

LEGISLATIVE #

130862A

ORDINANCE NO. 130862

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 18.5 acres of certain property known as University Towne Center Planned Development that is located in the vicinity of the 3100 block of SW 34th Street, as more specifically described in this ordinance, from Alachua County Planned Unit Development (PUD) to City of Gainesville Planned Development District (PD); adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.

13 **WHEREAS**, Planned Development District (PD) zoning is an entirely voluntary method
14 for landowners or developers to submit unique proposals that are not provided for or otherwise
15 allowed in the zoning districts established by the City of Gainesville Land Development Code;
16 and

17 **WHEREAS**, on October 12, 1999, the Alachua County Board of County Commissioners
18 adopted Resolution Z-99-48 and rezoned the property that is the subject of this ordinance to
19 Planned Unit Development (PUD) with conditions; and

20 **WHEREAS**, the City of Gainesville City Commission in 2002 adopted Ordinance No.
21 001912 and annexed the subject property by a voter referendum that was held on February 26,
22 2002; and

23 **WHEREAS**, the City Commission in 2003 adopted Ordinance No. 021190 and changed
24 the land use category for the subject property from an Alachua County land use category to City
25 of Gainesville Commercial; and

26 **WHEREAS**, the owner(s) of the subject property have initiated a petition to rezone the
27 subject property to City of Gainesville Planned Development District (PD); and

1 **WHEREAS**, notice was given as required by law and public hearings to consider the
2 petition were held by the City Plan Board on March 27, 2014, and by the City Commission on
3 May 1, 2014; and

4 **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a
5 newspaper of general circulation notifying the public of this proposed ordinance and of public
6 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
7 Gainesville; and

8 **WHEREAS**, public hearings were held pursuant to the notice described above at which
9 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
10 and

11 **WHEREAS**, the City Commission finds that this ordinance is consistent with the City of
12 Gainesville Comprehensive Plan.

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

15 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
16 following described property to Planned Development District (PD):

17 See legal description attached as Exhibit “A” and made a part hereof as if set
18 forth in full. The location of the property is shown on Exhibit “B” for visual
19 reference. In the event of conflict or inconsistency, Exhibit “A” shall prevail over
20 Exhibit “B”.

21 **Section 2.** The use and development of the property described in Section 1 of this
22 ordinance shall be consistent with the City of Gainesville Comprehensive Plan and shall be
23 regulated by the land development regulations set forth in Section 3 of this ordinance, the City’s
24 Land Development Code, and by the following exhibits that are attached to this ordinance and
25

1 made a part hereof as if set forth in full:

- 2 1. Exhibit “C” consisting of the following Planned Development (PD) maps:
 - 3 a. PD Layout Plan map dated July 10, 2014; and
 - 4 b. Directional Sign Location map dated July 11, 2014.
- 5 2. Exhibit “D” consisting of the PD Report titled “University Towne Center Planned
6 Development Rezoning Justification Report” dated March 6, 2014.

7 In the event of conflict or inconsistency, the order of precedence shall be as follows, with
8 number 1 taking precedence over number 2 and so on: 1) the land development regulations set
9 forth in Section 3 of this ordinance; 2) Exhibit “C”; 3) Exhibit “D”; and 4) The City’s Land
10 Development Code.

11 **Section 3.** The use and development of the property described in Section 1 of this
12 ordinance shall be regulated by the following land development regulations:

- 13 1. The development shall be limited to a maximum of 155,000 square feet of commercial
14 uses or a Floor Area Ratio of 0.20, whichever is less.
- 15
16 2. A minimum 25-foot high-density buffer (a high-density combination of canopy and
17 understory trees, shrubs, and evergreens/conifers) with screening (stockade fence,
18 concrete block wall, or natural existing vegetation with sufficient opacity as determined
19 by the Technical Review Committee) shall be maintained along the east property line.
- 20
21 3. The developer shall maintain and integrate the existing tree canopy into the overall
22 design of the PD as much as possible, as agreed upon with the Office of Planning and
23 Development. This includes the preservation of live oaks and cedars, identified during a
24 site inspection with Planning and Environmental Protection staff. These trees are to be
25 preserved, through orientation and design of buildings, roundabouts, street frontage
26 setbacks and landscaped areas, unless the Technical Review Committee determines that
27 the final development plan provides a layout that better implements the design criteria,
28 set forth in these conditions, which requires removal of any of these trees. The applicant
29 shall demonstrate how this development will meet these requirements during the
30 development review process.
- 31

- 1 4. Tree plantings and islands shall be provided at a minimum of an average of every 7
2 parking spaces. Up to an average of 10 unseparated spaces may be allowed where a
3 landscaped, treed linear island is provided between head-to-head parking rows. However,
4 the overall intent to provide islands an average of every 7 spaces in order to break up
5 large areas of parking shall be maintained (islands an average of every 10 spaces with the
6 use of a landscaped, treed linear island). The Technical Review Committee, at time of
7 final site plan approval, may reduce the frequency or number of planter islands, and may
8 eliminate the requirement for a treed, linear island between head-to-head parking rows,
9 for the purpose of preservation of existing tree canopy and tree clusters, while
10 maintaining 50% tree canopy coverage of the parking area within 20 years of
11 development. Parking lots shall be landscaped with xeric, non-invasive species canopy
12 trees and shrubs, a majority of which are native species. Tree canopy coverage of 50% of
13 the parking area shall be required within 20 years of development.
14
- 15 5. Parking for the easternmost and largest commercial/retail/office building, shown on the
16 PD Layout Plan as an approximately 72,800 square foot building, and excluding
17 outparcels, shall not exceed 5 spaces/1,000 gross square feet of retail sales or actual retail
18 use. Parking for outparcels shall also be limited to 5 spaces/1,000 gross square feet of
19 retail sales or actual retail use. Up to 10% of the parking requirements may be substituted
20 with permeable or grassed parking. Stormwater requirements shall be reduced
21 accordingly. Any permeable or grassed parking may be paved at such time as it is shown
22 to create a maintenance problem as a result of normal use and site conditions. The City
23 Manager or designee may determine that stormwater provisions need to be reevaluated at
24 this time.
25
- 26 6. The layout and construction of the shopping center shall be designed and oriented such
27 that walking and biking trips are encouraged, and convenient pedestrian and bicycle
28 access from surrounding properties to the east and south is ensured. This shall include,
29 but shall not be limited to, the following strategies:
30
- 31 a. Locating parking facilities behind the buildings. Where off-street parking areas
32 are not screened by buildings, the parking areas shall be screened from adjacent
33 streets by a combination of trees, understory vegetation, and earth berms.
 - 34 b. Linking buildings to the adjacent roadways with sidewalks/bicycle facilities
35 designed to maximize pedestrian comfort, security, and convenience.
 - 36 c. Providing ample bicycle-parking facilities in accordance with the City of
37 Gainesville Land Development Code.
- 38 7. The design of outparcels shall create a pedestrian-friendly scaled streetscape along SW
39 34th Street, Old Archer Road, and all entrances to the PD. These design features shall

1 include, but are not limited to, signage, lighting, provision for screening of adjacent land
2 areas such as loading and service areas, clearly defined entrances, and the use of walls,
3 arches, columns and change of pavement type to signify a change in use, function, or
4 ownership. The applicant shall demonstrate how this development will meet these
5 requirements during the development review process. This shall include, but shall not be
6 limited to, the following strategies:

