



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000153

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

TO: Mayor and City Commission

DATE: September 11, 2000

FROM: City Attorney

CITY ATTORNEY  
FIRST READING

SUBJECT: **Ordinance No. 0-00-90, Petition 105LUC-00PB**  
**An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use category of certain property from "Single Family (up to 8 units per acre)" to "Office"; located in the vicinity of the 6400 block of Northwest 9<sup>th</sup> Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.**

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**Recommendation:** The City Commission: 1) approve Petition No. 105LUC-00PB; and 2) adopt the proposed ordinance.

## STAFF REPORT

The subject property is approximately 29 acres in size and is located in the 6400 block of Northwest 9th Boulevard. The property is currently vacant, and can best be described as an open field with a wooded buffer and walking path along the north, east and west border. The property was annexed into the City limits in 1994, is a part of the North Florida Regional Medical Center complex, and located to the north of the North Florida Regional Medical Center. The subject property is surrounded by properties located within unincorporated Alachua County on the north, east, west and portions of the south side. The properties immediately to the north, east and west have an Alachua County residential low density land use designation and are developed with single-family residential. Properties immediately to the south have an Alachua County land use designation of commercial and are developed with medical office uses. Northwest 69th Terrace abuts the western portion of the subject property.

The petitioner's stated purpose of this application is to change the land use to facilitate the development of 115,000 square feet of one- and two-story medical offices on the site. The petitioner has stated that the appropriate use of the subject property was the subject of extensive discussion and negotiations with adjacent neighborhoods, resulting in an agreement between the owner and several nearby neighborhoods associations, known collectively as WHUAMB. The terms and conditions of the agreement run with the land and are therefore binding on future buyers, according to the agreement. The terms include the recording of a conservation easement of approximately 17 acres along the north, east and western perimeters of the property. The petitioner's request includes changing the land use to office on the portion of the property under which the conservation easement has been dedicated. The City is not a party to the agreement between the owner and WHUAMB.

The 17-acre area now encumbered by a recorded conservation easement along the west, north and east edges of the property, provides an appropriate buffer and transition between the existing single-family to the north and east and the hospital and medical office uses to the south. The

width of the conservation easement varies from approximately 120 feet to 400 feet at its widest. According to the National Wetlands Inventory, a portion of the northeast corner of the property is a forested wetland dominated by broad-leaved deciduous trees and evergreen shrubs. It appears that this wetland area is located within the conservation easement.

The City Plan Board reviewed this petition and recommends approval of the petition. The board felt that the use and conservation easement agreements between the neighborhood and the hospital provided the neighborhood with more protection than a conservation land use designation would.

Public notice was published in the Gainesville Sun on July 4, 2000. Letters were mailed to surrounding property owners on July 5, 2000. The Plan Board held a public hearing July 27, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 105LUC-00 PB. Plan Board vote 4-0.

### CITY ATTORNEY MEMORANDUM

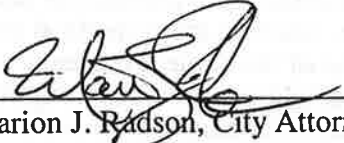
The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

The proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community of Affairs for written comment. Any comments, recommendations or objections of the State Department of Community Affairs must be considered at the second public hearing. The City Commission may then adopt or adopt with changes the proposed amendment to the Comprehensive Plan, or determine not to adopt a plan amendment.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared and  
submitted by:

  
\_\_\_\_\_  
Marion J. Radson, City Attorney

MJR/afm

Attachment

# D R A F T

08/14/00

ORDINANCE NO. \_\_\_\_\_  
0-00-90

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4       **An Ordinance amending the City of Gainesville 1991-2001**  
5       **Comprehensive Plan; by changing the land use category of**  
6       **certain property from “Single Family (up to 8 units per acre)” to**  
7       **“Office”; located in the vicinity of the 6400 block of Northwest**  
8       **9<sup>th</sup> Boulevard; providing a severability clause; providing a**  
9       **repealing clause; and providing an effective date.**

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12       **WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing  
13 that the land use category of certain lands within the City be changed from “Single Family (up to 8  
14 units per acre) to “Office”; and

15       **WHEREAS**, notice by the Plan Board was given and publication made as required by law  
16 and a Public Hearing was held by the City Plan Board on July 27, 2000; and

17       **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10  
18 inches long was placed in a newspaper of general circulation notifying the public of this proposed  
19 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,  
20 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was  
21 published; and

22       **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of  
23 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

24       **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
25 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at

# D R A F T

08/14/00

1 the adoption stage at least five (5) days after the day the second advertisement was published; and

2       **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices  
3 described above at which hearings the parties in interest and all others had an opportunity to be and  
4 were, in fact, heard.

5       **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the  
6 comments, recommendations and objections, if any, of the State Land Planning Agency.

7       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
8 **CITY OF GAINESVILLE, FLORIDA:**

9       **Section 1.** The land use category of the following described properties are changed from  
10 “Single Family (up to 8 units per acre)” to “Office”;

11               See legal description attached hereto as Exhibit "A", and made a part  
12 hereof as if set forth in full.  
13

14       **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
15 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element, or  
16 portion thereof in order to comply with this ordinance.

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

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

**D R A F T**

08/14/00

1       **Section 5.** This ordinance shall become effective immediately upon passage on second  
2 reading; however, the effective date of this plan amendment shall be the date a final order is issued  
3 by the Department of Community Affairs finding the amendment to be in compliance in accordance  
4 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission  
5 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

6       **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2000.

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\_\_\_\_\_  
Paula M. DeLaney, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kurt Lannon,  
Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson, City Attorney

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

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

MJR/afm

May 10, 2000

### Legal Description

A portion of the South ½ of Section 33, Township 9 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the southwest corner of Lot 48 of 'West Hills', a subdivision as per plat thereof recorded in Plat Book "E", page 11 of the Public Records of Alachua County, Florida and run thence North 00°14'09" East, along the west boundary of said 'West Hills', 2064.65 feet to the northwest corner of Lot 24 of said 'West Hills' and the southeast corner of that certain parcel of land as described in Official Records Book 1315, page 726 of the Public Records of Alachua County, Florida; thence North 46°16'55" West, along the south boundary of said parcel (O.R. 1315, pg. 726), a distance of 137.82 feet to the POINT OF BEGINNING; thence continue North 46°16'55" West, along said south boundary, 206.44 feet to a point on the southeasterly line of 'University Acres, Unit No. 1', a subdivision as per plat thereof recorded in Plat Book "F", page 88 of said Public Records; thence South 61°27'02" West, along the southeasterly line of Lots 33 and 32 of said subdivision (Plat Book "F", pg. 88), a distance of 223.52 feet to the southwest corner of said Lot 32; thence South 78°42'08" West, along the south boundary of Lots 31 and 30 of said subdivision (Plat Book "F", pg. 88), a distance of 235.72 feet to the southwest corner of said Lot 30 and the southeast corner of Lot 6 of 'University Acres, Unit No. 2', a subdivision as per plat thereof, recorded in Plat Book "H", page 10 of said Public Records; thence South 85°02'54" West, along the south boundary of said subdivision (Plat Book "H", pg. 10), a distance of 396.54 feet to the southwest corner of Lot 8 of said subdivision (Plat Book "H", pg. 10); thence southwesterly, northwesterly and westerly, along the south boundary of said subdivision (Plat Book "H", pg. 10) through the following 20 courses and distances:

