

ORDINANCE NO. _____
0-06-109

An Ordinance of the City of Gainesville, Florida; amending Ordinance No. 030130, that amended Ordinance No. 3805 that amended the Planned Development commonly known as "Metro Corp" located in the vicinity of the southeast corner of N.W. 39th Avenue and N.W. 43rd Street; by allowing an additional financial institution on Lot 4; by extending the time for the development of Lots 3 and 4; by adopting revised development plan maps and a revised planned development report; amending and adopting additional conditions and restrictions as to Lot 4; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Commission, on December 8, 2003, adopted Ordinance No. 030130 which amended Ordinance No. 3805, adopted on December 21, 1992, and Ordinance No. 2927, adopted October 17, 1983, that rezoned certain real property which is the subject of this Ordinance, to Planned Development, and adopting a certain Development Plan; and

WHEREAS, by Ordinance No. 030130, the City Commission, on December 8, 2003, granted an extension of time to the owner/applicant for the development of Lots 3 and 4 to expire on December 31, 2006; and

WHEREAS, the owner/petitioner has petitioned the City to amend the planned development as to Lots 3 and 4, as more specifically provided herein; and

WHEREAS, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on August 17, 2006; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on September 25, 2006; and

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

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

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

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
11 **CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The Revised Development Plan Report and Revised Master Plan for Metrocorp
13 Center of Gainesville (Revised August 31, 1992)(Revised October 20, 2003) adopted on December 8,
14 2003 by Ordinance No. 030130, Section 1, is repealed in its entirety, and a new revised Development
15 Plan is approved and adopted, consisting of:

- 16 (1) A “Revised Development Report and Revised Master Plan for Metrocorp Center of
17 Gainesville (Revised August 31, 1992) (Revised October 20, 2003) (Revised July 10,
18 2006)”, a copy of which is attached hereto as Exhibit “A” and made a part hereof as if set
19 forth in full; and

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1 (2) the "Revised PD Layout Plan Map", revision date 08-01-06, and an "Updated Site
2 Development Plan Lot 4 Balance Only Sheet No. MP2.00" are attached hereto as Exhibit
3 "B" are made a part of this ordinance as if set forth in full; and

4 The terms, conditions, and limitations of the Development Plan shall regulate the use and development
5 of the land described herein zoned to the category of Planned Development District as provided in
6 Chapter 30, Land Development Code of the City of Gainesville (hereinafter referred to as "Land
7 Development Code"). In the event of conflict between the provisions of the development plan report
8 (Exhibit "A") and the development plan maps (Exhibit "B"), the provisions, regulations, and
9 restrictions of the development plan maps (Exhibit "B") shall govern and prevail. Except as modified
10 herein, all of the conditions of the previously approved Planned Development and amendments thereto
11 shall remain in effect.

12 **Section 2.** The following additional conditions, restrictions and regulations shall apply to the
13 development and use of Lot 4:

14 Condition 1. One additional Financial Institution shall be allowed on Lot 4, in accordance
15 with the development standards listed below.
16

17 Condition 2. The additional financial institution use shall be located on the southwest
18 corner of NW 40th Terrace and NW 39th Avenue on Lot 4 and shall meet the build-to line
19 development standards of the Central Corridor Overlay District, as provided in the Land
20 Development Code.
21

22 Condition 3. The additional financial institution building shall have a minimum of two (2)
23 stories. The building shall be oriented towards NW 39th Avenue and have a main entrance
24 facing 39th Avenue. The northern façade of the building shall provide architectural design,
25 with relief, and a minimum of 30% glazing. The glazing percentage shall be determined based
26 on the area of the façade from grade to the eave. Both stores shall have glazing. The east side
27 of the building must provide a minimum glazing of 30% on the first floor elevation, facing
28 NW 40th Terrace.
29

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1 Condition 4. If the additional financial institution is one suite or one portion of a larger
2 building, that portion of the building shall be physically off-set from the rest of the building,
3 or it shall be provided with a separate identity through architectural design or color variation.
4 Acceptable design shall be subject to approval by the Development Review Board during
5 development plan review, considering such factors as compatibility and harmony with the
6 surrounding area.

7
8 Condition 5. The drive-through facilities for the additional financial institution shall not be
9 located adjacent to NW 39th Avenue (also, see Condition 8.). Its location and orientation shall
10 have the least visual impact on the adjacent public right-of-way. A combination of garden
11 wall and complementary vegetation shall be implemented along NW 39th Avenue and NW 40th
12 Terrace to attain screening and visual compatibility. The drive-through facilities, garden wall
13 type, height and composition shall be subject to approval by the Development Review Board
14 during development plan review.

15
16 Condition 6. Off-street parking requirements for the proposed 40,000 square feet of floor
17 area on the "Remainder of Lot 4" shall be 134 vehicle spaces. For the purposes of required
18 parking, the 40,000 square footage shall include a maximum of 20,000 square feet of medical
19 uses and a maximum 20,000 square feet of general office uses. Any additional square footage,
20 up to the 50,000 square feet allowed, shall be required to provide parking in accordance with
21 the Land Development Code. Bicycle and motorcycle parking shall be in accordance with the
22 Land Development Code.

23
24 Condition 7. The building(s) shall be designed and placed so as to minimize the amount of
25 trees to be removed. Tree removal if necessary, shall be subject to approval by the
26 Development Review Board during the development review process.

27
28 Condition 8. Any drive through facility is limited to a maximum of 2 drive through lanes
29 plus one pass-by lane.

30
31 Condition 9. Access will not be permitted onto NW 39th Avenue. No direct access shall
32 be permitted onto NW 40th Terrace.