- 7
- 8 a. All buildings in outparcels along SW 34th Street or Old Archer Road shall be
9 oriented toward the street and utilize pedestrian scale architecture, massing, and
10 forms that convey a clear sense of entry, organization, uniform style, and
11 pedestrian scale and level of detail.
 - 12 b. A 25' landscaped setback shall be provided between outparcel buildings and SW
13 34th Street and Old Archer Road.
 - 14 c. There shall be no parking areas between outparcel buildings and SW 34th Street,
15 Old Archer Road, and entrances to the PD.
 - 16 d. Sidewalks shall be provided along SW 34th Street, Old Archer Road, and all
17 entrances to the PD. Canopy street trees located a maximum of 40 feet apart shall
18 be provided adjacent to the sidewalks along SW 34th Street, Old Archer Road, and
19 entrances to the PD. The internal sidewalk system serving the east side of the
20 outparcels, shown on the PD Layout Map, shall be within a minimum 15 feet
21 wide landscaped area to provide separation from vehicle use areas, including
22 canopy street trees located a maximum of 40 feet apart. This sidewalk system
23 shall connect the outparcels to the RTS bus pull-off area and shelter and park-
24 and-ride facilities, and be integrated into the main entrances to the PD, in a
25 manner consistent with the PD Layout Map. The Technical Review Committee,
26 prior to final site plan approval, may modify sidewalk and landscape requirements
27 in order to preserve existing tree canopy.
- 28
- 29 8. The main entryway from SW 34th Street shall be designed to provide a pedestrian-
30 friendly entry clearly oriented to the main entrance of structures within the development.
31 This shall include, but shall not be limited to, the following strategies:
- 32
- 33 a. A landscaped area including canopy street trees located a maximum of 40 feet
34 apart shall be provided along both sides of the entryway as it passes through the
35 parking area. A sidewalk shall be provided through one side of the landscaped
36 entryway, separated from the vehicle entry area by landscaped area. This side of
37 the landscaped entryway shall be a minimum of 20 feet wide and an average of 30
38 feet wide. The Technical Review Committee may reduce these minimum widths
39 based on overall pedestrian design. This sidewalk shall connect to the SW 34th
40 Street entrance to the PD by means of a landscaped roundabout system, and to

1 structures within the development by means of a change in pavement texture and
2 color.

- 3 b. The architecture of the commercial/retail/office building shall utilize pedestrian
4 scale architecture, massing, and forms that convey a clear sense of entry,
5 pedestrian scale, and level of detail. This shall include use of a series of smaller,
6 proportional forms to create facades and features that are related to the adjacent
7 smaller buildings. A pedestrian area shall be provided along the front of the
8 building separated from the vehicular use area (including head-in parking, if any)
9 by landscaped planters or islands. In addition, the building shall be designed to
10 provide a façade feature oriented towards the Old Archer Road entrance to the
11 PD.
- 12
- 13 9. All signage shall be regulated by the sign regulations in the Land Development Code as
14 may be amended from time to time, except as follows:
- 15
- 16 a. Directional Signs: These signs shall be limited to the name of the development
17 and/or the names of the occupants of the development, and shall comply with the
18 following conditions:
- 19 i. The signs shall not be located within 100 feet of any public right-of-
20 way;
- 21 ii. A single business or activity shall be limited to two (2) square feet per
22 individual sign face;
- 23 iii. The directional sign shall not exceed a total area of 50 square feet;
- 24 iv. The maximum height of a directional sign shall not exceed six (6) feet;
25 and
- 26 v. A maximum of eight (8) directional signs are allowed in the PD and
27 these signs may be sited only at the locations identified on the map
28 titled University Towne Center PD – Directional Sign Locations.
- 29
- 30 10. Specific buffers and setbacks shall be in place prior to issuance of a certificate of
31 occupancy. The following buffers shall be required:
- 32
- 33 a. Frontage of Old Archer Road and SW 34th Street shall provide and maintain a 25
34 feet wide landscaped or existing vegetative setback (excluding access points)
35 consisting of a variety of trees and understory vegetation.
- 36 b. Along the eastern boundary of the site, where adjacent to existing or planned
37 residential use: a minimum 25-foot high-density buffer (a high-density
38 combination of canopy and understory trees, shrubs, and evergreens/conifers)
39 with screening (stockade fence, concrete block wall, or natural existing vegetation
40 with sufficient opacity as determined by the Technical Review Committee).
- 41
- 42 11. The developer shall mitigate new motorized vehicle trips to Old Archer Road by
43 providing:

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- a. An eight-foot wide paved bicycle/pedestrian trail between Archer Road/Old Archer Road from SW 34th Street to SW 16th Avenue or SW 23rd Terrace.
- b. Park-n-ride facilities for both transit linkages, as well as bicycle/pedestrian trips, using the rail linkage to campus. These facilities shall be integrated and designed as an enhancement to the overall development. Adequate pedestrian-friendly linkages from the transit facilities to the buildings shall also be provided.

These improvements may be used as mitigation credit for the traffic mitigation required as part of this development.

- 12. The north access onto SW 34th Street shall be designed such that a signal will not be required. If the Florida Department of Transportation determines that a traffic signal is permissible at this location, the developer shall be responsible for all costs associated with the traffic signal installation. Modifications to the existing median opening shall be coordinated with the Florida Department of Transportation. The south access to SW 34th Street shall be restricted to a right-in/right-out connection only.
- 13. Access improvements to SW 34th Street, including right turn accommodations, shall be in accordance with the permit requirements of the Florida Department of Transportation.
- 14. Bicycle/pedestrian linkages, where possible, shall be provided to adjacent properties.
- 15. No out-parcel shall have direct access to SW 34th Street or Old Archer Road.
- 16. Left-turn storage lanes on Old Archer Road for eastbound to southbound movement into the site are required and shall be constructed at either the proposed primary driveway or the proposed shared driveway connections to Old Archer Road. Acceleration and deceleration tapers shall also be constructed.
- 17. If the development is directly connected to SW 32nd Terrace, the developer shall be responsible for the construction of eastbound and westbound tapers at the intersection of SW 35th Place and SW 32nd Terrace.
- 18. All applicable concurrency requirements and applicable TMPA Zone A requirements shall be addressed as part of the development plan review process.
- 19. The PD may be developed in phases consisting of the individual out parcels and large commercial building.

Section 4. The development terms and conditions in this ordinance shall remain effective

until such time as, upon either the City or the property owner filing a rezoning petition, the City

1 adopts an ordinance rezoning the property described in Section 1 of this ordinance to another
2 zoning district consistent with the Comprehensive Plan and Land Development Code.

3 **Section 5.** Any person who violates any provision of this ordinance shall be deemed guilty
4 of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by
5 Section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
6 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
7 offense.

8 **Section 6.** If it is determined by the City Manager that a violation of this ordinance exists,
9 the City Manager may issue and deliver an order to cease and desist from such violation in order to
10 correct a violation, to preclude occupancy of the affected building or area, or to vacate the premises.
11 The City Manager, through the City Attorney, may seek an injunction in a court of competent
12 jurisdiction and seek any other remedy available at law.

13 **Section 7.** The City Manager or designee is authorized and directed to make the necessary
14 changes to the Zoning Map Atlas to comply with this ordinance.

15 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance
16 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
17 finding shall not affect the other provisions or applications of this ordinance that can be given
18 effect without the invalid or unconstitutional provision or application, and to this end the
19 provisions of this ordinance are declared severable.