1) South 79°29'21" West, 92.58 feet; 2) South 57°51'07" West, 151.42 feet; 3) South 46°02'06" West, 50.22 feet; 4) North 56°28'12" West, 31.39 feet; 5) North 84°12'45" West, 43.00 feet; 6) North 67°03'18" West, 123.81 feet; 7) North 71°34'51" West, 81.32 feet; 8) North 57°42'56" West, 58.32 feet; 9) North 68°13'49" West, 43.53 feet; 10) North 87°15'15" West, 22.07 feet; 11) North 51°19'59" West, 28.50 feet; 12) North 87°30'36" West, 51.96 feet; 13) North 60°40'56" West, 58.47 feet; 14) South 66°36'56" West, 19.25 feet; 15) North 74°53'36" West, 19.92 feet; 16) South 77°24'50" West, 57.27 feet; 17) South 87°38'30" West, 70.44 feet; 18) South 65°31'23" West, 46.52 feet; 19) North 62°28'30" West, 44.25 feet; 20) North 88°46'10" West, 269.34 feet to the southwest corner of Lot 25 of said subdivision (Plat Book "H", pg. 10) and to a point on the easterly line of Parcel 23 of an unrecorded survey by Perry C. McGriff Co. dated June 3, 1965; thence South 00°15'50" West, along said easterly line, 501.16 feet to the

northwest corner of 'North Florida Regional Doctors Office Park', a subdivision as per plat thereof recorded in Plat Book "H", page 81 of said Public Records; thence South 86°10'10" East, along the northerly line of said subdivision (Plat Book "H", page 81), a distance of 203.15 feet; thence South 77°32'13" East, along said northerly line, 902.18 feet; thence North 62°35'31" East, along said northerly line, 369.89 feet; thence North 85°01'54" East, along said northerly line, 428.70 feet to the northeast corner of said 'North Florida Regional Doctors Office Park'; thence South 00°14'09" West, along the east line of said 'North Florida Regional Doctors Office Park', 130.79 feet; thence South 87°09'14" East, 399.81 feet to a point lying 100.00 feet westerly of the west boundary of said 'West Hills'; thence North 00°14'09" East, 100.00 feet westerly of and parallel with said west boundary (measured perpendicular), 647.73 feet to the POINT OF BEGINNING.

Containing 29.199 acres (1,271,921 square feet), more or less.

C:\WPWIN60\WPDOCS\ROWE\MEDPARK\LEGAL.WPD

A handwritten signature in cursive script, appearing to read "A. A. E.", located in the bottom right corner of the page.





CITY  
-----OF-----  
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 7

TO: City Plan Board

DATE: July 27, 2000

FROM: Planning Division Staff

SUBJECT: Petition 105 LUC-00 PB, C. David Coffey, Esq. agent for HCA Health Services of Fla., Inc. Amend the City of Gainesville Future Land Use Map from SF (Single-family, up to 8 units per acre) to O (Office) on approximately 29 acres of property located in the 6400 block of Northwest 9th Boulevard.

Recommendation

Staff recommends approval of petition 105LUC-00PB.

Explanation

The subject property is approximately 29 acres in size and is located in the 6400 block of Northwest 9th Boulevard. The property is currently vacant, and can best be described as an open field with a wooded buffer and walking path along the north, east and west border. The property was annexed into the City limits in 1994, is a part of the North Florida Regional Medical Center complex, and located to the north of the North Florida Regional Medical Center. The subject property is surrounded by properties located within unincorporated Alachua County on the north, east, west and portions of the south side. The properties immediately to the north, east and west have an Alachua County residential low density land use designation and are developed with single-family residential. Properties immediately to the south have an Alachua County land use designation of commercial and are developed with medical office uses. Northwest 69th Terrace abuts the western portion of the subject property.

The petitioner's stated purpose of this application is to change the land use to facilitate the development of 115,000 square feet of one and two story medical offices on the site (see Attachment A). The petitioner has stated that the appropriate use of the subject property was the subject of extensive discussion and negotiations with adjacent neighborhoods, resulting in an agreement between the owner and several nearby neighborhood associations, known collectively as WHUAMB (see Attachment B). The terms and conditions of the agreement run with the land and are therefore binding on future buyers, according to the agreement. The terms include the recording of a conservation easement of approximately 17 acres along the north, east and western perimeters of the property (see Attachment C). The petitioner's request includes changing the land use on the portion of the property under which the conservation easement has been dedicated. The City is not a party to the agreement between the owner and WHUAMB.

Direct access to the property could be provided through the Physicians Office Park which abuts most of the southern boundary of the property. Indirect access would be

from Newberry Road (S.R. 26) or N.W. 69th Terrace. The property is located on the edge of a high intensity activity center, which includes a regional mall (the Oaks Mall) and the North Florida Regional Medical Center hospital and doctor's offices.

The 17 acre area now encumbered by a recorded conservation easement along the west, north and east edges of the property, provides an appropriate buffer and transition between the existing single-family to the north and east and the hospital and medical office uses to the south. The width of the conservation easement varies from approximately 120 feet to 400 feet at its widest. It may be more appropriate that the land use change on the property designated as a conservation easement be changed to Conservation (or remain Single-Family). The Conservation land use category indicates that the category is appropriate for areas designated as a permanent buffer between uses.

According to the National Wetlands Inventory, a portion of the northeast corner of the property is a forested wetland dominated by broad-leaved deciduous trees and evergreen shrubs. It appears that this wetland area is located within the conservation easement.

The Office (OF) and Office Residential (OR) zoning districts, both of which are permitted zoning districts under the Office land use category, include the objectives of: permitting development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings; require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district; and create transitional areas between low intensity land uses and other intense land uses. Staff finds that the office land use category is an appropriate category which will allow the development of the property to meet the objectives of an allowable corresponding zoning district. Appropriate buffering from single-family uses is already in place through the recorded conservation easement.

Although other properties within close proximity allow office use, the petitioner's application for a land use change indicates that vacant adjacent property owned by the petitioner is intended for the future development of larger medical office buildings.

