

City of
Gainesville

PB-20-141 LUC

Small-Scale Land Use Change

Legistar #200882

Brittany McMullen, AICP

November 1, 2021

PB-20-141 LUC

Future Land Use Change

Address: 4315 NW 23rd Ave

Property size: ±7.1 acres

Existing Land Use:

Office (O)

Conservation (CON)

Request: Amend the City of Gainesville Future Land Use Map from Office (O) and Conservation (CON) to Planned Use District (PUD). Related to Petition PB-20-142 ZON.

Recommendations/Past Actions:

Staff: Approve petition as presented in application

City Plan Board Vote on 2/25/21: 3-3 tie, motion to deny

City Commission on 4/28/21: Approve with modifications



NW 23rd Ave

NW 43rd St

NW 16th Blvd

200882



April 28, 2021 City Commission Motion

200882

Approve with modifications:

Condition 1. Move away from mixed-use low intensity to urban mixed-use land use.

Condition 2. No drive-through facilities allowed.

Condition 3. Allow more square footage on ground floor and upper floors.

Condition 4. Allow heights under urban mixed-use land use.

Condition 10. Allow the city to construct a park on the conservation land.

Condition 11. Developer will make best effort to save heritage trees.

Modified Conditions

- 62 1. Allowable uses include any uses allowed in the Urban 7 (U7) zoning district, as
63 may be amended from time to time, with the exception of the following uses
64 that are not allowed within the property that is the subject of this ordinance:
- 65 a. Flea market
 - 66 b. Tattoo parlor
 - 67 c. Smoke/vape shop
 - 68 d. Head shop
 - 69 e. Massage parlor
 - 70 f. Escort service
 - 71 g. Adult entertainment business
 - 72 h. Crematories and funeral parlor
 - 73 i. Amusement services (arcades)
 - 74 j. Social service center
 - 75 k. Halfway house
 - 76 l. Substance abuse rehabilitation center
 - 77 m. Convenience stores with fuel pump

- 78 n. Carwash
 - 79 o. Auto-service/repair 200882
 - 80 p. Drive-through facility
- 81 2. Total project non-residential square footage may not exceed 20,000 sf and
82 residential density may not exceed 220 dwelling units.
- 83 3. A minimum of 10% of the residential dwelling units developed must be
84 Workforce Housing Units. Workforce Housing Units means units that are
85 affordably priced for households earning between 80% and 120% of the
86 Gainesville Metropolitan Statistical Area (MSA) Area Median Income (AMI), as
87 established by the United States Department of Housing and Urban
88 Development (HUD). Affordably priced means that no more than 30% of
89 household income is spent on housing. These units must remain permanent
90 Workforce Housing Units through a binding legal document approved as to form
91 and legality by the City Attorney's Office and recorded in the Public Records of
92 Alachua County, Florida, which ensures that the units will permanently (for the
93 life of the development) remain Workforce Housing Units.
- 94 4. Workforce Housing Units must be constructed such that all unit finishes are
95 identical to market-rate units and locations within the structure are equally
96 dispersed relative to market-rate units. In addition, occupants of Workforce
97 Housing Units must have equal access to all amenities constructed on the
98 property, relative to market-rate units.
- 99 5. Maximum building height is four (4) stories by right, with up to six (6) stories
100 with a bonus as may be provided pursuant to the City's Development Bonus
101 System provided in the Land Development Code (Section 30-4.9), as may be
102 amended from time to time.
- 103 6. Buildings must be placed a minimum of 20 feet and a maximum of 25 feet from
104 the curb along both NW 43rd Street and NW 23rd Avenue. Regarding building
105 placement in relation to curbs, the minimum landscape is 5 feet; the minimum
106 sidewalk is 10 feet; the minimum building frontage is 5 feet.
- 107 7. The exterior building design must be consistent with the building elevations
108 adopted with the Planned Development (PD) zoning ordinance. During
109 development plan review, the owner/developer shall submit a list of building
110 materials for review, subject to approval by the City Manager or designee, to
111 ensure that development within the PD is consistent with the elevations.
- 112 8. The buildings must be designed and placed so as to minimize tree removal,
113 where practicable, and to maximize public safety. Tree removal must be done
114 under consultation with the City's Arborist or equivalent position.
- 115 9. Required street tree plantings may be located anywhere within the streetscape
116 (between the building façade and the back of curb) to meet utility and structural

117 separation requirements. Landscape materials and vegetation must have a
 118 terraced-like effect and be regularly maintained in attractive condition.

119 10. All uses, accessory uses, and associated activities may not adversely impact
 120 adjacent residential neighborhoods with respect to noise, odors, and lighting.

121 11. No outdoor cleaning, construction, deliveries, outdoor vacuuming, or similar
 122 activities with the potential to present a noise nuisance are allowed between
 123 10:00pm and 6:00am.

