



MEMORANDUM

Office of the City Attorney

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: June 13, 2005
~~May 23, 2005~~

FROM: City Attorney

CITY ATTORNEY
~~FIRST READING~~
SECOND READING

SUBJECT: **Ordinance No. 0-05-21, Petition 184PDA-04PB**
An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Oak Hammock at the University of Florida, A Continuing Care Retirement Community"; located at 5100 S.W. 25th Boulevard; by amending the conditions adopted by Alachua County Resolution No. Z-00-4; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

Oak Hammock at the University of Florida was approved by Alachua County in February of 2000 with certain conditions. Since that time, Phase I of the development plan has been constructed and the property was annexed into the City. This petition is intended to amend the conditions to reflect the current situation on the property and address connectivity issues with adjacent parcels that were also annexed into the City.

The Plan Board heard the petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on November 16, 2004 and January 7, 2005. Letters were mailed to surrounding property owners on November 17, 2004 and January 7, 2005. The Plan Board held a public hearing December 2, 2004.

CITY ATTORNEY MEMORANDUM

The above-referenced Petition was approved by the City Commission on January 24, 2005 and the City Commission authorized the City Attorney's Office to prepare the appropriate ordinance amending the planned development.

Prepared and submitted by:


 Marion J. Radson, City Attorney

MJR/afm

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Passed on first reading by a vote of 6-0.

ORDINANCE NO. _____
0-05-21

1
2
3
4 **An Ordinance of the City of Gainesville, Florida; amending the**
5 **Planned Development commonly known as “Oak Hammock at**
6 **the University of Florida, A Continuing Care Retirement**
7 **Community”; located at 5100 S.W. 25th Boulevard; by**
8 **amending the conditions adopted by Alachua County Resolution**
9 **No. Z-00-4; providing a severability clause; providing a**
10 **repealing clause; and providing an immediate effective date.**

11
12 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public
13 Hearing, and the petitioner has petitioned the City to amend the planned development commonly
14 known as “Oak Hammock at the University of Florida”; and

15 **WHEREAS**, notice was given and publication made as required by law of a Public Hearing
16 which was then held by the City Plan Board on December 2, 2004; and

17 **WHEREAS**, notice was given and publication made of a Public Hearing which was then
18 held by the City Commission on January 24, 2005; and

19 **WHEREAS**, the City Commission finds that the amendment of the Planned Development
20 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

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

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D R A F T

4/22/2005

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

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
5 **CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** The Conditions of Alachua County Resolution No. Z-00-4 adopted by the Board
7 of County Commissioners of Alachua County, Florida on February 8, 2000, are amended as
8 follows:

- 9 1. Per the submitted Zoning Master Plan, the development shall not exceed 100 Independent
10 Living Unit attached/detached homesites, and 300 Independent Living Unit apartments, 60
11 Assisted Living Facility units, 24 Memory Impaired units, and 60 Skilled Nursing units
12 contained in a multi-use building. The multi-use building shall not exceed a total square
13 footage of 1,087,000 square feet, with a maximum building foot print of 369,000 square feet,
14 and with a maximum height of 5 stories, or 70 feet from the finished floor to the top of the
15 roof, including basement parking. The building may be divided into the following maximum
16 square footages and story levels:
- 17
 - 18 a. the 1 story portion containing 60 Assisted Living Facility units, 24 Memory Impaired
19 units, and 60 Skilled Nursing units shall be a maximum of 111,000 square feet of floor
20 area and 30' in height from the finished floor to the top of the roof.
 - 21
 - 22 b. the 2 story portion containing the Independent Living Common Healthplex shall be a
23 maximum of 86,000 square feet and 70' in height from the finished floor to the top of the
24 roof.
 - 25
 - 26 c. the 5 story portion containing 300 Independent Living apartment units and basement
27 parking shall be a maximum of 890,000 square feet and 70' in height from the finished
28 floor to the top of the roof.
 - 29

30 The Development Review ~~Committee~~ Board may allow minor variations in square footage
31 and building height provided that the maximum number of units is not exceeded.
32

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DRAFT

4/22/2005

1 The general location and boundaries of defined uses, private streets, trails, undisturbed areas,
2 and all other elements of the PUD, shall in accordance with the Zoning Master Plan. The
3 Development Review ~~Committee~~ Board may allow minor variations in locations provided
4 that the overall intent of the Zoning Master Plan is maintained.
5

