



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 990714

Phone: 334-5011/Fax 334-2229
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TO: Mayor and City Commission

DATE: January 24, 2000

FROM: City Attorney

SECOND 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 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

Passed on first reading by a vote of 5-0.

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.

11
12 _____
13 MAYOR

14
15 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

16
17 _____
18 KURT LANNON,
19 CLERK OF THE COMMISSION

20
21 _____
22 MARION J. RADSON, CITY ATTORNEY

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

25 This ordinance passed on second reading this _____ day of
26 _____, 2000.
27

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 Concurrence

The application for Certificate of Preliminary Concurrence 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.