#### Impact on Adopted Level of Service Standards

Potable water, wastewater, and solid waste capacity are all available at adopted level of service standards. Stormwater management concurrency is handled at the development review stage. Transit service is available along Newberry Road, within 1/4 mile, and meets the adopted level of service standards. The segment of Newberry Road within 1/4 mile of the subject property is operating at level of service "F", indicating that roadway level of service capacity is not available. The subject property is located in the City of Gainesville Transportation Concurrency Exception Area "Zone B", and as such is exempt from transportation concurrency, provided that the development of the property meets the applicable standards and conditions of the Exception Area.

#### **Applicant Information**

C. David Coffey, Esq., agent for HCA  
Health Services of Fla., Inc.

**Request** Amend the Land Use Map to change designation from SF to O

**Existing Land Use Plan Classification** Single Family

**Existing Zoning** RSF-1

**Location** 6400 N.W. 9th Blvd.

**Existing Use** Vacant

**Surrounding Land Uses**

**North** residential  
**South** office  
**East** residential  
**West** residential

<b>Surrounding Controls</b>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
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Note: Alachua County Zoning and Land Use designations apply, unless otherwise noted:

<b>North</b>	R-1a and RE-1	Residential low density
<b>South</b>	AP	Commercial
City of Gainesville	O	PUD
<b>East</b>	R-1a	Residential low density
<b>West</b>	RE-1	Residential low density

### **Affordable Housing**

This petition will have a negligible impact on the supply of affordable housing.

### **Applicable Goals, Objectives and Polices of the Comprehensive Plan**

#### **Future Land Use Element**

##### **Goal 2**

The Land Use Element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses activity centers to provide goods and services to City residents; protects viable, stable neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The Land Use Element shall promote statewide goals for compact development and sufficient use of infrastructure.

##### **Objective 2.1**

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed-use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow

flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental condition of specific sites.

#### Policy 2.1.1

Land Use Categories on the Future Land Use Map shall be defined as follows:

##### Office

The office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development; office designations shall not encroach in viable residential areas nor expand strip development. Residential uses in office districts shall be designed as infill, mixed use, compound uses or shall accommodate existing residential development within the district. Densities shall not exceed twenty (20) units per acre. Land Development Regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Floor area ratios in this district shall not exceed 2.00.

#### Objective 2.2

By June 1992, the City shall implement regulations that will protect low intensity uses from the negative impacts of high intensity uses and provide for the healthy coexistence and integration of various land uses.

#### Policy 2.2.4

Prior to the final development order during the Development Review Process, the intensity of use appropriate to any parcel shall be determined based upon the availability of public services and facilities to meet urban needs; the capacity of such facilities and services to serve the proposed land use without degrading LOS standards (as determined through LOS standards); and the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site.

Respectfully submitted,



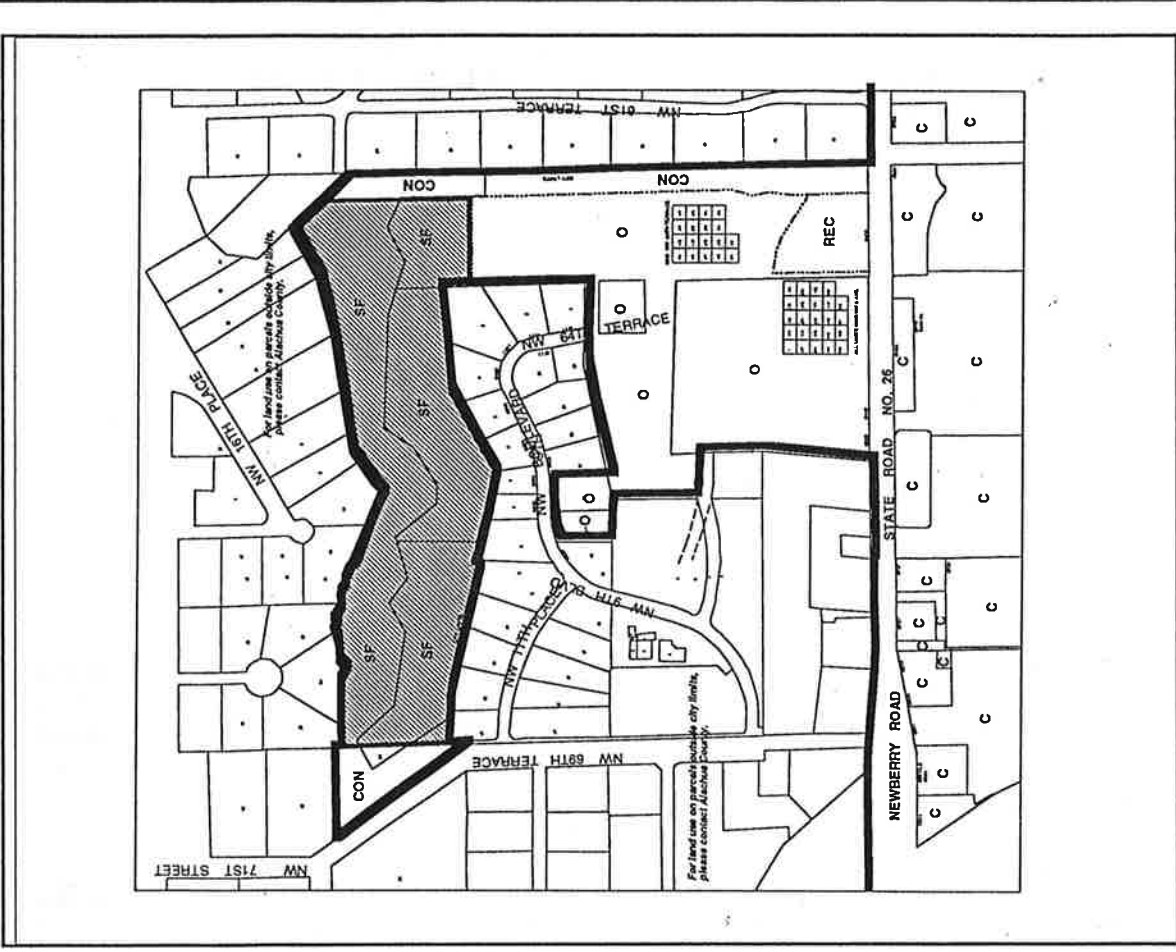
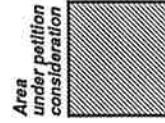
Ralph Hilliard  
Planning Manager

RH:KW

# Land Use Designations

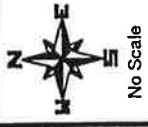
- SF Single Family (up to 8 units/acre)
- RL Residential Low Density (up to 12 units/acre)
- RM Residential Medium Density (8-30 units/acre)
- RH Residential High Density (8-100 units/acre)
- MUR Mixed Use Residential (up to 75 units/acre)
- MUL Mixed Use Low Intensity (10-30 units/acre)
- MUM Mixed Use Medium Intensity (14-30 units/acre)
- MUH Mixed Use High Intensity (up to 150 units/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

--- Division line between two land use districts  
 — City Limits



# LAND USE

Name	Petition Request	Map(s)	Petition Number
C. David Coffey, Esq. for: HCA Health Services of Fla., Inc.	From SF to O	3840 3841	105LUC-00PB





## Attachment A

### City Plan Board Application - Addendum

#### Supplemental Application Information

This land use application is submitted by the applicant for consideration by the City of Gainesville during its update of the comprehensive plan. The property is being sold by the applicant for future development as a medical office park. The property was the subject of a voluntary annexation into the city in 1994. Following annexation of the property, the city carried forward the comparable land use and zoning established by the county. At the time of the land use and zoning by the city, it was understood that the designations of LDR land use and RSF-1 zoning would serve as holding designations until the owner was prepared to move forward with medical office uses.