- 6 2. Preliminary and final development plan approval shall be required.
7
- 8 3. Individual service facilities for the residents of the PUD, such as dining facilities, beauty
9 salon/barber shop, wellness center, etc., but excluding sheltered nursing home beds as
10 defined in Florida Statutes 651.118, shall not be open to the general public, except occasional
11 use by guests of residents, nor have any outside advertising.
12
- 13 4. Specific buffers and setbacks appropriate to the phase shall be in place prior to issuance of a
14 certificate of occupancy. The following buffers and setbacks shall be required and
15 maintained:
16
- 17 a. Along the south property lines: a minimum 75'-wide buffer. This buffer shall be a high-
18 density combination of existing natural vegetation augmented if necessary to provide
19 sufficient opacity, as determined by the Development Review Committee Board, with
20 canopy and understory trees from the attached Acceptable Tree Species list, shrubs, and
21 evergreens/conifers. A 150' setback for the multi-story building shall be maintained
22 along the south property lines.
23
- 24 b. Along the north and east property lines, as shown on the Zoning Master Plan, where
25 development is adjacent to the property lines: a minimum 25'-wide buffer. This buffer
26 shall be a high-density combination of existing natural vegetation augmented if necessary
27 to provide sufficient opacity, as determined by the Development Review Committee
28 Board, with canopy and understory trees from the attached Acceptable Tree Species list,
29 shrubs, and evergreens/conifers.
30
- 31 c. All other building setbacks shall be as specified in the proposed Table 2 of the PUD
32 application. The Development Review Committee Board may allow minor variations in
33 building setbacks at time of development plan review.
34
- 35 5. Total parking for the PUD shall be 642 spaces, 300 of which shall be located as proposed, as
36 basement parking under the multi-use building. Any golf cart parking shall be grassed
37 parking. Tree plantings and islands for surface parking shall be provided at a minimum of an
38 average of every 7 parking spaces in order to break up large areas of parking. Where the
39 parking is a single row, sidewalk and parking tree canopy coverage may be shared in lieu of
40 islands, provided 50% tree canopy coverage of both the parking area and the sidewalk is met.

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1 Surface parking areas shall be landscaped consistent with the principles of xeriscaping, and
 2 with an emphasis on use of native species. Non-invasive, non-native species may be used to
 3 supplement native plantings. Tree canopy coverage of a minimum of 50% of the surface
 4 parking area shall be required within 20 years of development. A minimum of 20% of the
 5 total developed area of the site shall be landscaped. A minimum of 40% of the initial tree
 6 canopy of delineated tree canopy conservation areas of the site shall be retained. A minimum
 7 of 50% of delineated tree canopy conservation areas of the site shall be underneath tree
 8 canopy in 20 years' time.
 9

- 10 6. ~~Walking trails and/or bike/pedestrian paths and/or sidewalks shall be provided to connect the~~
 11 ~~proposed internal walking trail and bike/pedestrian path system to sidewalks along Williston~~
 12 ~~Road. Sidewalks shall be provided along both sides of the proposed County dedicated right-~~
 13 ~~of way connecting the western portion of the PUD to Williston Road. In lieu of sidewalk~~
 14 ~~connection to Williston Road, shuttle service for employees may be provided. A sidewalk on~~
 15 ~~the east side of S.W. 29th Drive (County Road) has been constructed with the completed~~
 16 Phase I connecting the Oak Hammock internal sidewalk/trail system with a sidewalk along
 17 Williston Road. Oak Hammock is not responsible to construct any additional sidewalk on
 18 S.W. 29th Drive and S.W. 25th Terrace. Tree canopy coverage of a minimum of 50% of each
 19 walking trail, bike/pedestrian path, and sidewalk within the PUD shall be required within 20
 20 years of development.
 21
- 22 7. A private transit system shall be provided for off-site and on-site travel and service to nearby
 23 RTS bus stops.
 24
- 25 8. Signage identifying the PUD shall not exceed 2 monument-type signs, within a landscaped
 26 area, limited to a sign structure 7' in height above grade and 6' in width, with a sign face not
 27 exceeding 5' in height above grade. One sign may be located at an eastern PUD entrance,
 28 and one sign may be located at a western PUD entrance. A third monument-type sign
 29 identifying the PUD may be located at the eastern Williston Road connection, consistent with
 30 the sign rendering shown in Exhibit B. No internally illuminated signs shall be permitted.
 31
- 32 9. Stormwater facilities shall be shallow basin, and designed and integrated into the
 33 landscape/buffering system as an amenity. Basins shall be vegetated with appropriate trees
 34 and, if necessary, understory planting, and designed in such a way as to take on a naturalistic
 35 appearance. The stormwater basin located in the 100 Year Flood Plain and incorporating a
 36 lake shall be designed in conjunction with both the University of Florida Center for Wetlands
 37 and the Alachua County Environmental Protection Department.
 38
- 39 10. The owner/developer shall comply with all federal, state, and local laws, rules regulations,
 40 and ordinances, now and hereafter in force, which may be applicable to the use of the site.

