



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 990714

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: January 10, 2000

FROM: City Attorney

FIRST READING

SUBJECT: Ordinance No. 0-00-31, Petition No. 171PDA-99PB
An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as the "Naylor Publications, Inc." as originally adopted by Ordinance No. 980213; by extending the time frame for obtaining a final development order for one additional year from December 10, 1999 to December 10, 2000; located in the vicinity of the 5900 block of Northwest 1st Place; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission: 1) approve Petition No. 171PDA-99PB and; 2) adopt the proposed ordinance.

STAFF REPORT

The applicant has requested a one-year extension of the deadline for obtaining a final development order from December 10, 1999 to December 10, 2000. Approval of the one-year extension would afford Naylor Publications the necessary time to fully implement their plans for expansion.

Naylor Publications currently occupies a 20,000-square-foot office building, located at 5931 Northwest First Place, in Windsor Park. This office park is located along the east side of Northwest 62nd Street, just south of the Terwilliger Elementary School and east of the Oaks Mall.

Ordinance No. 980213 (Petition 117PDV-98PB), approved on November 9, 1998, authorized the rezoning of the subject property from "RSF-1" to "Planned Development." The application for rezoning was to allow Naylor to construct an office building and associated parking facilities in order to expand their facilities to accommodate the company's continued growth. However, due to the "lack of workforce currently available in the Gainesville area," Naylor has, to date, been unable to hire the "volume of personnel needed in association with an expansion."

The Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on November 2, 1999. Letters were mailed to surrounding property owners on November 3, 1999. The Plan Board held a public hearing November 18, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 171PDA-99 PB. Plan Board vote 7-0.

Prepared by:



Marion J. Radson
City Attorney

MJR/afm

ORDINANCE NO. 0-00-31

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4 **An Ordinance of the City of Gainesville, Florida; amending the Planned**
5 **Development commonly known as the "Naylor Publications, Inc." as**
6 **originally adopted by Ordinance No. 980213; by extending the time**
7 **frame for obtaining a final development order for one additional year**
8 **from December 10, 1999 to December 10, 2000; located in the vicinity of**
9 **the 5900 block of Northwest 1st Place; providing a severability clause;**
10 **providing a repealing clause; and providing an immediate effective**
11 **date.**
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14 **WHEREAS**, the owner has petitioned the City to amend the Naylor
15 Publications Inc. planned development to extend the time frame for
16 obtaining a final development order from December 10, 1999 to
17 December 10, 2000 as more specifically described in this
18 Ordinance; and

19 **WHEREAS**, an amendment to the Planned Development ordinance is
20 necessary to extend the time frame as previously approved by the
21 City Commission; and

22 **WHEREAS**, the City Plan Board authorized the publication of
23 notice of a Public Hearing to amend the Planned Development
24 commonly known as "Naylor Publications, Inc." planned development
25 as more specifically set forth herein; and

26 **WHEREAS**, notice was given and publication made as required by
27 law of a Public Hearing which was then held by the City Plan Board
28 on November 18, 1999; and

1 **WHEREAS**, the City Commission finds that the amendment of the
2 Planned Development District ordinance is consistent with the City
3 of Gainesville 1991-2001 Comprehensive Plan.

4 **WHEREAS**, at least ten (10) days notice has been given once by
5 publication in a newspaper of general circulation prior to the
6 adoption public hearing notifying the public of this proposed
7 ordinance and of a Public Hearing in the City Commission Meeting
8 Room, First Floor, City Hall, in the City of Gainesville; and

9 **WHEREAS**, Public Hearings were held pursuant to the published
10 and mailed notices described at which hearings the parties in
11 interest and all others had an opportunity to be and were, in
12 fact, heard.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
14 **FLORIDA:**

15 **Section 1.** Page 5 of the Planned Development Plan Report,
16 attached to Ordinance No. 980213 as Exhibit "B", is amended as
17 shown on Exhibit "1" to this Ordinance.

18 **Section 2.** Except as hereinabove modified and amended in Section
19 1 of this Ordinance, the conditions, restrictions and regulations
20 (hereinafter "conditions") of the Planned Development previously
21 adopted by the City Commission by Ordinance No. 980213 shall
22 remain in full force and effect and shall regulate and control
23 the development and use of the land.