The appropriate use for this property was the subject of extensive discussion and negotiations with the residential areas abutting on the north and east. The neighborhood associations represented collectively by WHUAMB and the owner entered an agreement (attached as Attachment A) that establishes an agreed upon use for the property. The terms and conditions of the Agreement run with the land and are therefore binding on future buyers. A significant portion of the site (approx. 17 acres) is to remain undeveloped and is protected by a recorded conservation easement (attached as Attachment B). Pursuant to the Agreement, the WHUAMB neighborhoods have agreed to support a land use and zoning change to accommodate 115,000 square feet of medical office use with conditions.

This application is submitted to change the land use to facilitate development of 115,000 square feet of medical office use on the site. Use and development of the site is restricted by the terms and conditions of the agreement with WHUAMB as indicated in Attachment A. Variation from those terms and conditions will not occur except in the event there is specific written agreement between the owner and WHUAMB.

The property is not viable for low density residential. Access to the property is only available through the Physician's Office Park which abuts most of the southern boundary of the property. Low density single family would not be the highest and best use. The property is located on the edge of an intense activity center. The existing buffer now encumbered by a recorded conservation easement and which runs along the west, north and south edges of the property, provides an appropriate transition between the existing single family to the north and east and the hospital and medical office uses to the south. The office and residential authorized by the Office and OR designations provide more appropriate transitional uses between the activity center uses and the single family residential areas. Again, the ultimate use of the property is further restricted by the terms and conditions of the attached agreements (Attachment A).

Approval of the requested land use will permit development of the site for medical office use. There is presently considerable demand for additional medical office development. Physicians affiliated with the hospital at North Florida Regional Medical Center and the community benefit when medical offices are located near the hospital. The proximity dramatically reduces the

**City Plan Board Application - Addendum**

number of vehicular trips required for the daily visits by physicians to the hospital for daily rounds and offices for outpatient visits. The proximity of the property that is the subject of this application and the hospital is such that walking between facilities is feasible.

Approval of this application is in furtherance of the comprehensive goals, objectives and policies which promote directing growth to activity centers and efficient use of infrastructure (Goal 2, FLUE). Approval will be in furtherance of the plan objective of establishing land use designations that allow sufficient acreage for professional uses at appropriate locations to meet then needs of the community (Objective 2.1, FLUE). Approval is consistent with the plan policy favoring the Office designation for areas appropriate for office and residential uses , professional and service uses, hospital and medical uses and compact office development (Policy 2.1.1, FLUE) Approval is also consistent with the plan objective of providing for compact, engery efficient development patterns with safe and convenient mult-modal access to work (Objective 1.2, Transportation Element). All requirements of the recently adopted TCEA will be adhered to during development.



**AGREEMENT**  
**BETWEEN**  
**HCA HEALTH SERVICES OF FLORIDA, INC.**  
**AND**  
**WHUAMB**

Agreement made December   , 1997, between the HCA Health Services of Florida, Inc., d/b/a Columbia North Florida Regional Medical Center, P.O. Box NFR, Gainesville, Florida 32614-7006, hereinafter referred to as NFRMC, and the neighborhood association of WHUAMB, Gainesville, Florida 32605, hereinafter referred to as WHUAMB.

**Recitals**

**WHEREAS** the parties to this Agreement own property which share common boundaries; and

**WHEREAS** NFRMC owns tax parcels 6337-23, 6340-22, 6340 and 6340-4 which are the subject of this Agreement (as indicated in the map attached as Exhibit A); and

**WHEREAS** WHUAMB represents residential homeowners in the neighborhoods of West Hills, University Acres, Meadowbrook and Blakemeade; and

**WHEREAS** the neighborhoods represented by WHUAMB are located to the west, north and east of the tax parcels owned by NFRMC; and

**WHEREAS** the parties desire that each be able to make reasonable use of their properties without causing harm to the other; and

**WHEREAS** the parties have for several years, engaged in good faith negotiations to determine what would constitute reasonable use of said properties; and

**WHEREAS** the parties have reached agreement on what constitutes reasonable use of said properties; and

**NOW, THEREFORE**, in consideration of the mutual covenants expressed in this Agreement, the parties agree as follows:

1. All residential lots abutting the NFRMC owned tax parcels, shall remain in single-family use so long as this Agreement remains in effect.

2. The use and development of the southern most 17.39 acres of tax parcel 6340-4 shall be governed and controlled by Alachua County Resolution No. Z-92-29 ("the Resolution") as amended by City of Gainesville Ordinance No. 950702 ("the Ordinance"), copies of which are attached hereto as Exhibits B & C respectively, and as may be amended in the future by Ordinance of the City of Gainesville.
3. The use and development of tax parcel 6337-23 shall be limited to uses permitted by the City of Gainesville Conservation zoning district (list of permitted uses attached as Exhibit E) and no vehicular access shall be allowed through said parcel to connect to N.W. 69th Terrace from said tax parcel, and, a minimum one hundred (100') foot natural buffer shall be maintained on the western and northern most boundaries of said tax parcel.
4. The use and development of the approximately thirty-three (33) acres consisting of tax parcels 6337-23, 6340-22, 6340 and the northern portion of tax parcel 6340-4 not governed by the Resolution and the Ordinance, shall be limited to uses allowed under the current zoning and such uses that may be authorized in a future land use and zoning amendment to be approved by the City of Gainesville following application by NFRMC at some future date. The land use amendment and rezoning to be requested by NFRMC shall be for a Planned Use District land use designation, and a Planned Development implementing zoning designation, or equivalent land use and zoning designations, and shall only allow medical office and/or clinic uses with a maximum of one hundred fifteen thousand (115,000) gross square feet, with said use further limited by the following special requirements:
  - a. A natural buffer as indicated on the map attached as Exhibit D will be maintained along the entire northern, eastern and western boundaries which shall be encumbered by the conservation easement required by paragraph 8 of this Agreement.
  - b. If the development plan for the area includes an internal access road with a southern boundary that is more than one hundred feet (100') north of the south property line for tax parcels 6340-22 and 6340, development of any building north of such access road shall be limited in height to one (1) story or twenty (20) feet, whichever is greater.
  - c. If the development plan includes an internal access road with a southern boundary that is less than one hundred feet (100') north of the south property line for tax parcels 6340-22 and 6340, then development of any building or structure shall be limited in height to two (2) stories or thirty-five (35) feet, whichever is greater.
  - d. If developed with the medical office and/or clinic uses, there shall be no minimum lot sizes required for the development.

