

City of
Gainesville

Inter-Office Communication

Planning Division
x5023, FAX x3259, Station 12

Item No. 5

TO: City Plan Board

DATE: May 16, 2002

FROM: Planning Division Staff

SUBJECT: Petition 34PDA-02PB. C. David Coffey, Esq., agent for HCA Health Services of Florida, Inc. A planned development amendment to amend the text of existing approved PD ordinance to allow a total of 160,000 square feet to be built in three phases of up to 59,995, 39,987 and 60,018 square feet each. Zoned PD (planned development district). Located at 6440 West Newberry Road.

Recommendation

Amend City Ordinance No. 950702 as follows: *"Total square footage for the PUD shall be up to 160,000 to be built in three phases of 59,995, 39,987 and 60,018 square feet each. The amount of square footage constructed in each phase can be more or less than the amount specified, provided the total square footage for the PUD is not exceeded. The maximum building height shall not exceed four stories for Phases I & II and two stories for Phase III, and the maximum building coverage shall be 30%. The Phases may be developed in any sequence."*

Explanation

The North Florida Regional Medical Center site was voluntarily annexed into the City of Gainesville in 1994. A county-adopted Planned Unit Development (PUD) governs how the eastern half of the site can be developed. The Alachua County Board of County Commissioners (BOCC) adopted the PUD on July 23, 1992 through Zoning Resolution No. Z-92-29. The resolution provides for development of a total of 160,000 square feet of office/ clinic/ rehabilitation or other health care facilities, as described in Policy 5.1.1.c. of the Alachua County Comprehensive Plan.

In 1995, the Gainesville City Commission approved an amendment to the county-adopted PUD that allows the 160,000 square feet of proposed development to be built in three phases of 59,995, 39,987 and 60,018 square feet each. The PUD originally required the development to be built in two phases of 100,000 and 60,000 square feet each. The amendment was approved through Ordinance No. 950702. Phase I of the development has been completed. (See Exhibit A.)

This petition is a request to amend City Ordinance No. 950702 by placing the words "up to" before the text describing the amounts of square footage allowed in the three phases of the PUD.

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The applicant has requested the amendment so that the North Florida Regional Medical Center can build less square footage than what is specified in the ordinance for Phase II and Phase III. (See Exhibit B.)

Since the county-adopted PUD does not specify a minimum amount of square footage that must be developed on the subject property, staff finds the applicant's request approvable. However, the text in the ordinance should be amended so that the applicant can build "up to" the maximum amount of square footage allowed within the overall PUD as opposed to the individual phases. The text should also give the applicant the flexibility of modifying the square footage built in each phase of development, as long as the total square footage built does not exceed the maximum allowed in the PUD. These staff recommended changes, which would allow the applicant to implement the PUD in a manner that best coincides with the availability of funding and the demand for future health care facilities on the subject property, would read as follows: *"Total square footage for the PUD shall be up to 160,000 to be built in three phases of 59,995, 39,987 and 60,018 square feet each. The amount of square footage constructed in each phase can be more or less than the amount specified, provided the total square footage for the PUD is not exceeded. The maximum building height shall not exceed four stories for Phases I & II and two stories for Phase III, and the maximum building coverage shall be 30%. The Phases may be developed in any sequence."*

Sincerely,



Ralph Hilliard
Planning Manager

RWH:BEM

ORDINANCE NO. 950702
0-95-79

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4 **An Ordinance of the City of Gainesville, Florida; amending the**
5 **Planned Unit Development previously approved by Alachua**
6 **County, commonly known as "North Florida Regional Medical**
7 **Center" by amending the phases of development for the**
8 **property located in the vicinity of 6440 Newberry Road;**
9 **providing a severability clause; providing a repealing clause;**
10 **and providing an immediate effective date.**

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13 **WHEREAS**, the City Plan Board authorized the publication of
14 notice of a Public Hearing to amend the Planned Unit Development
15 previously approved by Alachua County, commonly known as "North
16 Florida Regional Medical Center"; and

17 **WHEREAS**, notice was given and publication made as required by
18 law of a Public Hearing which was then held by the City Plan Board
19 on July 20, 1995; and

20 **WHEREAS**, notice was given and publication made of a Public
21 Hearing which was then held by the City Commission on August 14,
22 1995; and

23 **WHEREAS**, on July 23, 1992, the Board of County Commissioners
24 of Alachua County (the "Board") adopted Resolution No. Z-92-29 with
25 conditions and rezoned the property described therein to the Zoning
26 Classification of "PUD" (Planned Unit Development); and

27 **WHEREAS**, on September 2, 1992, the electorate approved the
28 annexation of the property described in Alachua County Zoning
29 Resolution No. Z-92-29 together with certain other property which
30 then became a part of the incorporated area of the City of

1 Gainesville; and

2 **WHEREAS**, in accordance with law, the zoning and land use
3 plan of Alachua County continues to govern the use and development
4 of the property until the property is rezoned and the land use
5 classification is changed by the City of Gainesville to conform to
6 the City's Comprehensive Plan; and

7 **WHEREAS**, the owner of the property has petitioned the City of
8 Gainesville to amend the conditions of the PUD as originally
9 approved by the Board of County Commissioners by Zoning Resolution
10 No. Z-92-29; and

11 **WHEREAS**, the City Plan Board and City Commission have
12 considered the petition and are willing to approve amendments to
13 the PUD under the terms and conditions as set forth herein; and

14 **WHEREAS**, at least ten (10) days notice has been given prior
15 to the first advertised public hearing once by publication in a
16 newspaper of general circulation notifying the public of this
17 proposed ordinance and of a Public Hearing in the Gainesville
18 Regional Utilities Administration Building in the City of
19 Gainesville; and

20 **WHEREAS**, notice by mail at least ten (10) days prior to the
21 first advertised public hearing has been given to the petitioner of
22 said lands notifying the petitioner of this proposed ordinance; and

23 **WHEREAS**, a Public Hearing was held pursuant to the published
24 and mailed notice described at which hearing the parties in

1 interest and all others had an opportunity to be and were, in fact,
2 heard.