124 12. Restaurants may not be located along the building face closest to the
 125 Conservation Easement to the south facing NW 20th Place. Restaurants may not
 126 operate within 210 feet of the southernmost access point's curb cut, extending
 127 from NW 43rd Street 260 feet west towards NW 46th Street.

128 13. Garbage collection, recycling, and other utility areas must be within fully
 129 screened enclosures a minimum height of seven (7) feet on three (3) sides and
 130 constructed of wood, brick, or decorative masonry materials with a roof and a
 131 gate or door on the fourth side. Recycling collection may occur behind a wall,
 132 where applicable. A landscape planting strip a minimum of three (3) feet in
 133 width must be located on exposed, non-gated sides of such a facility.

134 14. There is a maximum of three (3) access points to the development: two (2) on
 135 NW 43rd Street and one (1) on NW 23rd Avenue.

136 15. The southern access road may extend thirty-six (36) feet south into what was
 137 conservation zoning at the time of this property's PD rezoning, and will have a
 138 linear profile of fifty-nine (59) feet for a total of 1,683 square feet. An area
 139 extending ten (10) feet north of the southern access road with a linear profile of
 140 106 feet for a total of 2,328 square feet must be included in the Conservation
 141 Easement as required herein.

142 16. No offsite parking is allowed. There is no minimum parking requirement. A five
 143 (5) foot wide landscape buffer is required between vehicular use areas and the
 144 west property boundary.

145 17. The owner/developer shall provide crosswalks where necessary and
 146 appropriate, as approved by the applicable jurisdiction. Crosswalks must be
 147 designed for safety and efficiency as determined by the City's Traffic Engineering
 148 Department, and must be distinguished by lighting, grade, texturing, or paint.

149 18. The owner/developer shall be responsible for traffic mitigation measures if the
 150 City determines that adjacent residential neighborhoods are adversely impacted
 151 by traffic from the development. Traffic mitigation measures, as may be
 152 determined and required by the City, may include the owner/developer
 153 providing, at its sole cost and expense, traffic studies by a professional licensed
 154 engineer, registered in Florida, reconfiguration of driveways, roadways,
 155 intersections, traffic calming, pinch points, signage (including potentially 25 mph
 156 signage along NW 20th Place, NW 46th Street, and east/west streets west of NW

157 46th Street), speed tables, and other reasonable measures. The
 158 owner/developer must conduct a Traffic Impact Analysis and assess impacts on
 159 surrounding properties within 12 months after the City's issuance of Certificates
 160 of Occupancy for the development.

161 19. The owner/developer shall fund at its full cost and expense any operational and
 162 safety modification(s) to the intersection of NW 23rd Avenue and NW 46th Street,
 163 as well as along NW 23rd Avenue and NW 46th Street, which are deemed
 164 necessary by the City or County in conjunction with the final development plan.
 165 Improvements may include, but are not limited to, limiting left turning
 166 movements during certain hours to enhance the safety of applicable school bus
 167 stops, turn lane modifications, signage retiming, median extensions, intersection
 168 striping, and Radar Flashing Beacons (RFBs).

169 20. Sidewalks along NW 43rd Street and NW 23rd Avenue must include landscaping
 170 between the sidewalk and the streets to enhance the safety of pedestrians.

171 21. Parking lots must be screened with plantings, fencing, hedging, or walls erected
 172 or maintained at least three (3) feet in height.

173 22. Parking lot layout, landscaping, buffering, and screening must avoid spill-over
 174 light onto adjacent properties and residential areas.

175 23. Walls and fences must be architecturally compatible with the style, materials,
 176 and color of buildings within the development. Fences may not be more than
 177 four (4) feet in height when abutting a public right-of-way.

178 24. Highway-style guardrail, chain-link fencing, barbed wire, or razor wire are
 179 prohibited, unless required by Gainesville Regional Utilities in order to ensure
 180 protection around transformers, backflow preventers, or mechanical elements.

181 25. Landscaping must consist of multiple plant heights, density, and plant species
 182 including shade trees, understory trees, large shrubs, small shrubs,
 183 groundcovers, and seasonal cover. Preference must be given to native and
 184 drought-tolerant species.

185 26. A ten (10) foot tall modular privacy wall must be constructed along the
 186 Conservation Easement's entire southern boundary. This barrier must also
 187 include landscape buffers and be maintained by the owner/developer.