- e. A master drainage plan acceptable to the City of Gainesville shall be submitted in conjunction with the submission of the initial site development plan. Stormwater retention areas shall be located so as to harm as few existing hardwood trees as possible. No stormwater shall leave the subject property and enter the natural buffer area or other surrounding uses at a volume and a rate that exceeds the existing pre-development volume and rate. Conservation and buffer areas shall not be used for surfacewater management purposes, except to the extent possible without removal of existing vegetation. All stormwater shall be retained based upon a one hundred (100) year storm event and treated to meet current Water Management District and City of Gainesville requirements prior to discharge into any sink holes and wetlands.
  - f. Vehicular access to the property shall not be made through any extension of N.W. 13th Place.
  - g. The medical office and/or clinic use shall be for "out patient" care (i.e., less than 24 hour on-site care) and shall not include "in patient care" (i.e., 24 hours or greater on-site care).
  - h. If developed for residential use, said residential development shall not exceed one residential unit per acre.
  - i. Directional lighting shall be employed throughout the development to minimize potential of light being directed toward the adjacent neighborhoods.
5. NFRMC agrees to consult with WHUAMB prior to initiation by NFRMC of any land use or zoning change with the City of Gainesville on any of the parcels covered by this Agreement for the purpose of obtaining recommendations from WHUAMB, and to provide assurance to WHUAMB that such change is consistent with, and in furtherance of, this Agreement.
6. NFRMC agrees that it will not support any plan by the City, County or State of Florida to extend S.W. 62nd Street north of Newberry Road.
7. WHUAMB agrees to actively support a land use and zoning change request to the City of Gainesville by NFRMC for tax parcels 6337-23, 6340-22, 6340 and the northern portion of tax parcel 6340-4 not governed by the Resolution and the Ordinance, provided said land use and zoning change is consistent with all the terms and conditions of this Agreement. Said support shall take the form of official notice of support by WHUAMB to the applicable governmental entity.
8. NFRMC shall create a conservation easement for the area indicated in Exhibit D, attached, for the purpose of retaining the buffer areas predominantly in their natural condition and said easement shall be granted to WHUAMB and shall record same in the

public records of Alachua County, and said easement shall run with the land prohibiting the following:

- a. Construction or placing of roads, parking lots or buildings;
- b. Dumping or placing soil or other substance or material as landfill; and
- c. Removal or destruction of trees, shrubs, or other vegetation; unless required for safety reasons or for removal of harmful exotic plant species; and
- d. Any and all excavation or removal of material substance that may effect the surface (surface use shall remain predominantly in its natural condition), provided, however, that additional landscaping with native plant species to maintain and improve the buffer shall be permitted and a running path shall be permitted; and
- e. Activities detrimental to drainage, flood control, water conservation or habitat preservation.

The conservation easement shall specifically allow the following:

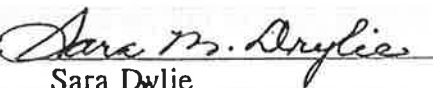
- a. Areas within the easement may be used for surfacewater management purposes to the extent possible without removal of existing vegetation.
  - b. A running path may be maintained within the conservation easement for the purpose of providing a pedestrian walking and jogging trail. The running path right-of-way shall be owned and maintained by NFRMC.
  - c. Utilities may be placed underground within the westernmost portion of the easement area within the area identified as tax parcel 6337-23 in Exhibit A. Removal of vegetation shall be the minimum necessary to provide required utility access.
9. NFRMC agrees to make declarations and covenants incorporating the terms of this Agreement and record same on the public records of Alachua County, Florida so that the terms and conditions of this Agreement shall run with the land and be binding on any future owners of said land.
  10. This Agreement constitutes the entire understanding between the parties relating to the subject matter herein, and supersedes other written or verbal agreements between the parties.

11. This Agreement may be amended or supplemented only by written agreement signed by the parties and recording of said amendment upon the public records of Alachua County, Florida.
12. If any provision of this Agreement is found to be invalid by a legal authority with jurisdiction or by stipulation of the parties, the parties will modify that provision, if possible, to conform to the intent of the parties as reflected in the original provision. In the event any portion of this Agreement is invalid, the remainder of this Agreement will remain valid and enforceable.
13. Failure of either party to enforce any provision of this Agreement does not waive that party's right to full performance of the remainder of the Agreement.
14. In the event the parties cannot resolve any disputes or claims arising with respect to this Agreement, the dispute or claim will be settled by arbitration. The arbitration proceedings shall be conducted under the Commercial Arbitration Rules of the American Arbitration Association in effect at the time a demand for arbitration under the Rules is made. The decision of the arbitrator shall be binding and enforceable in a court of law. Arbitration shall take place in Gainesville, Florida, unless otherwise agreed by the parties in writing. The costs associated with the arbitration process shall be borne equally by the parties.
15. The substantially prevailing party, in any litigation that may occur between the parties, shall be entitled to recover all of its expenses and costs reasonably incurred in pursuit of their rights under this Agreement, which expenses and costs shall include reasonable attorneys fees, whether suit be brought or not, and which shall include any expenses and costs on appeal.
16. The rights, obligations, and remedies of the parties under this Agreement will be interpreted and governed by the laws of the State of Florida and its appropriate governmental bodies.
17. The parties voluntarily submit to the jurisdiction of the courts of the State of Florida. Venue shall be in Alachua County, Florida.
18. The parties execute this Agreement, causing it to become effective on the latest date below, with the signatures of their respective authorized representatives.

HCA Health Services of Florida, Inc.  
d/b/a/ Columbia North Florida Regional Medical Center  
P.O. Box NFR  
Gainesville, Florida 32614-7006

WHUAMB, INC.  
C/O Sara Drylie, President  
6603 N.W. 18th Ave.  
Gainesville, FL 32605

BY:  <sup>hnd</sup>  
\_\_\_\_\_  
Brian C. Robinson  
President & Chief Executive Officer

BY:   
\_\_\_\_\_  
Sara Drylie  
President

Date: 11-7-97

Date: 12-1-97

PERPETUAL CONSERVATION EASEMENT

THIS AGREEMENT made and entered into this 23<sup>rd</sup> day of December, 1997, by and between HCA HEALTH SERVICES OF FLORIDA, INC., d/b/a Columbia North Florida Regional Medical Center, P.O. Box NFR, Gainesville, Florida 32614-7006 (hereinafter referred to as the Grantor) and WHUAMB, a neighborhood association, Gainesville, Florida 32605 (hereinafter referred to as the Grantee).