20 **Section 9.** Alachua County Resolution Z-99-48 is hereby superseded in its entirety and is
21 of no further force and effect with respect to the property described in this ordinance as of the
22 effective date of this ordinance. All other ordinances or parts of ordinances in conflict herewith

1 are to the extent of such conflict hereby repealed effective on the effective date on this
2 ordinance.

3 **Section 10.** This ordinance shall become effective immediately upon adoption.

4
5 **PASSED AND ADOPTED** this ____ day of _____, 2014.

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9 _____
10 EDWARD B. BRADDY
11 MAYOR

12 Attest:

Approved as to form and legality:

13
14
15 _____
16 KURT M. LANNON
17 CLERK OF THE COMMISSION

18
19 _____
20 NICOLLE M. SHALLEY
21 CITY ATTORNEY

19 This ordinance passed on first reading this ____ day of _____, 2014.

20
21 This ordinance passed on second reading this ____ day of _____, 2014.



*Focused on Excellence
Delivered with Integrity*

DESCRIPTION

July 21, 2014
JOB NO. 11-0268.04
UNIVERSITY TOWNE CENTER: PD Boundary

LEGAL DESCRIPTION:

A TRACT OF LAND SITUATED IN FRACTIONAL SECTION 13 AND IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 13, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE SOUTH $00^{\circ}41'21''$ EAST, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 13, A DISTANCE OF 2490.90 FEET TO A POINT ON THE SURVEY CENTERLINE OF STATE ROAD NO. 121, AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 26250-2523; THENCE NORTH $08^{\circ}05'03''$ EAST, ALONG SAID SURVEY CENTERLINE, A DISTANCE OF 70.34 FEET; THENCE SOUTH $81^{\circ}54'57''$ EAST, A DISTANCE OF 64.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 121 (ALSO KNOWN AS S.W. 34TH STREET), AND THE **POINT OF BEGINNING**, SAID POINT BEING ON THE ARC OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2928.79 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH $02^{\circ}11'31''$ EAST, 601.31 FEET (RESPECTIVELY); THENCE NORTHERLY, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $11^{\circ}47'03''$, AN ARC DISTANCE OF 602.37 FEET TO THE END OF SAID CURVE; THENCE NORTH $03^{\circ}42'00''$ WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 42.45 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF OLD ARCHER ROAD (PREVIOUSLY KNOWN AS ROCKY POINT ROAD); THENCE NORTH $18^{\circ}44'42''$ EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 357.70 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1402.40 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH $38^{\circ}02'53''$ EAST, 365.28 FEET (RESPECTIVELY); THENCE NORTHEASTERLY, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $14^{\circ}57'59''$, AN ARC DISTANCE OF 366.32 FEET TO THE END OF SAID CURVE; THENCE NORTH $45^{\circ}03'44''$ EAST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 99.90 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2393, PAGE 2903 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH $33^{\circ}27'40''$ EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 839.00 FEET TO THE NORTH LINE OF THE GARY GRANT; THENCE SOUTH $46^{\circ}40'42''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 595.80 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH $31^{\circ}13'10''$ EAST, A DISTANCE OF 270.89 FEET; THENCE SOUTH $46^{\circ}41'58''$ WEST, A DISTANCE OF 276.99 FEET TO THE NORTHERLY BOUNDARY LINE OF ROCKY POINT LANDING UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "L", PAGE 57 OF SAID PUBLIC RECORDS; THENCE NORTH $65^{\circ}08'14''$ WEST, ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF 71.79 FEET TO THE NORTHWEST CORNER OF SAID LANDS, ALSO BEING THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3144, PAGE 1152 OF SAID PUBLIC RECORDS; THENCE NORTH $65^{\circ}08'14''$ WEST, ALONG THE NORTH BOUNDARY OF SAID LANDS, A DISTANCE OF 213.40 FEET TO THE AFOREMENTIONED NORTH LINE OF THE GARY GRANT; THENCE SOUTH $46^{\circ}40'42''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 238.47 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 121; THENCE NORTH $08^{\circ}05'02''$ EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 236.22 FEET TO THE **POINT OF BEGINNING**.

Exhibit "A" to Ordinance No. 130862



UNIVERSITY TOWNE CENTER PLANNED DEVELOPMENT (PD)

