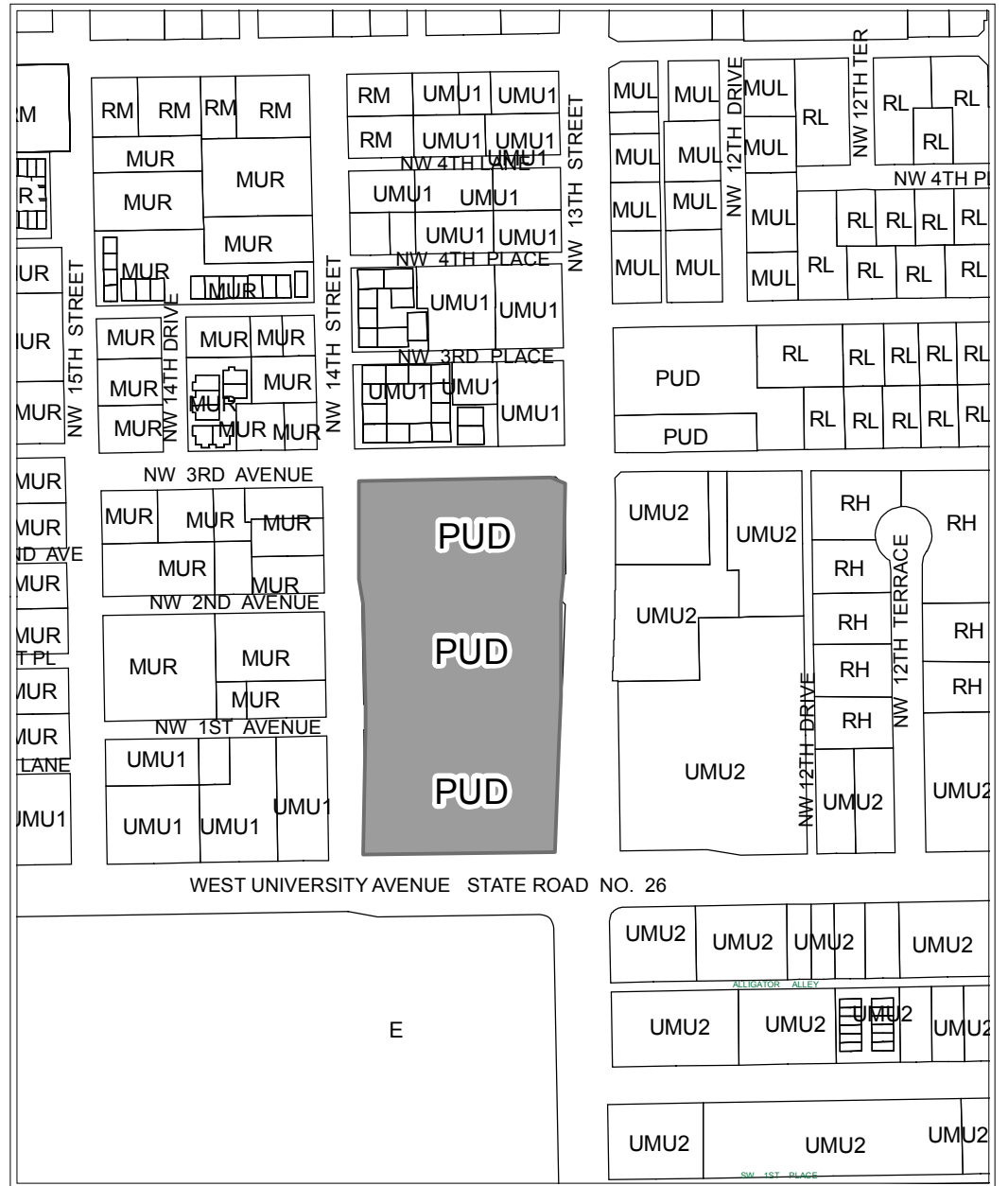
to Ordinance No. 120616

# City of Gainesville Land Use Designations

- RL Residential Low Density (up to 12 du/acre)
- RM Residential Medium Density (8-30 du/acre)
- RH Residential High Density (8-100 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- UMU1 Urban Mixed Use 1 (UMU-1: 8-75 du/acre; & up to 25 additional du/acre by special use permit)
- UMU2 Urban Mixed Use 2 (UMU-2: 10 to 100 du/acre; & up to 25 additional du/acre by special use permit)
- E Education
- PUD Planned Use District

Planned Development amendment to modify the mix of uses, square footage and building heights for University Corners

Area under petition consideration



## EXISTING LAND USE



No Scale

Name	Petition Request	Map(s)	Petition Number
Brett Dill, agent for University Development of Gainesville, LLC	Amend text of Planned Use District ordinance #060733 to modify the mix of uses, square footage and building heights for University Corners	3949	PB-12-124 PUD