WITNESSETH

WHEREAS, Grantor is the owner of certain lands described in Schedule A attached hereto, hereinafter referred to as Property; and

WHEREAS, the parties recognize the Property's natural scenic, recreational, educational, buffering and other environmental values, and with both parties having a common purpose of conserving the natural values, character, and current beneficial use of the Property, Grantor agrees to convey to Grantee a Perpetual Conservation Easement on, over and across the Property which easement conserves the value, character and beneficial use of the Property.

NOW THEREFORE, the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, the adequacy, sufficiency and receipt of which are hereby acknowledged by the Grantor, does hereby grant, bargain, sell and convey to Grantee and its successors and assigns forever a Conservation Easement in perpetuity over the Property pursuant to Section 704.06, Fla. Stat. (1997), said Statute except as modified herein, and further agree as follows:

- I. Grantor shall have the exclusive use of the Property, except as herein limited, and agrees that, as to the Property, it shall not:
  - A. Construct or place roads, parking lots or buildings.
  - B. Dump or place soil or other substances or materials as landfill.
  - C. Remove or destroy trees, shrubs or other vegetation, unless required for safety reasons or for removal of harmful exotic plant species.
  - D. Excavate or remove any material substance that may effect the surface (surface use shall remain predominantly in its natural condition), provided, however, that additional landscaping with native plant species to maintain and improve the buffer shall be permitted and a running path shall be permitted.

- E. Undertake or permit activities detrimental to drainage, flood control, water conservation, or habitat preservation.
2. Anything herein to the contrary notwithstanding, the Grantor may conduct the following activities under this Conservation Easement:
    - A. Areas within the Property may be used for surfacewater management purposes to the extent possible without removal of existing vegetation.
    - B. A running path may be maintained within the Property for the purpose of providing a pedestrian walking and jogging trail . The running path right-of-way shall be owned and maintained by Grantor.
    - C. Utilities may be placed underground within the Property. Removal of vegetation shall be the minimum necessary to provide required utility access.
  3. Grantor and Grantee shall together develop Baseline Documentation to establish the condition of the Property at the time of this conveyance. The Baseline Documentation shall be the basis upon which periodic or random inspections of the Property will be evaluated by the Grantee, and said Baseline Documentation is understood to be admissible and to take precedence in any dispute relating to changed conditions of the Property.
  4. Grantor shall be obligated to pay all ad valorem or other taxes or assessments which may now or hereinafter be assessed or charged upon the Property.
  5. Grantee and its agents and employees at any and all times shall have the unrestricted right to enter and inspect the Property and enforce by proceedings in law or equity or in accordance herewith covenants set forth in this Easement and in furtherance of the rights of Grantee.
  6. This Conservation Easement granted unto Grantee shall be perpetual and shall be to the Grantee and its successors and assigns forever.
  7. Grantor agrees to protect the ecological integrity of the Property and the suitability of the Property as a buffer between Grantor and Grantee, and to inform and consult with Grantee regarding any occurrences or activities that diminish the character or integrity of the Property, or its effectiveness as a buffer between Grantor and Grantee.
  8. In the event of a dispute between the Grantor and the Grantee as to the use of the Property and the terms hereof, said dispute shall be resolved by: (1) Arbitration which shall be binding upon the parties, before three arbitrators one of whom shall be selected by each the Grantor and Grantee, and one of whom shall be chosen by the arbitrators so selected; or (2) Pursuant to the Florida Arbitration Code, Chapter 682, Florida Statutes (1997), now in affect and as amended from time to time. In the event of arbitration, the costs of arbitration shall be borne



equally by the parties, In the event of litigation subsequent to the arbitration, the substantially prevailing party shall be entitled to recover all of its expenses and costs reasonably incurred in pursuit of their rights under this Agreement, which expenses shall include reasonable attorneys fees, whether suit be brought or not, and which shall include any expenses and costs on appeal.

9. The rights granted to Grantee and the covenants agreed to by Grantor shall not only be binding upon Grantor but also upon its agents, representatives, successors and assigns and all other successors who have an interest in the easement and the easement shall continue as a servitude running in perpetuity with Property.
10. The Conservation Easement as herein defined may be modified by mutual written agreement by and between the Grantor and the Grantee and their respective successors, assigns or their respective designees.

IN WITNESS WHEREOF the Grantor and Grantee have executed this Conservation Easement as the day and year first written above.

Witnesses:

*Alan M. Jaine*  
*Linda E. Winn*

HCA HEALTH SERVICES OF FLORIDA, INC

By: *Brian C. Robinson*

Corporate Seal

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of December 1997, by Brian C. Robinson of the HCA HEALTH SERVICES OF FLORIDA, INC, on behalf of the corporation.

*Linda E. Winn*

Notary Public



LINDA E. WINN  
My Comm Exp. 8/11/2001  
Bonded By Service Ins  
No. CC670524  
[V Personally Known | I Other I.D.]

Witnesses:

WHUAMB

C. David Coffey  
Dolly L. Templeton

Sara M. Drylie

By:

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 23rd day of December 1997, by Sara M. Drylie of the WHUAMB, on behalf of the neighborhood association.

Dolly L. Templeton  
Notary Public



July 28, 1997

Legal Description  
Conservation Easement

A portion of the South 1/2 of Section 33, Township 9 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at a 4" x 4" concrete monument (RLS 940) found at the southwest corner of Lot 48 of "West Hills", a subdivision as per plat thereof recorded in Plat Book "E", page 11 of the Public Records of Alachua County, Florida and run thence North 00°14'09" East, along the west boundary of said "West Hills", 1507.20 feet to the POINT OF BEGINNING; thence continue North 00°14'09" East, along said west boundary, 557.45 feet to a 3" x 3" concrete monument found at the northwest corner of Lot 24 of said "West Hills" and the southeast corner of that certain parcel of land as described in Official Records Book 1315, page 726 of the Public Records of Alachua County, Florida; thence North 46°16'55" West, along the south boundary of said parcel (O.R. 1315, pg. 726), a distance of 344.26 feet to a 3/4" iron pipe found on the southeasterly line of University Acres, Unit No. 1, a subdivision as per plat thereof recorded in Plat Book "F", page 88 of said Public Records; thence South 61°27'02" West, along the southeasterly line of Lots 33 and 32 of said subdivision (Plat Book "F", pg. 88), a distance of 223.52 feet to a 1/2" rebar and cap (PLS 4115) found at the southwest corner of said Lot 32; thence South 78°42'08" West, along the south boundary of Lots 31 and 30 of said subdivision (Plat Book "F", pg. 88), a distance of 235.72 feet to a 1" iron pipe found at the southwest corner of said Lot 30 and the southeast corner of Lot 6 of "University Acres, Unit No. 2", a subdivision as per plat thereof, recorded in Plat Book "H", page 10 of said Public Records; thence South 85°02'54" West, along the south boundary of said subdivision (Plat Book "H", pg. 10), a distance of 396.54 feet to a 1" iron pipe found at the southwest corner of Lot 8 of said subdivision (Plat Book "H", pg. 10); thence southwesterly, northwesterly and westerly, along the south boundary of said subdivision (Plat Book "H", pg. 10) through the following 20 courses and distances: 1) South 79°29'21" West, 92.58 feet; 2) South 57°51'07" West, 151.42 feet; 3) South 46°02'06" West, 50.22 feet; 4) North 56°28'12" West, 31.39 feet; 5) North 84°12'45" West, 43.00 feet; 6) North 67°03'18" West, 123.81 feet; 7) North 71°34'51" West, 81.32 feet; 8) North 57°42'56" West, 58.32 feet; 9) North 68°13'49" West, 43.53 feet; 10) North 87°15'15" West, 22.07 feet; 11) North 51°19'59" West, 28.50 feet; 12) North 87°30'36" West, 51.96 feet; 13) North 60°40'56" West, 58.47 feet; 14) South 66°36'56" West, 19.25 feet; 15) North 74°53'36" West, 19.92 feet; 16) South 77°24'50" West, 57.27 feet; 17) South 87°38'30" West, 70.44 feet; 18) South 65°31'23" West, 46.52 feet; 19) North 62°28'30" West, 44.25 feet; 20) North 88°46'10" West, 269.34 feet to a 3/4" iron pipe found at the southwest corner of Lot 25 of said subdivision