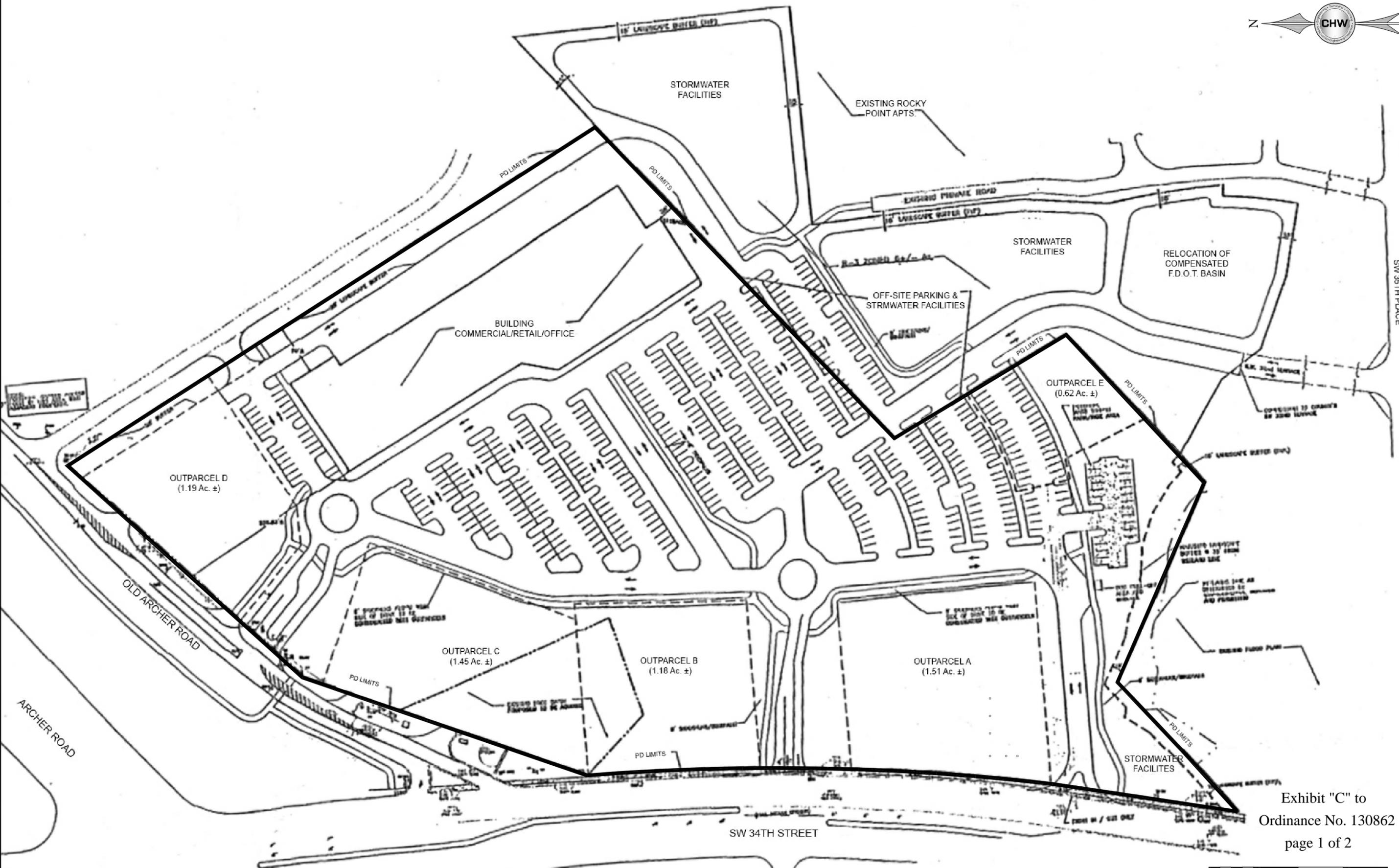
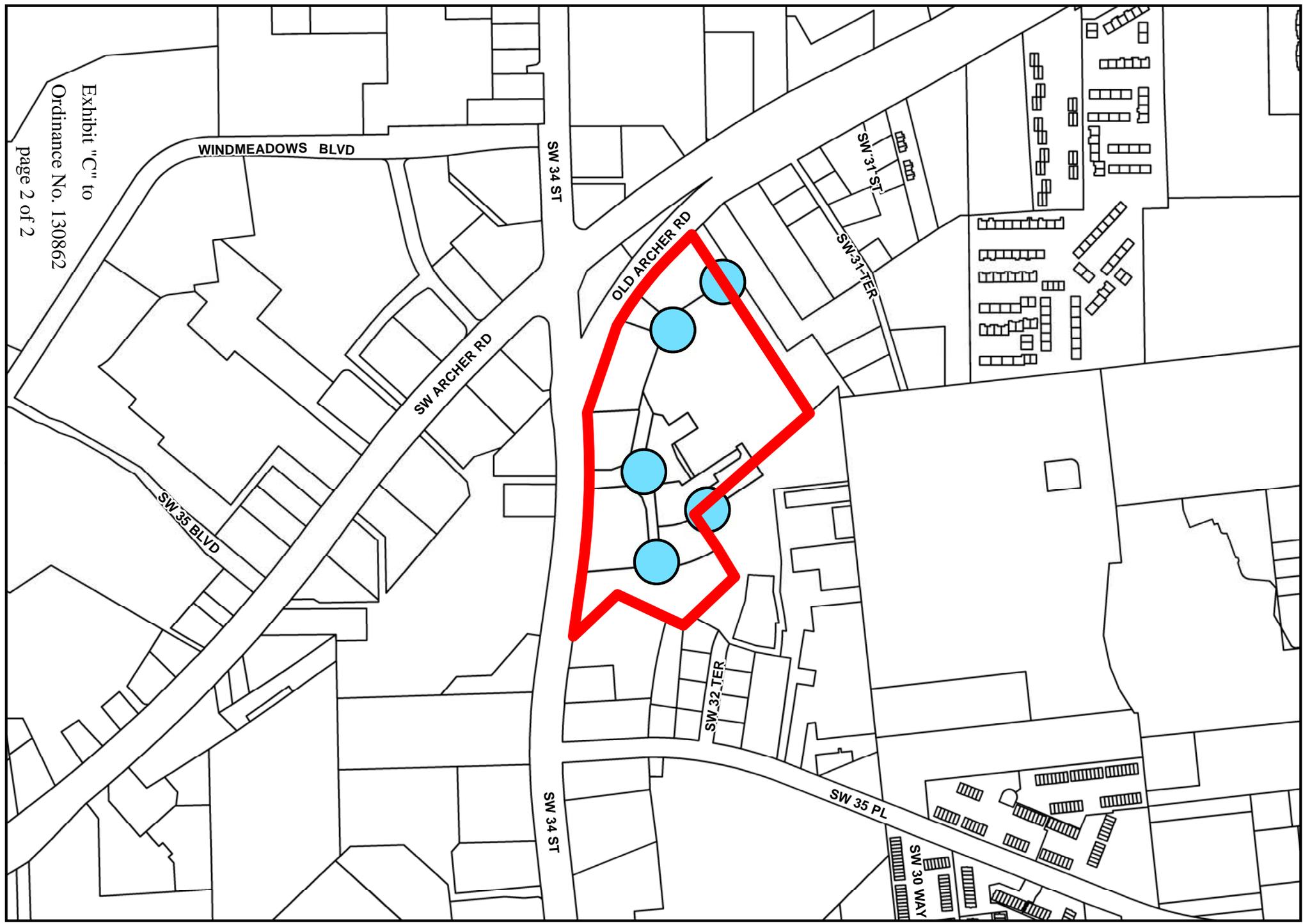


Exhibit "C" to
Ordinance No. 130862
page 1 of 2



		132 NW 76th Drive, Gainesville, Florida 32607 (352) 331-1976 / (352) 331-2476 www.chw-inc.com GAINESVILLE OCALA FLORIDA est. 1988 CA-5075	
SCALE: 1" = 120' VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING DO NOT USE INCH OR 1/2" THIS SHEET, ADJUST SCALES ACCORDINGLY.		SUBMITTALS: 2-4-2014 - PD REZONING 5-2-2014 - REVISED PD REZONING 5-22-2014 - REVISED PD REZONING 7-10-2014 - REVISED PD REZONING	
CLIENT: ARGATE PROPERTIES	PROJECT: UNIVERSITY TOWNE CENTER PLANNED DEVELOPMENT (PD)	SHEET TITLE: PD LAYOUT MAP	
TECHNICIAN: CRT DESIGNER: DCB QUALITY CONTROL: DCB PROJECT NUMBER: 11-0268.02	SHEET NO.: 1		



Petition Number
PB-14 21 PDA

University Towne Center PD Directional Sign Locations

-  PD Boundary
-  Directional Sign Locations

Date: 7/11/2014
Prepared by: Planning and
Development Services Department

**University Towne Center
Planned Development (PD)
*Rezoning
Justification Report***

Prepared for Submittal to:
The City of Gainesville, Florida

Prepared on Behalf of:
Argate Properties, Inc.

Prepared by:



Revised
March 6, 2014

PN 11-0268.02

Exhibit "D" to Ordinance No. 130862

15 pages

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To: Mr. Steven Dush, AICP, Planning and Development Services Director
From: Craig Brashier, AICP, Planning Project Manager
Date: February 4, 2014
Re: University Towne Center Planned Development (PD) Rezoning PN 11-0268.02

<p><u>Jurisdiction:</u> City of Gainesville</p>	<p><u>Intent of Development:</u> Nonresidential Planned Development (PD)</p>
<p><u>Description of Location:</u> 3100 block of SW 34th Street (Southeast quadrant of the SW 34th Street and SW Archer Road intersection)</p>	
<p><u>Parcel Numbers:</u> 06780-000-000, 06780-001-000, 06780-002-000, 06780-003-000, 06780-004-000, 06780-005-000, 06781-000-000, 06781-001-000, 06781-002-000, & 07240-001-000.</p>	<p><u>Acres:</u> ± 18.5 acres <i>Source: Approved University Towne Center Master Zoning Plan</i></p>
<p><u>Current Zoning Category:</u> <i>Alachua County Planned Unit Development (PUD) Resolution Z-99-48, University Towne Center Planned Development shopping center.</i></p>	
<p><u>Proposed Zoning Category:</u> <i>City of Gainesville Planned Development District (PD) University Towne Center Planned Development shopping center.</i></p>	
<p><u>Existing Maximum Density / Intensity</u> 155,000 square feet or 0.20 FAR. As currently approved by Resolution Z-99-48.</p>	
<p><u>Proposed Density/Intensity</u> 155,000 square feet or 0.20 FAR. As currently approved by Resolution Z-99-48.</p>	
<p><u>Net Change</u> None.</p>	

I. Purpose and Intent

The University Towne Center Planned Development (PD) is an 18.5-acre site, located at the southeast quadrant of the SW 13th Street and SW Archer Road intersection. The PD was adopted in 1999 when the subject property was located within the unincorporated area of Alachua County. Sometime thereafter, the City of Gainesville annexed the site, and subsequently assigned commercial Future Land Use. The site is currently regulated by Alachua County Resolution Z-99-48 that assigns specific conditions to site design and development standards.

