



## Legislation Details (With Text)

**File #:** 150418. **Version:** 2 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 10/8/2015 **In control:** City Attorney  
**On agenda:** 5/5/2016 **Final action:** 5/19/2016  
**Title:** QUASI-JUDICIAL - REZONING TO PLANNED DEVELOPMENT DISTRICT (PD) - 1206 W UNIVERSITY AVENUE (B)

### ORDINANCE NO. 150418, PETITION NO. PB-15-69PDV

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 0.64 acres of property that is generally located at 1206 W University Avenue, as more specifically described in this ordinance, from Urban Mixed-Use District 2 (UMU-2) to Planned Development District (PD); adopting a PD report with land development regulations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 150418A\_staff report\_20151105.pdf, 2. 150418B\_Append A\_Comp Plan Exh A-1 Exh A-2\_20151105.pdf, 3. 150418C\_Append B\_LDC Exh B-1 Exh B-2\_20151105.pdf, 4. 150418D\_Append C Supplemental Docs\_20151105.pdf, 5. 150418E\_Append D Application Neighborhood Workshop\_20151105.pdf, 6. 150418F\_Append E TRC Conditions\_20151105.pdf, 7. 150418G\_CPB minutes draft\_20151105 .pdf, 8. 150418H\_staff ppt\_20151105.pdf, 9. 150418 PB-15-69 PDV\_MOD\_City Commission Presentation\_11-5-15.pdf, 10. 150418A\_staff report\_20151203.pdf, 11. 150418B\_Append A\_Comp Plan Exh A-1 Exh A-2\_20151203.pdf, 12. 150418C\_Append B\_LDC Exh B-1 Exh B-2\_20151203.pdf, 13. 150418D\_Append C Supplemental Docs\_20151203.pdf, 14. 150418E\_Append D Application Neighborhood Workshop\_20151203.pdf, 15. 150418F\_Append E TRC Conditions\_20151203.pdf, 16. 150418G\_CPB minutes draft\_20151203 .pdf, 17. 150418H\_staff ppt\_20151105.pdf, 18. 150418\_MOD\_PB-15-69 PDV\_City Commission Presentation\_20151203.pdf, 19. 150418\_draft ordinance\_20160505, 20. 150418\_draft ordinance with revised attachments\_20160505, 21. 150418\_MOD\_applicant presentation\_20160505.pdf, 22. 150418\_Ordinance\_20160519.pdf

Date	Ver.	Action By	Action	Result
5/19/2016	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
5/5/2016	2	City Commission	Adopted on First Reading (Ordinance)	Pass
12/3/2015	1	City Commission	Approved (Petition), as amended	Pass
11/5/2015	1	City Commission	Continued (Petition)	Pass

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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

This ordinance will rezone approximately 0.64 acres of land that is generally located at 1206 W University Avenue from Urban Mixed-Use District 2 (UMU-2) to Planned Development District (PD). PD zoning is an entirely voluntary method for landowners or developers to submit unique proposals that are not provided for or otherwise achievable in the zoning districts established by the City of Gainesville Land Development Code. The property owner has proposed to construct a restaurant with a drive-through facility on the subject property; however, a drive-through facility is prohibited in the UMU-2 zoning district. This PD rezoning will allow eating places with or without a drive-through facility on the subject property, as well as other uses appropriate for the surrounding area. It will also allow the applicant to use flexible design standards that are unique to the subject property and consistent with the City's Comprehensive Plan.

The property is located on the north side of West University Avenue (SR 26), between NW 12th Street and NW 12th Terrace, and is the location of a Texaco gas station that was demolished in 2004. A single-story, residential structure abuts on the north along with the University Heights - North Historic District, West University Avenue (SR 26) to the south, NW 12th Street to the east, and NW 12th Terrace to the west.

This PD rezoning is consistent with the City's Comprehensive Plan because it will allow a mixture of retail, service, research and office uses, which the property's underlying UMU-2 land use category supports. According to Future Land Use Element, Policy 4.1.1, one of the essential components of the UMU-2 land use district is the multi-modal character of the area. Therefore, by allowing multi-modal transportation facilities (i.e., sidewalks, bike racks, parking spaces and drive-throughs) the proposed PD rezoning is also consistent with the intended character of the UMU-2 land use district.

The City Plan Board on September 24, 2015, voted to recommend approval of this rezoning, and on December 3, 2015, the City Commission approved the associated petition (Petition No. PB-15-69 PDV).

#### CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective immediately upon adoption.