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1 Any uncured violation after notice of the breach of the terms and conditions of this Planned
2 Unit Development shall be grounds for suspension or revocation by the Board of County
3 Commissioners City Commission. Concurrency requirements for roads, parks, drainage,
4 stormwater management, solid waste, water and sewer, and mass transit shall be met as a
5 condition of final development plan approval.
6

7 ~~11. The Development Review Committee shall explore alternatives to the road configurations~~
8 ~~depicted on the zoning master plan in an effort to reduce fragmentation of the proposed~~
9 ~~natural area. The result of such consideration shall strike a reasonable balance between the~~
10 ~~issues of access, interconnectivity of the road system, public safety, and natural resources.~~
11

12 ~~12. The western access connection must align with the street being constructed as the primary~~
13 ~~access to the Campus Lodge project, located north of SR 331. At the time of development~~
14 ~~plan approval, the applicant must provide a signal warrant analysis. If this analysis indicates~~
15 ~~that a signal is warranted, the applicant shall provide for all costs associated with the design~~
16 ~~and installation of this traffic signal, or any other type of traffic control device that may be~~
17 ~~warranted.~~
18

19 ~~13. The eastern access connection and the future County roadways must be defined during the~~
20 ~~development approval process and the final locations will be based on the optimal locations~~
21 ~~to minimize environmental impacts and the impacts to SR 331. At the time of development~~
22 ~~plan approval, the applicant must provide a signal warrant analysis. If this analysis indicates~~
23 ~~that a signal is warranted, the applicant shall provide for all costs associated with the design~~
24 ~~and installation of this traffic signal, or any other type of traffic control device that may be~~
25 ~~warranted. The access streets are indicated as proposed County Roads or R/W's and the~~
26 ~~eastern roadway must provide for a connection to the undeveloped property east of the site.~~
27 The eastern connection, S.W. 25th Terrace, has been completed with Phase I. Oak Hammock
28 is allowed to perform a traffic signal warrant analysis at the intersection of Williston Road
29 and S.W. 25th Terrace to determine if a signalization traffic signal is warranted. The signal
30 warrant study shall be conducted in accordance with requirements established by the Florida
31 Department of Transportation. The Florida Department of Transportation has jurisdictional
32 responsibility for Williston Road (SR 331) and has final approval as to whether or not a
33 traffic signal is permitted and installed. Even if the proposed signal meets warrants for
34 installation, the Florida Department of Transportation is not obligated to approve a permit for
35 its installation. If the Florida Department of Transportation does issue a permit for
36 installation of the signal, the signal installation must meet all requirements of the Florida
37 Department of Transportation as well as the traffic signal design standards of the City of
38 Gainesville and the Gainesville Metropolitan Transportation Planning Organization. Oak
39 Hammock must pay for the design and installation of the traffic signal, all costs to install the
40 necessary communication equipment required to include this signal and its subsystem into the

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1 Gainesville Computerized Traffic Signal System Master Plan, all costs required to modify
 2 any other existing signals that are included in the same signal subsystem to meet the
 3 specifications of the Signal Master Plan and all costs to establish traffic signal timings for the
 4 new signal and retiming of the traffic signal subsystem as required by the Florida Department
 5 of Transportation and City of Gainesville Public Works Department – Transportation
 6 Services Division. The owner/developer may be required to interconnect the signal with
 7 existing signal(s) that may or may not be part of the existing Computerized Traffic
 8 Management Plan. The owner/developer will be responsible for designing, purchasing, and
 9 installing the necessary equipment to make this subsystem functional.