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

5 **Section 1.** Paragraph 5 of the conditions of Alachua County Zoning
6 Resolution No. Z-92-29 which approved the development and imposed
7 conditions on the use and development of the property is amended to
8 read:

9 "5. Total square footage for the PUD shall be 160,000 to be
10 built in ~~two~~ three phases of ~~100,000 and 60,000~~ 59,995, 39,987 and
11 60,018 square feet each. The maximum building height shall not
12 exceed four stories for Phases I & II and two stories for Phase
13 III, and the maximum building coverage shall be 30%."

14 Note: Words ~~stricken~~ are deletions; words underlined are additions.

15 **Section 2.** Except as expressly modified herein, the provisions
16 of Alachua County Resolution No. Z-92-29 shall remain in full force
17 and effect and shall regulate the use and development of the
18 property.

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


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

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

3 PASSED AND ADOPTED this 9th day of October,
4 1995.

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9 ATTEST:


MAYOR-COMMISSIONER
JAMES F. PAINTER
APPROVED AS TO FORM AND LEGALITY:

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KURT LANNON,
15 CLERK OF THE COMMISSION

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MARION J. RADSON, CITY ATTORNEY

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OCT 10 1995

This ordinance passed on first reading this 25th day of
18 September, 1995.

This ordinance passed on second reading this 9th day of
21 October, 1995.

83tch.pet
8/22/95

Narrative

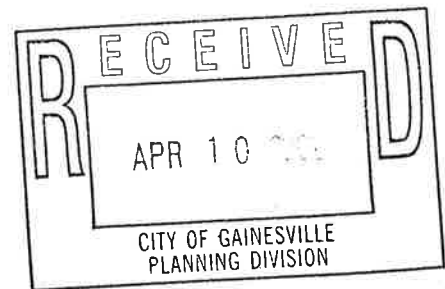
Ordinance No. 950702 approved by the Gainesville City Commission on October 9, 1995, amended the existing PD, previously approved by Alachua County (the property was voluntarily annexed into the city in 1994). The amendment was approved to allow the PD to be developed in three, rather than two phases as was previously mandated in the PD. The amendment to the PD ordinance states in relevant part:

5. *Total square footage for the PUD shall be 160,000 to be built in ~~two~~ three phases of ~~100,000 and 60,000~~ 59,995, 39,987 and 60,018 square feet each. The maximum building height shall not exceed four stories for Phases I & II and two stories for Phase III, and the maximum building coverage shall be 30%.*

A literal interpretation of the ordinance requires that the square footage authorized for each phase of development must be built exactly as indicated. The owner would like the flexibility to construct less square footage than the amount specified in the PD. It is therefore requested that the text of Ordinance No. 950702 be modified as follows:

5. *Total square footage for the PUD shall be 160,000 to be built in three phases of up to 59,995, 39,987 and 60,018 square feet each. The maximum building height shall not exceed four stories for Phases I & II and two stories for Phase III, and the maximum building coverage shall be 30%.*

This is the only change to the text of the PD requested.



5. **Petition 34PDA-02 PB** C. David Coffey, Esq., agent for HCA Health Services of Florida, Inc. A planned development amendment to amend the text of the existing approved PD ordinance to allow a total of 160,000 square feet to be built in three phases of up to 59,995, 39,987 and 60,018 square feet each. Zoned: PD (planned development district). Located at 6440 West Newberry Road.

Ms. Bedez Massey presented a map of the site and described it in detail. She explained that the purpose of the petition was to allow the hospital to develop the three phases in the order they wished, given the availability of funds and the need for medical facilities. She noted that the first phase had been completed.

Mr. David Coffey, agent for the petitioner, was recognized. Mr. Coffey indicated that he agreed with staff's recommendations. He offered to answer any questions from the board.

Mr. Rwebyogo asked the rationale for specifying the three phases of construction.

Mr. Coffey explained that the present PD ordinance specified development in three phases with exact square footage prescribed. He indicated that the request was to allow for variation in the total square footage, so long as it did not exceed the maximum total of 160,000 square feet and that the designation of phases one, two and three were not necessarily to be completed in chronological order. He discussed the history of the project.

Mr. Gold asked about the wooded area to the east, and if it was part of the phasing project.

Mr. Coffey explained that the wooded area was a permanent 100-foot conservation easement and would not be developed.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Andrews	<u>Seconded By:</u> Mr. Gold
<u>Moved to:</u> Approve Petition 34PDA-02 PB, with staff recommendations.	<u>Upon Vote:</u> Motion Carried 5-0 Ayes: Gold, Andrews, Pearce, Rwebyogo, Polshek