1 **Section 3.** If any section, sentence, clause or phrase of this
2 ordinance is held to be invalid or unconstitutional by any court
3 of competent jurisdiction, then said holding shall in no way
4 affect the validity of the remaining portions of this ordinance.

5 **Section 4.** All ordinances, or parts of ordinances, in conflict
6 herewith are to the extent of such conflict hereby repealed.

7 **Section 5.** This ordinance shall become effective immediately
8 upon final adoption.

9 **PASSED AND ADOPTED** this _____ day of _____,
10 2000.

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_____ MAYOR

ATTEST: APPROVED AS TO FORM AND LEGALITY:

KURT LANNON, MARION J. RADSON, CITY ATTORNEY
CLERK OF THE COMMISSION

_____ This ordinance passed on first reading this _____ day of _____, 2000.

_____ This ordinance passed on second reading this _____ day of _____, 2000.

Schedule of Development

The anticipated schedule of development is itemized as follows:

<u>ITEM</u> <u>DURATION</u>	<u>ANTICIPATED</u>
Rezoning/Land Use Amendment	4 - 6 months
Preliminary and Final Site Plan Approval	2 - 3 months
Construction Plan Development & Approval	1 - 2 months
Regulatory Agency Permitting	1- 2 months
Final Site Plan Approval	1 - 2 months
Construction of Site Infrastructure Improvements	6 - 8 months

A final development order must be obtained within two (2) years ~~one (1) year~~ of the adoption of the PD Ordinance. Site construction must begin within one (1) year of final development order.

Certificate of Preliminary Concurrency

The application for Certificate of Preliminary Concurrency submitted with the PD rezoning application is submitted for a 40,000 s.f. office building producing the initial need for the proposed parking as well as the three new single-family lots.

City of
Gainesville

Inter-Office Communication

Planning Division
x5023, FAX x3259, Station 12

Item No. 7

TO: City Plan Board

DATE: November 18, 1999

FROM: Planning Division Staff

SUBJECT: Petition 171PDA-99PB. Steve Shey, owner. Rory P. Causseaux, agent. Amend ordinance number 980213 to extend the timeframe for obtaining a final development order from 12/10/99 to 12/10/00 on a property located in the 5900 block of NW 1st Place.

Recommendation

Planning Division staff recommends approval Petition 171PDA-99PB.

Explanation

The applicant has requested a one-year extension of the deadline for obtaining a final development order from December 10, 1999 to December 10, 2000. Approval of the one-year extension would afford Naylor Publications the necessary time to fully implement their plans for expansion.

Naylor Publications currently occupies a 20,000 square foot office building, located at 5931 NW First Place, in Windsor Park. This office park is located along the east side of NW 62nd Street, just south of the Terwilliger Elementary School and east of the Oaks Mall.

Ordinance No. 980213 (Petition 117PDV-98PB), approved on November 9, 1998, authorized the rezoning of the subject property from RSF-1 to PD (Planned Development). The application for a rezoning was to allow Naylor to construct parking in order to expand their facilities to accommodate the company's continued growth. However, due to the "lack of workforce currently available in the Gainesville area", Naylor has, to date, been unable to hire the "volume of personnel needed in association with an expansion".

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH:DM:SN

7. **Petition 171PDA-99 PB** Causseaux & Ellington, Inc., agent for Naylor Real Estate (US) Inc. Extend the timeframe for obtaining a final development order from December 10, 1999 to December 10, 2000 for an approved PD (Planned development). Located in the 5900 block of Northwest 1st Place.

Mr. Dean Mimms was recognized. Mr. Mimms stated that the petition involved a request to extend the timeframe for obtaining a final development order. He pointed out the site on a map and noted that the site plan involved a parking lot. Mr. Mimms offered to answer any questions from the board.

Mr. Polshek asked about the nature of the business.

Mr. Mimms indicated that it was a publishing company.

Mr. Robert Walpole, agent for the petitioner was recognized. Mr. Walpole explained that the petitioner had difficulty hiring the number of people to go forward with the expansion of the business, therefore, requested the extension of time to complete the parking lot.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 171PDA-99 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Guy, Fried, Dowling, Polshek, Myers, McGill, Carter