Exhibit "B" to Ordinance No. 120616

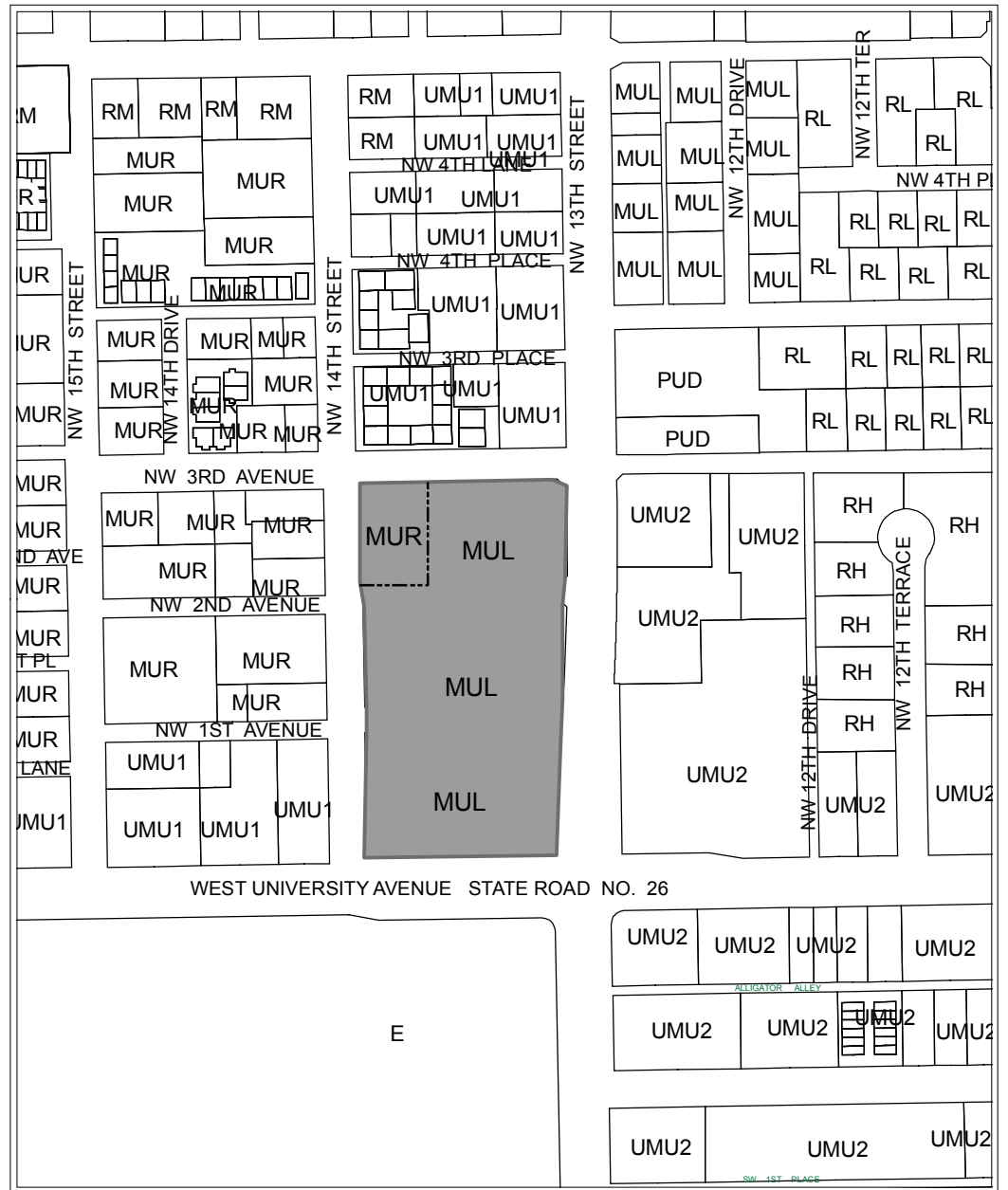


## City of Gainesville Land Use Designations

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- RH Residential High Density (8-100 du/acre)
- MUL Mixed use Low Intensity (10-30 du/acre)
- MUR Mixed Use Residential (up to 75 du/acre)
- UMU1 Urban Mixed Use 1 (UMU-1: 8-75 du/acre; & up to 25 additional du/acre by special use permit)
- UMU2 Urban Mixed Use 2 (UMU-2: 10 to 100 du/acre; & up to 25 additional du/acre by special use permit)
- E Education
- PUD Planned Use District

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### UNDERLYING LAND USE

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