- 10
- 11 14. ~~A roadway connection must be provided to the western boundary or to the northwestern~~
 12 ~~corner of the proposed PUD. This connection may be gated to provide for site security. The~~
 13 ~~western connection, S.W. 29th Drive, has been completed with Phase I. The security gate~~
 14 ~~improvements have been completed and no other western connections are proposed for Phase~~
 15 ~~II.~~
- 16
- 17 15. To assist in offsetting the impacts of this development, additional mass transit access, as
 18 indicated in the traffic study, must be provided in this area. This would include the extension
 19 of one or more of the existing RTS routes to the site. The applicant may provide for
 20 additional funding to RTS as traffic mitigation for the impacts to surrounding road network
 21 or such other mitigation as determined by DRC. Oak Hammock has provided funding to
 22 RTS in satisfaction of this condition. No other traffic mitigation is required for future Phase
 23 II.
- 24
- 25 16. ~~At the development approval stage, the applicant shall provide definitive time frames~~
 26 ~~associated with the phases of the proposed development in order to facilitate the issuance of~~
 27 ~~the appropriate Certificates of Level of Service Compliance.~~
- 28
- 29 17. ~~A Certificate of Level of Service Compliance must be obtained for this project by the time of~~
 30 ~~site plan approval in accordance with Chapter 365 of the Alachua County Unified Land~~
 31 ~~Development Regulations. At that time access issues must be resolved. A traffic impact~~
 32 ~~analysis and traffic mitigation proposals must be submitted with the site plan application.~~
- 33
- 34 18. ~~The eastern road configuration from Williston Road shall not extend easterly beyond a point~~
 35 ~~necessary to provide southerly road access to the developed portion of the site. Condition 11 shall~~
 36 ~~apply to this road segment. This road segment shall ultimately provide access from Williston Road~~
 37 ~~to the 71 acres east of and adjacent to the subject property and shall be accomplished by a PUD~~
 38 ~~amendment. The amendment shall strike a reasonable balance between the issues of access,~~
 39 ~~interconnectivity of the road system, public safety and natural resources both on the site and the~~
 40 ~~adjacent 71 acres. A portion of S.W. 25th Terrace (the easterly entrance road to Oak Hammock) has~~
 41 ~~been conveyed to the City for right-of-way purposes. The easterly extension of S.W. 25th Terrace~~

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1 (described as "Proposed County R/W and adjacent to Parcel B) that will connect to the
 2 approximately 70 acres east of and adjacent to Oak Hammock shall be constructed at some time in
 3 the future to serve the adjacent development. Oak Hammock shall have no responsibility to construct
 4 and maintain said road. The exact alignment through Oak Hammock property shall be determined at
 5 the time of final development plan approval of Phase II as long as it falls within the 30 mph design
 6 speed standards for S.W. 25th Terrace. Oak Hammock shall convey the required right-of-way, not
 7 exceeding 60 feet in width to the City of Gainesville, at no cost or charge to the City for the right-of-
 8 way, upon demand by the City. In the event Oak Hammock, its successors or assigns, fails to convey
 9 said right-of-way, the City will have the right to seek injunctive relief to obtain said deed, and Oak
 10 Hammock, its successors or assigns, shall pay the City's attorneys fees and costs.

11
 12 ~~19. Phase I is approved for a period of 36 months from the date hereof and shall lapse if a~~
 13 ~~preliminary development plan is not submitted within the 36 month period. As of April~~
 14 ~~2005, Phase I has been completed. Phase II is approved for a period of 72 months from the~~
 15 ~~date May 9, 2005, and this development order shall lapse terminate if a complete or~~
 16 ~~substantially complete preliminary development plan is not submitted filed with the City~~
 17 ~~within the 72 month period.~~

18
 19 20. Oak Hammock reserves the right to grant interconnectivity access to tax parcels 7176-1 and
 20 7176-5 at a location on the west side of S.W. 25th Terrace approximately 250 feet south of
 21 Williston Road.

22
 23 **Section 2.** Except as expressly amended by this ordinance, the remaining provisions of
 24 Alachua County Resolution No. Z-00-4 shall remain in full force and effect.

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

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

30
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DRAFT

4/22/2005

1 Section 5. This ordinance shall become effective immediately upon final adoption.

2 PASSED AND ADOPTED this _____ day of _____, 2005.

3
4
5
6 _____
7 PEGEEN HANRAHAN, MAYOR

8 ATTEST: APPROVED AS TO FORM AND LEGALITY:

9
10
11
12 _____
13 Kurt Lannon,
14 Clerk of the Commission

15 _____
16 Marion J. Radson, City Attorney

17 This ordinance passed on first reading this _____ day of _____, 2005.

18 This ordinance passed on second reading this _____ day of _____, 2005.

19
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