(Plat Book "H", pg. 10); thence North  $00^{\circ}15'50''$  East, along the west boundary of said Lot 25, a distance of 7.46 feet to a 4" x 4" concrete monument (RLS 509) found at the northeast corner of Parcel 23 of an unrecorded survey by Perry C. McGriff Co. dated June 3, 1965; thence North  $89^{\circ}44'13''$  West, along the north line of said Parcel 23, a distance of 365.94 feet to a rebar and cap (RLS 940) found on the northeasterly line of an 80 foot ingress, egress and utility easement as described in Official Records Book 333, page 340 of said Public Records; thence South  $34^{\circ}06'16''$  East, along said northeasterly easement line, 648.23 feet to a 4" x 4" concrete monument found on the west line of "North Florida Regional Doctors Office Park", a subdivision as per plat thereof recorded in Plat Book "H", page 81 of said Public Records; thence North  $00^{\circ}15'50''$  East, 26.46 feet to the northwest corner of said "North Florida Regional Doctors Office Park"; thence South  $86^{\circ}10'10''$  East, along the northerly line of said subdivision (Plat Book "H", page 81), a distance of 107.85 feet; thence North  $34^{\circ}06'16''$  West, 100.00 feet northeasterly of (measured perpendicular) and parallel with said northeasterly easement line, 375.00 feet; thence North  $64^{\circ}56'56''$  East, 136.92 feet; thence South  $51^{\circ}50'08''$  East, 201.44 feet; thence South  $82^{\circ}37'23''$  East, 300.23 feet; thence North  $56^{\circ}17'40''$  East, 138.85 feet; thence South  $36^{\circ}44'20''$  East, 116.72 feet; thence North  $75^{\circ}23'05''$  East, 171.75 feet; thence South  $49^{\circ}21'56''$  East, 201.86 feet; thence South  $88^{\circ}18'42''$  East, 70.18 feet; thence North  $69^{\circ}25'06''$  East, 181.05 feet; thence North  $36^{\circ}41'16''$  East, 133.03 feet; thence South  $87^{\circ}37'23''$  East, 464.72 feet; thence South  $69^{\circ}33'28''$  East, 225.87 feet; thence North  $64^{\circ}21'15''$  East, 158.76 feet; thence South  $65^{\circ}33'56''$  East, 130.46 feet to a point lying 100.00 feet westerly of (measured perpendicular) the west boundary of said "West Hills"; thence South  $00^{\circ}14'09''$  West, 100.00 feet westerly of (measured perpendicular) and parallel with said west boundary of "West Hills", 330.00 feet; thence South  $87^{\circ}09'14''$  East, 100.10 feet to the POINT OF BEGINNING.

Containing 17.12 acres (745,536 square feet), more or less.





7. **Petition 105LUC-00 PB** C. David Coffey, Esq., agent for HCA Health Services of Fla., Inc. Amend the City of Gainesville Future Land Use Map from SF (Single-family, up to 8 units per acre) and CON (Conservation) to O (Office) on approximately 33 acres of property located in the 6400 block of Northwest 9<sup>th</sup> Boulevard.

Ms. Kathy Winburn was recognized. Ms. Winburn presented a map of the property and described it and the surrounding uses in detail. She explained that the petitioner proposed to construct one and two-story medical office buildings on the site. Ms. Winburn noted that the petitioner had an agreement with adjacent neighborhood associations which recorded a 17-acre conservation easement on the northern portion of the property. She explained that the petitioner also wished to change the zoning on that property to office. Ms. Winburn indicated that the city was not a party to the agreement between the owner and the neighborhood associations, but the information was included in the board's packets. She explained that the 17 acre conservation easement provided an adequate buffer between the existing single-family homes to the north and the hospital and medical uses to the south. She discussed the provisions of the TCEA as it applied to the project. Ms. Winburn indicated that staff believed the requested land use was appropriate for the property. She offered to answer any questions from the board.

Mr. David Coffey, agent for the petitioner, was recognized. Mr. Coffey discussed the agreement between the petitioner and surrounding neighbors, which limited development potential on the site. He also discussed the proposed development of medical offices. He requested that the board approve the petition. Mr. Coffey offered to answer any questions from the board.

Chair Guy requested clarification on the conservation easement agreement.

Mr. Coffey explained that the conservation easement was created and recorded several years ago. He pointed out that the surrounding neighbors owned the easement and had the right to prevent any future use of the area covered by the easement in a manner inconsistent with the agreement. He discussed the specifics of the agreement in detail.

Chair Guy opened the floor to public comment.

Mr. Tony Forharris, resident of abutting property, was recognized. Mr. Forharris cited a concern about the conservation area. He noted that the petitioner had requested that the zoning be changed from single-family to office on the entire site, including the conservation area. He asked why the zoning on the conservation area could not be changed to conservation. He also cited a concern about the effectiveness of the conservation easement agreement with surrounding neighborhoods. He noted that, at one time, the hospital was illegally landing helicopters on the property.

Mr. Tom Schulty, resident near the site, was recognized. Mr. Schulty indicated that he wished to be sure that the conservation easement agreement was adhered to. He cited a concern about the increase in traffic.

Mr. Neil Kentz, resident of the neighborhood behind rezoning area, was recognized. Mr. Kentz indicated that he was a member of the Westhills-University Acre Association. He discussed the site and cited a concern about increased traffic.

Mr. Stephen Bender, resident near the subject property, was recognized. Mr. Bender cited concerns about stormwater drainage and a wetland on the site. He indicated that he also believed the conservation easement area should be designated as such.