This application requests to rezone the University Towne Center nonresidential development the City of Gainesville Planned Development District (PD). This is primarily being done to allow both existing and future tenants to display signage more consistent with the City of Gainesville's signage regulations in place at the time a development plan is submitted for review. Also, a PD Signage Plan Map is submitted as part of this PD rezoning application to clearly identify areas where directional signs are allowed. There are no land development entitlements being sought in addition to what has already been approved.

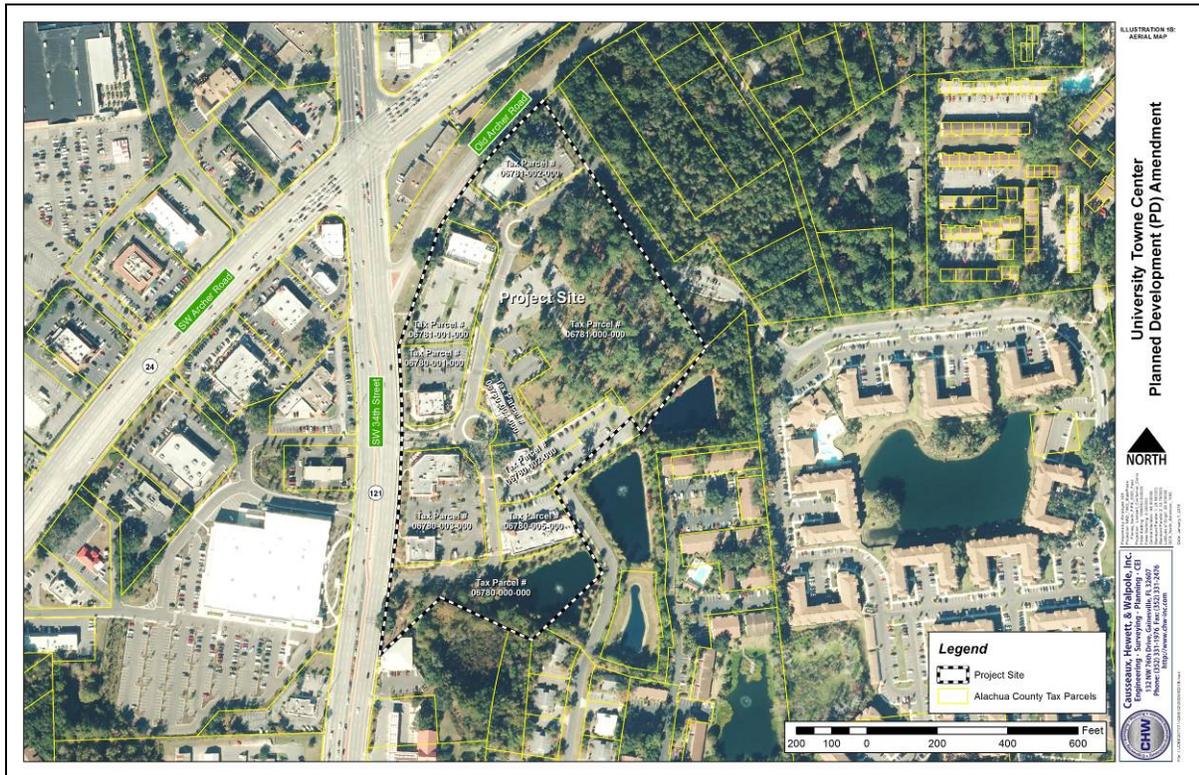


Figure 1: Aerial Map

II. Statistical Information

Table 1: Statistical Information

Description	PD Total Area
Total Site Acreage	± 18.5 acres
Maximum Floor Area Ratio	0.20
Maximum Impervious Ground Coverage	N/A
Minimum/Maximum Density	N/A
Maximum Intensity	155,000 square feet (Commercial)
Maximum Acreage of Each Use Area	N/A
Area Devoted to Public or Common Spaces	N/A

III. Stormwater Management Concept Plan

Stormwater management facilities are permitted and constructed. No modification to the existing stormwater management facilities, as approved, designed, and constructed, are proposed.

IV. Statement of Design Standards

There are no proposed changes to the PD's design standards, other than signage. Design standards for landscaping, buffer requirements, architectural design, internal traffic circulation, pedestrian access, mass transit facilities, parking areas, and stormwater management facilities will remain.

V. Development Schedule

The majority of the University Towne Center PD's infrastructure, including sidewalks, streets, etc., has been constructed. The proposed PD rezoning does not increase entitlements (i.e. intensity, density) beyond those currently approved.

VI. Signage

Signage will be regulated by the City's Land Development Code. Specific regulations are provided that apply to Directional Signs. A PD Sign Plan Map is also included as part of this application to clearly define the PD areas where the specific regulations apply.

VII. Enumeration of Differences

This PD rezoning application will allow signage within the University Towne Center PD that is more consistent with the City of Gainesville's signage regulations.

VIII. Consistency with the City's Comprehensive Plan

Objective 1.3 Adopt land development regulations that guide the transformation of conventional shopping centers into walkable, mixed-use neighborhood (activity) centers.

Response: The University Towne Center is a walkable shopping center with a mixture of nonresidential uses. The property's design incorporates walkable streets, parking to the side or rear of buildings, and ample landscaping that enhance the pedestrian experience, in contrast to traditional shopping center configurations.

Objective 1.5 Discourage sprawling, low-density dispersal of the urban population.

Response: The University Towne Center discourages sprawl because it is located on the corner of a major thoroughfare, SW 34th Street and SW Archer Road. Also, the center is proximate to residential single-family and multi-family developments that are frequent patrons of the center's businesses and restaurants.

Policy 2.6.4.2.d The southeast corner of SW 34 Street and Old Archer Road (parcels #6780 and #6781) shall be designed in a manner that meets all conditions contained in FLUE policies 2.1.6 - 1.1.13. Additionally, the following design criteria shall apply:

1. A maximum of 155,000 square feet of commercial buildings (or a floor area ratio of .20) may be constructed.
2. Use permitted for the property shall be commercial, office, or a mix of those uses at the scale of a community shopping center as defined in FLUE policy 3.6., and shall include such uses as retail sales, professional services, business services, and personal services.

Response: The University Towne Center development will be consistent with the 155,000 square feet limitation at build-out, and permitted uses, which include commercial, retail, and office.

Goal 3:ACHIEVE THE HIGHEST LONG-TERM QUALITY OF LIFE FOR ALL GAINESVILLE RESIDENTS CONSISTENT WITH SOUND SOCIAL, ECONOMIC AND ENVIRONMENTAL PRINCIPLES THROUGH LAND DEVELOPMENT PRACTICES THAT MINIMIZE DETRIMENTAL IMPACTS TO THE LAND, NATURAL RESOURCES AND URBAN INFRASTRUCTURE.

Response: The University Towne Center minimizes detrimental impacts to natural resources because it is located in an urban environment that is suitable for commercial development. Locating nonresidential uses proximate to residential development and existing public infrastructure is consistent with sound social, economic, and environmental development principles.