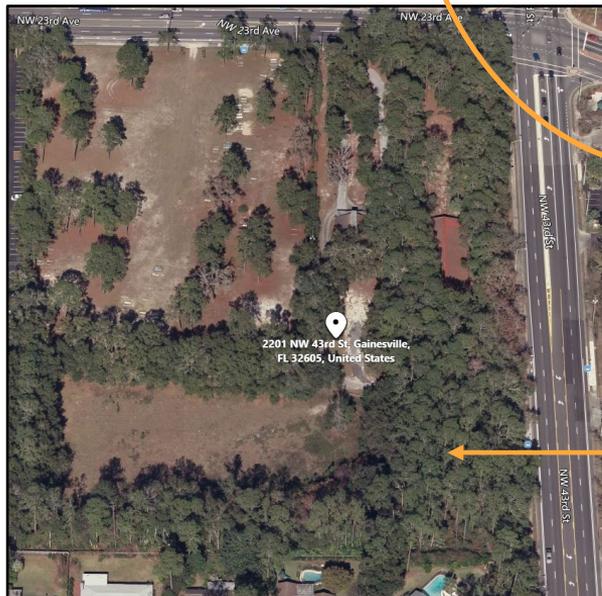
188 27. The stormwater management facility must be designed so that there is not an
 189 increase in the post-development rate and volume of run-off for the 25-year
 190 critical duration storm event in the post-development conditions.

191 28. The owner/developer shall provide, at the time of development plan approval, a
 192 Conservation Easement approved as to form and legality by the City Attorney's
 193 Office and recorded in the Public Records of Alachua County, Florida, to the
 194 benefit of the City of Gainesville for the area under conservation zoning at the
 195 time of the development's PD rezoning, as modified herein. The Conservation
 196 Easement must provide that the City of Gainesville may develop and maintain a

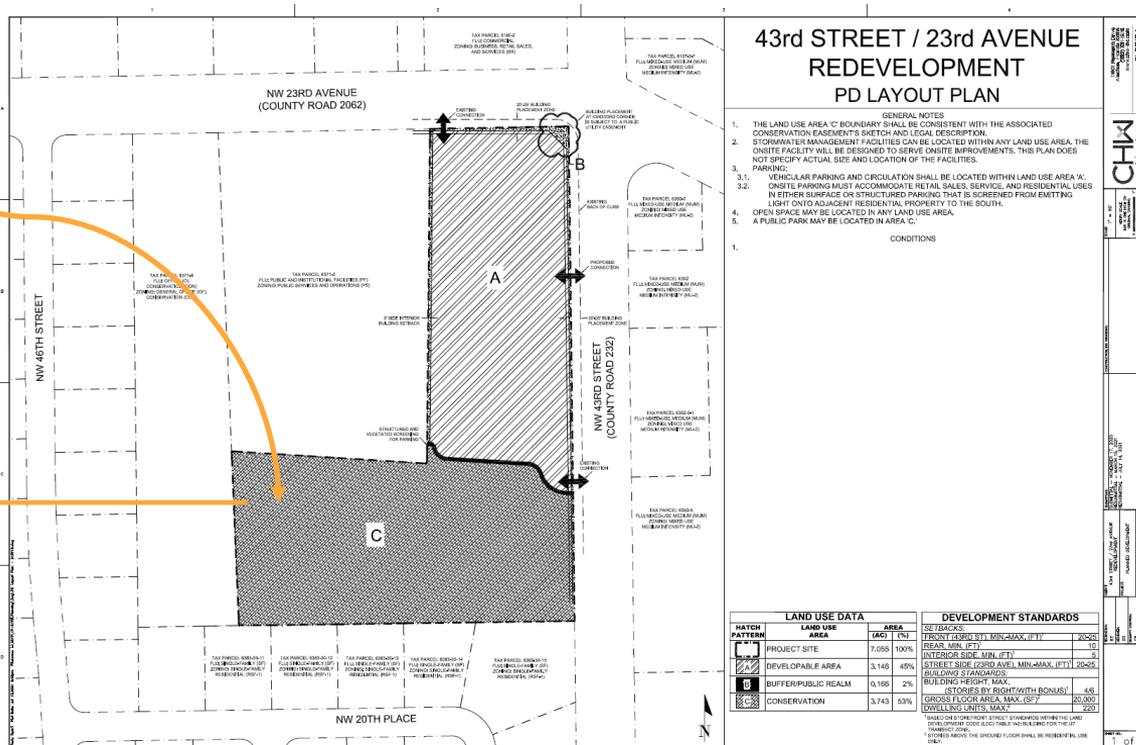
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public park in the Conservation Easement area. The Conservation Easement must also provide that no structures may be located within the easement area, with the exception of stormwater management facilities and accompanying infrastructure, residential privacy walls, public utility infrastructure related to the development, public park amenities, and up to five (5) public parking spaces.

Modified Conditions (continued)



2201 NW 43rd St, Gainesville, FL 32605, United States



CH2M HILL
PLANNING & DESIGN
1000 W. UNIVERSITY AVENUE
SUITE 100
GAINESVILLE, FL 32609
TEL: 352.336.7000
WWW.CH2MHILL.COM

DATE: 08/20/2013
TIME: 10:58 AM
PROJECT: 200882
DRAWN: J. W. WILSON
CHECKED: J. W. WILSON
SCALE: AS SHOWN
SHEET: 7 OF 7

Recommendation:

City Commission on 4/28/21: Approve with modifications