Chair Guy closed the public portion of the hearing. He called for comment from the board.

Mr. McGill discussed the wording of the conservation easement document. He asked if the hospital would be willing to zone that area conservation.

Mr. Coffey explained that, whatever land use and zoning was placed on property, it was always subject to change by future legislative bodies. He pointed out that the conservation easement was the most permanent way to preserve the area. He indicated that the applicant did not propose that the area be zoned conservation because of the need to be sure that all of the land development regulations were met when the site was being developed, including the required amount of green and open space. Mr. Coffey explained that had not yet been determined if green or open space could be achieved without including the property encumbered by the conservation easement. He suggested that, when the development was completed, it might be appropriate to rezone the easement to conservation.

Mr. McGill agreed that land use changes to remove conservation zoning had been presented to the board in the past. He noted that the easement agreement seemed to be very protective of the property.

Mr. Coffey discussed the situation of sidewalks and agreed that the site was not pedestrian friendly but changes were planned to improve connectivity. He pointed out that approximately half of the site that was not in the conservation easement would be developed for stormwater treatment and that area would not be developed either.

Mr. Hilliard suggested that the neighborhoods had more control and done a better job of protecting themselves than the city could. He agreed that legislative bodies did change and the agreement would lock the hospital into specific actions. He pointed out that the agreement gave more protection than the city could offer in a land use petition.

Mr. McGill suggested that two story buildings would allow more area to be preserved.

There was discussion of land use and PUDs.

Mr. Hilliard reminded the board that the agreement for the conservation easement was between the hospital and the neighbors and it could not be enforced by the city.

Mr. Coffey discussed the future rezoning and development plan approval for the site.

Mr. McGill suggested that the neighbors be at the Development Review Board meeting when a development plan did come forward and urge that board to place protection on the site.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 105LUC-00 PB.	<u>Upon Vote:</u> Motion Carried 4-0 Yeas: Carter, McGill, Guy, Myers



5 Legal Notice

7/4/00  
HEARINGS BEFORE  
CITY PLAN BOARD  
AND CITY COMMISSION

The Plan Board of the City of Gainesville, FL will consider the following items at the regular Public Hearing scheduled on Thursday, July 20, 2000, at 6:30 p.m., in the City Hall, First Floor Auditorium, 200 E. University Avenue, Gainesville, FL. The Plan Board may continue petitions as submitted, approve petitions with amendments or deny petitions. If the City Plan Board votes to approve a petition as submitted, based upon the recommendation of the planning staff, then the City Attorney will prepare an ordinance for adoption by the City Commission. The Ordinance Adoption Hearing for these petitions will be held by the City Commission on Monday, September 11, after 6:00 p.m. If the City Plan Board votes to deny a petition or approve a petition with conditions that are not agreed upon by the Petitioner, then that petition will be considered by the City Commission at the meeting of Monday, August 14, 2000, after 6:00 p.m. City Commission meetings are held in the City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, Florida. (NOTE: 1. Items continued or denied by the Plan Board will not appear on the City Commission date stated above. Hearing dates for continued items will be readvertised. 2. Concept plans are not heard by the City Commission.)

OLD BUSINESS

1. Petition 50MSC-00 PB. Code Enforcement Board. Revocation of Special Use Permit (Petition 249SUP-93 PB, Sharkey's) for property at 626 Northeast 13th Street.

2. Petition 68TCH-00 PB. City Plan Board. Amend the City of Gainesville Land Development Code with respect to fence requirements.

NEW BUSINESS

3. Petition 92PDC-00 PB. Ricardo Cavalino. A Planned Development Concept for a residential/non-residential, traditional neighborhood to include a gated single-family attached residential area, professional offices, and a restaurant. Zoned: MU-1 (mixed-use low intensity district). Located at 528 Northwest 39th Road.

4. Petition 93SUP-00 PB. Rory P. Causseaux, PE, agent for Lij' Champ Food Stores. A special use permit with associated development plan review for demolition of the existing building and reconstruction of a convenience store with twelve fueling positions. Zoned: MU-2 (mixed-use medium intensity district). Located at 4221 Northwest 16th Boulevard.

5. Petition 103LUC-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Amend the City of Gainesville Future Land Use Map from AGR (Agriculture) to IND (Industrial) on property located in the Northwest Business Park, Phase I, Lot 12 in the 6900 block of NW 17th Street, East side. Related to Petition 104ZON-00 PB. Portion of tax parcel no. 07879-006-000.

6. Petition 104ZON-00 PB. Brown & Cullen, Inc., agent for Ron Shema, owner. Rezone property from AGR (Agriculture) to I-1 (Industrial) on property located in the Northwest Business Park, Phase I, Lot 12 in the 6900 block of NW 17th Street, East side. Related to Petition 103LUC-00 PB. Portion of tax parcel no. 07879-006-000.

7. Petition 105LUC-00 PB. C. David Coffey, Esq., agent for HCA Health Services of Fla, Inc. Amend the City of Gainesville Future Land Use Map from SF (Single-family, up to 8 units per acre) and CON (Conservation) to O (Office) on approximately 33 acres of property located in the 6400 block of Northwest 9th Boulevard. Tax parcel nos.: 06340-000-000, 06340-022-000, a portion of 06340-007-001, a portion of 06337-023-000.

8. Petition 106LUC-00 PB. City of Gainesville. Amend the City of Gainesville Future Land Use Map from CON (Conservation) to REC (Recreation). Referred to as Cone Park. Located in the vicinity of the 2700 block of East University Avenue. Related to Petition 107ZON-000 PB. Tax parcel no. 10890-001-000.

9. Petition 107ZON-00 PB. City of Gainesville. Rezone property from CON (Conservation) to PS (Public Services and operations). Referred to as Cone Park. Located in the vicinity of the 2700 block of East University Avenue. Related to Petition 106LUC-00 PB. Tax parcel no. 10890-001-000.

ADJOURNMENT

In order to participate in the quasi-judicial portion of the proceedings before the City Commission, all parties who are entitled to actual notice must file the registration form with the Board's secretary or Clerk of the City Commission. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large by the petition, may request affected party status by filing an application with the Clerk of the City Commission, in writing, during regular business hours no less than seven (7) days prior to the meeting when the petition is scheduled to be heard. The application must be filed and received by the Clerk of the City Commission, First Floor, City Hall, 200 East University Avenue, during business hours.

If you do not choose to participate in the quasi-judicial portion of the proceeding, you will be allowed to provide testimony and evidence during the public hearing portion of the meeting, up to 5 minutes per person.

If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

If any person decides to appeal a decision of this body with respect to any matter considered at the above-referenced meeting or hearing, he/she will need a record of the proceedings, and for such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Equal Opportunity Department at 334-5051 at least 48 hours prior to the meeting date. If you have questions about a petition or the process, phone the Department of Community Development at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

7/4/00