Goal 4:THE LAND USE ELEMENT SHALL FOSTER THE UNIQUE CHARACTER OF THE CITY BY DIRECTING GROWTH AND REDEVELOPMENT IN A MANNER THAT USES NEIGHBORHOOD CENTERS TO PROVIDE GOODS AND SERVICES TO CITY RESIDENTS; PROTECTS NEIGHBORHOODS; DISTRIBUTES GROWTH AND ECONOMIC ACTIVITY THROUGHOUT THE CITY IN KEEPING WITH THE DIRECTION OF THIS ELEMENT; PRESERVES QUALITY OPEN SPACE AND PRESERVES THE TREE CANOPY OF THE CITY. THE LAND USE ELEMENT SHALL PROMOTE STATEWIDE GOALS FOR COMPACT DEVELOPMENT AND EFFICIENT USE OF INFRASTRUCTURE.

Response: The University Towne Center is a compact shopping center with well-defined boundaries that buffer adjacent neighborhoods while remaining proximate and convenient to adjacent neighborhoods. The site's proximity to urban infrastructure supports an efficient use of infrastructure, as all utilities were already within close proximity to the site prior to development.

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Commercial

The Commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses, and, when designed sensitively, residential uses. Land development regulations shall determine the appropriate scale of uses. This category is not appropriate for neighborhood centers. Intensity will be controlled by adopting height limits of 5 stories or less, requiring buildings to face the street, and modest build-to lines instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

Response: The University Towne Center is consistent with the underlying Commercial Future Land Use classification because it is located adjacent to SW 34th Street and SW Archer Road, major arterial roadways. Existing (and planned) development are consistent with the five story height limitation and buildings face public rights of way and/or interior streets.

Objective 4.5 The City’s land development regulations shall continue to provide standards and guidelines that will regulate signage, subdivision of land, vehicle parking, designation of open spaces, drainage and stormwater management, and on-site traffic flow.

Response: The University Towne Center PD has specific conditions that regulate signage, parking, open space, and stormwater management. An amendment to the PD condition defining signage regulations is proposed as part of this application. The proposed amendment will require that signage be more consistent with the City’s adopted Land Development Code.

Objective 4.8 A Special Area is established for the Idylwild/Serenola area which shall be subject to the policies and standards contained in this Section. Portions of the Idylwild/Serenola area that are not currently within city limits shall be subject to these policies and standards at such time as they may be annexed into the city.

Response: The University Towne Center is *not* located within an area considered to be significant uplands, nor are there endangered or threatened species or archeologically significant areas onsite. The center’s design enhances compatibility with adjacent residential and nonresidential uses through a well-defined boundary with landscaped buffers and pedestrian/vehicular access in appropriate locations. Lastly, the site is equipped with adequate infrastructure and public utilities to support both existing and planned development.

IX. Consistency with the Future Land Use Map

The following is a list of surrounding Future Land Use and Zoning designations. Figures 2 and 3 depict the existing FLU Map (FLUM) and Official Zoning Atlas, respectively.

Table 2: Surrounding Future Land Use and Zoning Designations

Direction	Future Land Use Designation	Zoning Designation
North	Right-of-Way (R/W) / C / RM	BUS / RMF-8 / PD
East	RM	RMF-8 / PD
South	C / RM	BUS / RMF-8
West	R/W / C	BUS / PD

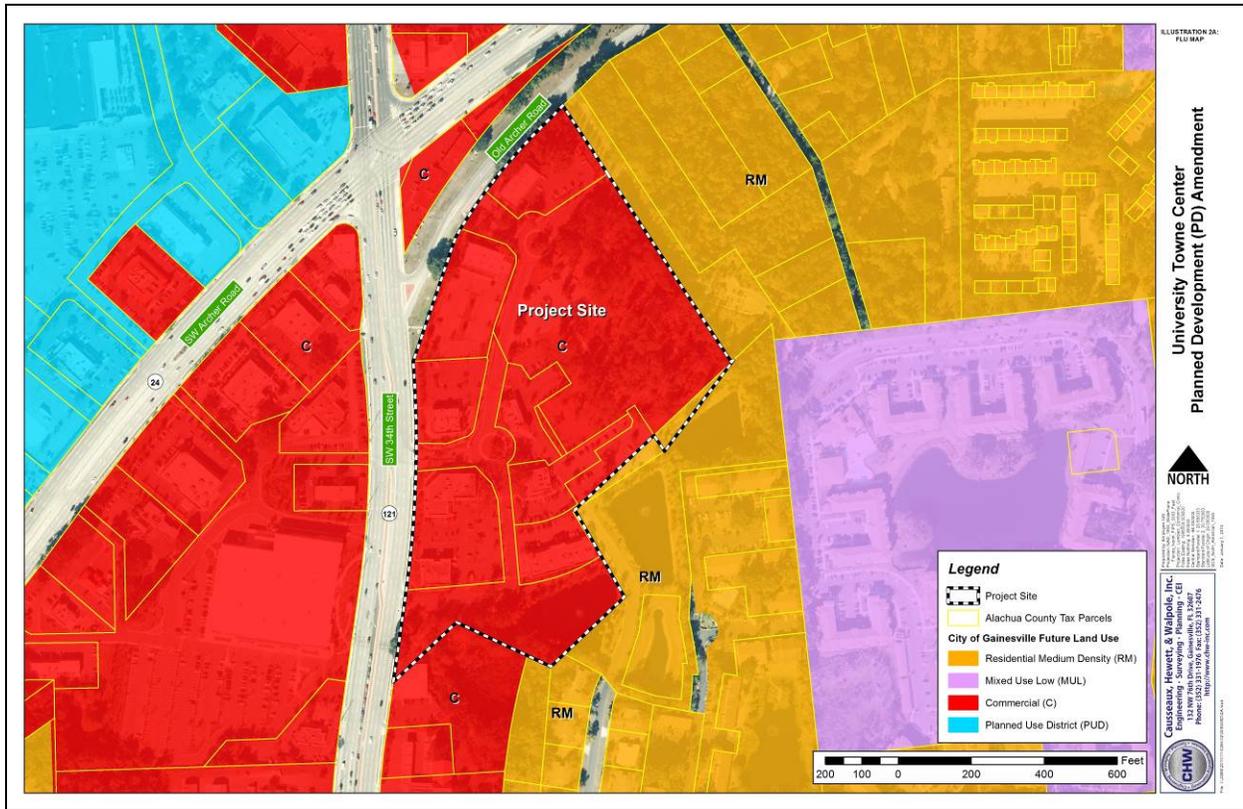


Figure 2: Existing Future Land Use Map

X. Consistency with the Concurrency Management System

Table 3: Net Development Intensity / Density Comparison

Category		Acres	Intensity	Dwelling Units
Existing	Nonresidential	±18.5	±155,000 ft ²	-
Proposed	Nonresidential	±18.5	±155,000 ft ²	-
Net Change		0	0	0

Tables 4 – 8 demonstrate the absence of additional impacts to the County's public facilities due to the fact that no new entitlements will result from the proposed PD amendment.

