



## Legislation Text

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**File #:** 130514., **Version:** 2

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### **LAND USE CHANGE - SMALL SCALE - MIXED-USE DEVELOPMENT ON NW 13TH (B)**

Ordinance No. 130514; Petition No. PB-13-86 LUC

An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Comprehensive Plan, Future Land Use Map, by overlaying the Planned Use District (PUD) land use category on 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; providing development conditions; providing directions to the City Manager; 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**

This ordinance amends an existing 1.53 acre Planned Use District (PUD) located on NW 13th Street by adding an additional 0.14 acres, reducing the maximum building height limit, increasing the allowable residential units, and clarifying provisions for nonresidential square footage. The added parcel is located at 1226 NW 3rd Avenue and is currently developed with a single-family residence. This amendment will allow the applicant to develop a mixed-use redevelopment project that will include commercial and multiple-family residential uses.

The PUD land use overlay was created to allow unique, innovative and narrowly construed land use proposals that are compatible with the character of the surrounding land uses. The PUD overlay allows for a mix of residential and nonresidential uses and unique design features that may not otherwise be provided for in the underlying land use category.

This ordinance makes the following specific changes to the development conditions for the PUD:

1. Remove the requirement for 20,000 square feet of office and clarify that a total of 26,000 square feet of nonresidential uses are allowed.
2. Increase the maximum number of multiple-family residential units from 168 to 202, and increase the maximum number of bedrooms from 230 to a maximum average of 2.75 bedrooms per unit.
3. Reduce the overall maximum building height from 8 stories to 6 stories, and 106 feet to 85 feet.
4. Allow for the maximum building height to extend further to the east.

The staff recommendation is based on the factors stated in the Future Land Use Element and state statute criteria, which are: conformance with the comprehensive plan; compatibility with surrounding land uses; environmental impacts and constraints; infill and redevelopment; impacts on affordable housing; impacts on the transportation system; an analysis of the availability of facilities and services; need for the additional acreage in the proposed future land use category; discouragement of urban sprawl; need for job creation, capital investment, and economic development; need to modify land use categories and development patterns within antiquated subdivisions.

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.

#### CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.