



Legislation Details (With Text)

**File #:** 130515. **Version:** 3 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 11/20/2013 **In control:** City Commission  
**On agenda:** 3/5/2015 **Final action:** 4/2/2015  
**Title:** QUASI-JUDICIAL - PLANNED DEVELOPMENT AMENDMENT - GAINESVILLE MIXED-USE DEVELOPMENT ON NW 13TH STREET" (B)

Ordinance No. 130515; Petition PB-13-85 PDA  
 An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning to Planned Development District (PD) approximately 1.67 acres of property located at 1226 NW 3rd Avenue, 303 NW 13th Street, 1249 NW 4th Avenue and 1227 NW 4th Avenue, as more specifically described in this ordinance; 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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 130515A\_CPB conditions\_20131219.pdf, 2. 130515B\_Revised elevations\_20131219.pdf, 3. 130515C\_Staff report\_20131219.pdf, 4. 130515D\_Append A\_Application and Workshop information\_20131219.pdf, 5. 130515E\_Append B\_Supplemental Documents\_20131219.pdf, 6. 130515F\_Append C\_TRC Comments\_20131219.pdf, 7. 130515G\_CPB Minutes draft\_20131219.pdf, 8. 130515H\_staff ppt\_20131219.pdf, 9. 130515A\_CPB conditions\_20140116.pdf, 10. 130515B\_Revised elevations\_20140116.pdf, 11. 130515C\_Staff report\_20140116.pdf, 12. 130515D\_Append A\_Application and Workshop information\_20140116.pdf, 13. 130515E\_Append B\_Supplemental Documents\_20140116.pdf, 14. 130515F\_Append C\_TRC Comments\_20140116.pdf, 15. 130515G\_CPB Minutes draft\_20140116.pdf, 16. 130515H\_staff ppt\_20140116.pdf, 17. 130515H-MOD\_Staff PPT\_20140116.pdf, 18. 130515A\_draft ordinance\_20150305.pdf, 19. 130515A\_amended draft ordinancej\_20150319.pdf, 20. 130515\_Ordinance\_20150402.pdf, 21. 130515\_plans\_20150402.pdf, 22. 130515\_Exhibit D\_20150402.pdf

| Date       | Ver. | Action By       | Action                               | Result |
|------------|------|-----------------|--------------------------------------|--------|
| 4/2/2015   | 3    | City Commission | Adopted on Final Reading (Ordinance) | Pass   |
| 3/19/2015  | 3    | City Commission | Adopted on First Reading (Ordinance) | Pass   |
| 3/5/2015   | 2    | City Commission | Continued (1st Reading)              | Pass   |
| 1/16/2014  | 1    | City Commission | Approved (Petition)                  | Pass   |
| 12/19/2013 | 1    | City Commission | Continued (Petition)                 | Pass   |

**QUASI-JUDICIAL - PLANNED DEVELOPMENT AMENDMENT - GAINESVILLE MIXED-USE DEVELOPMENT ON NW 13TH STREET" (B)**

Ordinance No. 130515; Petition PB-13-85 PDA  
 An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning to Planned Development District (PD) approximately 1.67 acres of property located at 1226 NW 3rd Avenue, 303 NW 13th Street, 1249 NW 4th Avenue and 1227 NW 4th Avenue, as more specifically described in this ordinance;

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.

The City Commission adopt the proposed ordinance.

## PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

**NOTE: The first reading of this ordinance was continued until March 19, 2015, with direction from the City Commission to amend the draft ordinance as discussed at the meeting on March 5, 2015. The following has been revised since the meeting on March 5, 2015:**

- 1. The building is no longer limited to 6 stories (or 5 stories for the parking garage), but the maximum height limit of 85 feet (and 60 feet for the parking garage) remains.**
- 2. The maximum number of bedrooms has been specified, rather than stating the standard calculation equation for maximum number of bedrooms.**
- 3. The building elevations have changed.**

This ordinance amends and supersedes an existing Planned Development District (PD) located on NW 13th Street that was originally adopted on January 19, 2012, by Ordinance No. 100897. A 0.14 acre parcel, located at 1226 NW 3rd Avenue and currently developed with a single-family residence, will be added to the southeast corner of the existing 1.53-acre PD. Both the new parcel and the approximately 0.3-acre parcel located at 1227 NW 4th Avenue are located within the University Heights Historic District-North, and both structures are considered contributing structures to the historical character of the district. The entire PD is located within the Traditional City Special Area Plan and the Fifth Avenue/Pleasant Street Redevelopment Area.

This ordinance will enable the applicant to construct a mixed-use redevelopment project that will include commercial and multi-family residential uses. The PD Report outlines the permitted uses within the development and some basic design standards. The permitted uses are a subset of the uses currently allowed by the UMU-2 zoning district, omitting certain uses such as rooming houses, day care facilities, limited automotive services, and hardware stores. The PD Report describes a 6-story building on the site that will transition to a lower height to the east adjacent to the University Heights North neighborhood. The building will use a parking garage that will be accessed from entrances on NW 3rd and 4th Avenues. Solid waste collection and freight access will be contained within the garage.

A basic layout for the site is shown on the PD Layout Map, which depicts the building envelope and setbacks from the streets and from the adjacent properties to the east. Development standards are also listed on the layout map, including the intensity of uses, maximum building height, building coverage, and setbacks. New building elevations are also included with this ordinance.

The major revisions from the existing approved PD include:

1. Reduction of the overall maximum building height from 8 stories to 6 stories, and 106 feet to 85 feet.
2. An allowance for the highest portion of the building to extend further to the east (by approximately 50 feet), and for the parking garage to extend further to the east (by approximately 75 feet). This is made possible by the incorporation of the additional parcel.
3. Removal and relocation of a second historic house from the additional parcel.
4. An increase in the maximum number of multiple-family units from 168 to 202, and an increase in the

maximum number of bedrooms from 230 to a maximum average of 2.75 bedrooms per unit.

5. Removal of 20,000 square feet of office, and clarification that a total of 26,000 square feet of nonresidential uses is allowed.
6. Removal of a requirement to preserve an existing 56" heritage live oak tree on the site.
7. Revision of the building elevations and removal of requirements for exterior building materials to be a combination of brick, stone and stucco.

Staff finds this proposal to meet the minimum requirements for a rezoning to the Planned Development District (PD) as specified in Section 30-213 and Section 30-216 of the Land Development Code.

After public notice was published in the Gainesville Sun on October 8, 2013, the City Plan Board held a public hearing on October 24, 2013, and by a vote of 5-1 recommended approval of the petition with certain revisions. The City Commission held a public hearing on January 16, 2014, and approved the petition by a vote of 4-3. Following a delay initiated by the land owner/agent, the land owner/agent has requested minor revisions to this ordinance and has requested that this ordinance now proceed to the City Commission for consideration. The changes requested include: the 202 allowable residential units are now calculated with a maximum average of 2.75 bedrooms per unit, and the condition requiring relocation of the existing historic structures has been revised to allow the owner/agent to apply for a demolition permit under Section 30-112 of the Land Development Code if relocation presents an undue hardship (i.e., financially or structurally infeasible).

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and, following adoption, shall become effective upon Planned Use District (PUD) Ordinance No. 130514 becoming effective as provided therein.