Table 4: Trip Generation Impact

ITE Land Use ¹	Units ²	Daily		AM Peak		PM Peak	
		Rate	Trips	Rate	Trips	Rate	Trips
Shopping Center (ITE 820)	0	42.70	0	0.96	0	3.71	0
Net Change	0	-	0	-	0	-	0

1. Source: *ITE Trip Generation Manual, 9th Edition*.
 2. Unit = 1,000 square feet Gross Floor Area

Table 5: Projected Potable Water Impact

Calculations	Gallons Per Day
Projected Potable Water Demand from PD Amendment ¹ 0 ft ² x 15 gallons / 100 ft ² = 0	0
Net Increase in Demand	0

1. Ch. 64E – 6, Florida Administrative Code (FAC)

Table 6: Projected Sanitary Sewer Impact

Calculations	Gallons Per Day
Projected Sanitary sewer Demand from Rezoning ¹ 0 ft ² x 15 gallons / 100 ft ² = 0	0
Net Increase in Demand	0

1. Ch. 64E – 6, Florida Administrative Code (FAC)

Table 7: Projected Solid Waste Impact

Calculations	Tons per year
$((5.5 \text{ lbs./1,000 sq. ft./day} \times 0 \text{ ft}^2) \times 365) / 2000$ ¹	0
Net Increase in Demand	0

1. Sincero and Sincero; *Environmental Engineering: A Design Approach*, Prentice Hall, New Jersey, 1996.

Table 8: Projected Recreation Impact

System Category	Required Acres
Improved Activity-based Recreation sites 0.5 acres per 1000 persons x 2.21 persons per du x 0 du	0 Acres
Improved Resource-based Recreation sites 5.0 acres per 1000 person x 2.21 persons per du x 0 du	0 Acres

XI. Consistency with the Land Development Code

Although the center’s infrastructure is primarily constructed, both existing and future planned development will be constructed consistent with development standards and design requirements outlined within this PD rezoning application.

Per LDC Section 30-224, amendments to an approved PD must be accomplished only by a rezoning petition and ordinance accompanied by a new proposed PD. This application requests a rezoning from PD to PD with a specific intent to modify signage requirements outlined in Condition #12. Therefore, the following are responses to the City’s required LDC sections that pertain to rezoning to a PD, which include LDC Sections 211, 213, and 216.

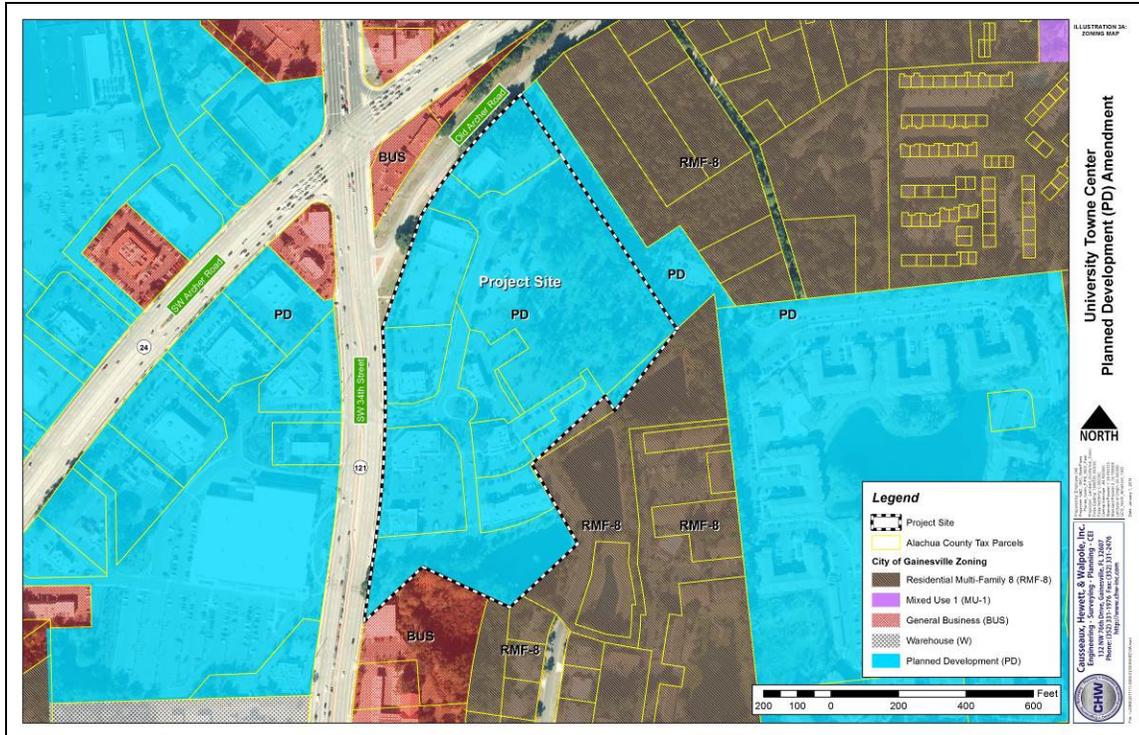


Figure 3: Existing/Proposed Zoning Map

Sec. 30-211. Purpose and intent.

(a) *Purpose.* It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which are not provided for or allowed in the zoning districts otherwise established by this chapter. In particular, these provisions allow a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in the district, but they must conform to all aspects of the comprehensive plan. Rezoning for planned developments (PDs) will be an entirely voluntary procedure.

Response: The University Towne Center PD was adopted in 1999 by the Alachua County Board of County Commissioners. The PD provides a cohesive and logical development plan that incorporates a mix of nonresidential uses. This document outlines how the PD is consistent with specific goals, objectives, and policies within the Comprehensive Plan.

(b) *Objectives.* The PD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility in the proposals which may be considered, while at the same time retaining control in the city commission over the approval or disapproval of such proposals, the PD provisions are designed to:

- (1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest

setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

Response: PD design standards are listed as conditions within this PD rezoning application. University Towne Center has been developed with a system of internal roadways, cross access points, and buildings brought close to NW 34th Street and Old Archer Road for those parcels along the PD's eastern and northern boundaries, respectively.

- (2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.

Response: The mix of uses and entitlements as well as the development standards, with the exception of signage, are being maintained. Therefore, University Towne Center may continue to build remaining parcels in a fashion similar to existing development within the PD. The proposed amendment to the signage condition (existing Condition #12) will provide much needed flexibility to both attract and sustain future development currently permitted within the PD.

- (3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.

Response: Landscaping and open space requirements are being maintained in this PD rezoning application. Therefore, there are assurances that future development will not detract from the cohesiveness of landscaping and open space.

- (4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

Response: Existing development is currently served by Gainesville Regional Utilities *GRU) infrastructure. Future development will continue to utilize existing infrastructure, thereby increasing the efficient use of public utility infrastructure.

- (5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

Response: The proposed PD rezoning maintains the existing entitlements, mix of uses, and development standards, with the exception of allowing the onsite signage to be more consistent with the City's signage plan in place at the time of this application. The development of remaining parcels will be consistent with existing development. The University Towne Center is a planned development that consists of common buffers, open space, infrastructure, etc. that support a cohesive nonresidential mixed-use development.

- (6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

Response: The proposed PD rezoning does not affect the architectural continuity of the development.

- (7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.

Response: Internal pedestrian, non-motorized, and motorized transportation network is constructed and will remain unaltered as a result of this application. There are no changes to the PD's design standards other than signage, which will be more closely conform to the City's adopted signage regulations in place at the time a development plan is submitted.

Sec. 30-213. Minimum requirements for rezoning to planned development.

An applicant for a PD rezoning must present evidence that justifies the rezoning. Justification must include one or more of the following:

- (1) Unique and promoted by comprehensive plan. The proposed development is unique. Although it does not fit within an existing zoning district, it is consistent with the city comprehensive plan, except it may require a land use change. Other options available under the existing zoning district(s) in the city land development code would not allow the use and associated design elements of the proposed project.

