



## Legislation Details (With Text)

**File #:** 110866. **Version:** 2 **Name:** HAWLEY 39TH AVENUE PLANNED DEVELOPMENT (B)  
**Type:** Ordinance **Status:** Adopted  
**File created:** 9/6/2012 **In control:** City Attorney  
**On agenda:** **Final action:** 9/20/2012  
**Title:** HAWLEY 39TH AVENUE PLANNED DEVELOPMENT (B)

Ordinance No. 110866; Petition No. PB-12-08 PDA

An ordinance of the City of Gainesville, Florida, amending the Planned Development commonly known as "Hawley 39th Avenue Planned Development" located in the vicinity of 4405 NW 39th Avenue; by amending City of Gainesville Ordinance No. 050254 to provide for additional parking; by providing a severability clause; and providing an immediate effective date.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 110866A\_cpb recommended conditions\_20120503.pdf, 2. 110866B\_staff report\_20120503.pdf, 3. 110866C\_TRC comments\_20120503.pdf, 4. 110866D\_required maps submitted with PD-20120503.pdf, 5. 110866E\_supplemental documents\_20120503.pdf, 6. 110866F\_references from the LDC-20120503.pdf, 7. 110866G\_maps\_20120503.pdf, 8. 110866H\_cpb minutes\_20120503.pdf, 9. 110866I\_staff ppt\_20120503.pdf, 10. 110866A\_cpb recommended conditions\_20120517.pdf, 11. 110866B\_staff report\_20120517.pdf, 12. 110866C\_TRC comments\_20120517.pdf, 13. 110866D\_required maps submitted with PD-20120517.pdf, 14. 110866E\_supplemental documents\_20120517.pdf, 15. 110866F\_references from the LDC-20120517.pdf, 16. 110866G\_maps\_20120517.pdf, 17. 110866H\_cpb minutes\_20120517.pdf, 18. 110866I\_staff ppt\_20120517.pdf, 19. 110866\_MOD\_draft\_ord\_20120906.pdf

Date	Ver.	Action By	Action	Result
9/20/2012	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
9/6/2012	2	City Commission	Adopted on First Reading (Ordinance)	Pass
5/17/2012	1	City Commission	Approved (Petition) with Conditions	Pass
5/3/2012	0	City Commission	Continued (Petition)	Pass

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The City Commission adopt the proposed ordinance.

This ordinance amends the Planned Development ordinance for a parcel located at 4405 NW 39th Avenue to allow additional parking. The PD for the parcel was approved by the City Commission on July 24, 2006, as Ordinance No. 050254.

The PD ordinance allows a variety of commercial, office and retail uses, including a restaurant. The PD was amended on

August 21, 2008 to extend its expiration date. A development plan, Petition 38SPL-07DB, for a restaurant was approved in 2009; the project was constructed and commenced operation on August 23, 2011.

After the restaurant commenced operation, its success resulted in a noticeable deficiency in parking and the need for additional parking spaces. The applicant indicated that they attempted valet parking, leased parking, shared parking, joint parking and reconfiguration of the parking but the options were not successful. This amendment to the PD ordinance expands the vehicular use area to allow an increased number of parking spaces.

The proposed amendment will maintain the essential elements of the PD ordinance as it relates to conformance with the Comprehensive Plan and Land Development Code imposes additional conditions to:

1. Maintain compatibility with the adjacent residential development immediately west of the subject property.
2. Maintain safe and efficient ingress/egress and the flow of traffic to the site by all developments with access rights.
3. Ensure that the proposal remains consistent with Policy 1.6.1 of the Concurrency Management Element of the Comprehensive Plan.
4. Provide a time limit on the construction of the additional parking spaces.

Public notice was published in the Gainesville Sun on March 6, 2012. On March 22, 2012, the City Plan Board, by a vote of 7-0, recommended approval of the petition. On May 17, 2012, the City Commission approved the Petition, by a vote of 7-0.

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on September 20, 2012.