Response: The proposed rezoning does not alter, amend, subtract from, or increase the nonresidential entitlements previously approved. The PD utilizes a combination of development standards and conditions not otherwise applied throughout the City at large to create a mixed-use development.

- (2) Size, scale, complexity and design. The proposed development is of such size, scale, complexity, and/or unique design that it would be inconvenient and inefficient to process such a proposal outside the PD process.

Response: Outside of the PD process it would not be possible to create a unified development plan for the mix of uses that comprise the University Towne Center PD. The unified development plan enabled through the PD process allows for a common street and block development pattern that would not be as cohesive through autonomous parcel-by-parcel development. The proposed rezoning maintains the PD's unified development plan.

- (3) Specialized compatibility and design characteristics. The nature of the proposed use at a specific site requires specialized design characteristics to preserve and protect neighborhood character, environmental concerns and other concerns unique to the immediate area, consistent with comprehensive plan policies.

Response: The University Towne Center PD's compatibility and design characteristics were established as part of the rezoning adoption processes and public hearings in 1999. Environmental concerns and wetland mitigation were addressed as part of original PD rezoning.

Sec. 30-216. Requirements and evaluation of PD.

The PD report shall address each item in the subsections below. In considering a proposed PD for approval, the city plan board and the city commission shall evaluate the proposal in consideration of these criteria:

- (1) Conformance with the PD objectives and the comprehensive plan. No development plan may be approved unless it is consistent with the objectives set forth in section 30-211(b), and the city's comprehensive plan, future land use map and concurrency management system.

Response: The PD rezoning does not increase entitlements currently afforded by the existing University Towne Center PD. Consistency with the City's Comprehensive Plan, Future Land Use Map, PD objectives within Section 30-211(b), and the concurrency management system have been addressed throughout this document.

- (2) Concurrency. The proposed PD must meet the level of service standards adopted in the comprehensive plan. Proof of meeting these standards shall exist in the form of a certificate of concurrency exemption, certificate of preliminary or final concurrency (as applicable at the particular review stage), or certificate of conditional concurrency reservation.

Response: This PD rezoning does not request additional entitlements. Further, the PD is substantially developed, and the proposed rezoning is the result of a specific condition to signage that was implemented in 1999 when the property was located in the unincorporated area of Alachua County. Concurrency, including transportation impacts resulting in individual parcel development, redevelopment, or change-of-use shall be analyzed at time of development plan approval.

- (3) Internal compatibility. All land uses proposed within a PD must be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use, based on the streetscape, treatment of pedestrian ways and circulation, motor vehicle circulation, and the separation and buffering of parking areas and sections of parking areas; the existence or absence of, and the location of, focal points and vistas, open spaces, plazas, recreational areas and common areas, and use of existing and proposed landscaping; use of the topography, physical environment and other natural features; use and variety of building setback or build-to lines, separations and buffering; use and variety of building groupings, building sizes, architectural styles, and materials; variety and design of dwelling types; particular land uses proposed, and conditions and limitations thereon; and any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any proposed use within the PD.

Response: University Towne Center's infrastructure, including sidewalks and streets, is primarily constructed. Existing uses were developed consistent with the approved conditions that regulate uses, building design, landscaping, circulation, etc. Additional development will maintain compatibility, as it will adhere to the conditions prescribed within the adopted University Towne Center PD. This PD rezoning will not impact wetlands, open space, stormwater management, etc.

- (4) External compatibility. All land uses proposed within a PD must be compatible with existing and planned uses of properties surrounding the PD; that is, no internal use may

have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a PD should be based on the following factors: adjacent existing and proposed uses, design of the development, traffic circulation, and density and intensity.

Response: The existing PD was approved, in part, by a finding that it is compatible with adjoining and surrounding development. Additional development will maintain compatibility, as it will adhere to the conditions prescribed within the adopted University Towne Center PD.

- (5) Intensity of development. The residential density and intensity of use of a PD shall be compatible with (that is, shall have no undue adverse impact upon) the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the comprehensive plan. Within the maximum limitation of the comprehensive plan, the permitted residential density and intensity of use in a PD may be adjusted upward or downward in consideration of the following factors: the availability and location of public and utility services and facilities; the trip capture rate of development; and the degree of internal and external connectedness of streets.

Response: Environmental and wetland mitigation were addressed when the University Towne Center PD was adopted. There are no changes being proposed that would affect protected open space, wetlands, stormwater management, etc. The density and intensity parameters set forth in the existing PD will be maintained.

- (6) Usable open spaces, plazas and recreation areas. Usable open spaces, plazas and recreation areas provided within a PD shall be evaluated based on conformance with the policies of the comprehensive plan and the sufficiency of such areas to provide appropriate recreational opportunities, protect sensitive environmental areas, conserve areas of unique beauty or historical significance, enhance neighborhood design, and encourage compatible and cooperative relationships between adjoining land uses.

Response: This PD rezoning does not propose changes to open spaces, plazas, or recreational areas. Nor does this PD rezoning increase demand for recreational facilities. Shared and joint access throughout the PD will be maintained.

- (7) Environmental constraints. The site of the PD shall be suitable for use in the manner proposed without hazards to persons either on or off the site from the likelihood of increased flooding, erosion or other dangers, annoyances or inconveniences. Condition of soil, groundwater level, drainage and topography shall all be appropriate to the type, pattern and intensity of development intended. The conditions and requirements of article VIII, environmental management, including surface water, gateway, nature park, greenway, uplands, and wellfield overlay districts, must be met.

Response: The existing stormwater management facilities within the University Towne Center PD were designed and constructed to accommodate the total approved entitlements.

- (8) External transportation access. A PD shall be located on, and provide access to, a major street (arterial or collector) unless, due to the size of the PD and the type of uses

proposed, it will not adversely affect the type or amount of traffic on adjoining local streets. Access shall meet the standards set in article IX, additional development standards, and chapter 23, streets, sidewalks, and other public places. Connection to existing or planned adjacent streets is encouraged. The trip generation report shall be signed by a professional engineer registered in the state when there is a difference between the traffic report provided by the petitioner and the concurrency test.

Response: Onsite infrastructure including roadways and sidewalks are currently constructed within the University Towne Center PD. All existing access points to public streets and internal right-of-ways will be maintained.

- (9) Internal transportation access. Every dwelling unit or other use permitted in a PD shall have access to a public street either directly or by way of a private road, pedestrian way, court or other area which is either dedicated to public use or is a common area guaranteeing access. Permitted uses are not required to front on a dedicated public road. Private roads and other accessways shall be required to be constructed so as to ensure that they are safe and maintainable.

Response: The PD was developed with an internal roadway network and cross-access between parcels so as to guarantee access to the public street network. This transportation network will be maintained and unaffected by the proposed PD rezoning.

- (10) Provision for the range of transportation choices. Sufficient off-street and on-street parking for bicycles and other vehicles, as well as cars, shall be provided. The requirements of article IX, division 2, shall be used as a guide only. Parking areas shall be constructed in accordance with such standards as are approved by the city commission to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses. When there is discretion as to the location of parking in the project, it is strongly encouraged that all motor vehicle parking be located at the rear or interior side of buildings, or both. The design of a PD should, whenever feasible, incorporate appropriate pedestrian and bicycle accessways so as to provide for a variety of mobility opportunities. Connection to all sidewalks, greenways, trails, bikeways, and transit stops along the perimeter of the PD is required. Where existing perimeter sidewalks do not exist, sidewalks shall be provided by the development.

Response: Both non-motorized and motorized circulation will remain unaffected by the PD rezoning.