33
34 **Section 3.** The following conditions and limitations shall apply to Lots 3 and 4.

35
36 Condition. The development order approved by the adoption of the Planned Development
37 Zoning Ordinance will be valid until 11:59 p.m. on December 31, 2008. A building permit must
38 be issued prior to expiration of said period. The construction of the planned development shall be
39 completed within three years from the issuance of the building permit. The City Commission may
40 grant an extension to the completion requirement upon good cause shown. Any extension request
41 must be filed with the City at least 6 months prior to the expiration date. If the aforesaid time
42 periods expire with no action being taken, the development order approved by the Planned

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1 Development Zoning Ordinance shall be void and have no further force and effect. The City has
2 the option to designate other appropriate land use and zoning consistent with the City's
3 Comprehensive Plan.
4

5 **Section 4.** If it is determined by the City Manager that a violation of this Ordinance exists, the
6 City Manager may issue and deliver an order to cease and desist from such violation and to correct the
7 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The City
8 Manager, through the City Attorney, may seek an injunction in a court of competent jurisdiction and
9 seek any other remedy available at law.

10 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
11 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
12 validity of the remaining portions of this ordinance.

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

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

16 **PASSED AND ADOPTED** this _____ day of _____, 2007.

17
18
19
20 _____
21 Pegeen Hanrahan, Mayor

22 ATTEST:

23 APPROVED AS TO FORM AND LEGALITY:
24
25

26 _____
27 Kurt Lannon,
28 Clerk of the Commission

29 _____
Marion J. Radson, City Attorney

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1 This ordinance passed on first reading this ____ day of _____, 2007.

2

3 This ordinance passed on second reading this ____ day of _____, 2007.

4

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A REVISED DEVELOPMENT REPORT
AND
REVISED MASTER PLAN
FOR
METROCORP CENTER OF GAINESVILLE
(Revised August 31, 1992)
(Revised October 20, 2003)
(Revised July 10, 2006)

I. General

Revisions are noted in italic print. These revisions were made to the latest approval which is defined in the balance of this paragraph and following report. MetroCorp Center of Gainesville is an approved office complex in accordance to City of Gainesville Ordinance 2927/O-83-94 and Eighth Judicial Circuit Court, Alachua County, Florida, Case No. 85-485-CA. The original master plan consisted of the land described in the record plat, Plat Book "M", page 43 of the Public Records of Alachua County, Florida, MetroCorp Center of Gainesville. This plat consists of Lots 1, 2, 3 and 4.

This previous revised development report replaced the July 26, 1988 development report continued in Ordinance 2927/O-83-94. Ordinance 2927/O-83-94 was amended by the City Commission. The court stipulation per Case 85-485-CA was set aside by mutual agreement of the City and the owner/developer.

The objectives of the previous revision to the master plan are revised as follows:

- A. To maintain the harmony with the adjacent neighborhood of Monterey Subdivision consistent with the existing master plan:
- Maintain the existing 50 foot buffer along the south and east boundary of the development.
 - The existing 6 foot wood fence (15' from property line) along the south boundary will remain and be extended on a site plan by site plan approval basis or all installed at one time per discretion of the Owner.
 - Limiting building heights to 25 feet/one story in Lots 2 and 3 and *three* stories in the remaining area of Lot 4.
 - Maintain the same intensity of development in terms of building square footage, except on the remaining area on Lot 4 where the first floor building area is limited to the same intensity, but the building height may allow for an increase to the building area.
 - Permitted uses limited to general office and medical office.
- B. To provide flexibilities for development of the site in terms of the following:
- Sizes and number of buildings.

- Phasing of development.

II. Development to Date

Development to date consists of a veterinarian office on Lot 1 and a bank on Lot 4, Phase

I. Pertinent development data as relates to each development are as follows:

	<u>Lot 1 Veterinarian Office</u>	<u>Lot 4, Phase I Bank</u>
Building Coverage	8,000 SF	10,000 SF
Parking Spaces: Total	28	48 (1)
Regular	12	40
Compact	14	6
Handicap	2	2

(1) Parking spaces as shown on site plan.

III. Revised Master Plan and Development Criteria

A. Development Data for Lots 1, 2, 3, and 4.

	<u>Original Master Plan</u>	<u>Revised Master Plan (Veterinarian)</u>
1. <u>Lot 1</u> (1)		
a. Lot area	50,388 SF/1.16 AC	50,388 SF/1.16 AC
b. Number of Buildings	One (1)	One (1)
c. Building Area	8,000 SF	8,000 SF
d. Parking: Total	28	28
Regular	12	12
Compact	14	14
Handicap	2	2

(1) Data from site plan.

Original Master Plan Revised Master Plan

2. <u>Lots 2 and 3</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Combined</u>	<u>Combined</u>
a. Lot Area	131,703 SF 3.02 AC	143,406 SF 3.41 AC	275,210 SF 6.43 AC	275,109 SF 6.43 AC
b. Number of Buildings	3	3	6	12 (Maximum)
c. Building Area (total)	24,000 SF	24,000 SF	48,000 SF	48,000 SF
d. Maximum Building Area (Gross floor area per building)	8,000 SF	8,000 SF	8,000 SF	8,000 SF
e. Height of Building	25 feet – one story	25 feet – one story	25 feet – one story	25 feet – one story
f. Parking Total	102	67	169	169 (Minimum)
Regular	47	30	77	94±
Compact	30	32	62	81±
Handicap	7	5	12	9
Grass	18	0	18	None
Ratio/Building Area	1/235 SF	1/358 SF	1/284 SF	Min (1/284 SF)
g. Maximum Medical Office (% of Building Area)	70%	70%	70%	See No. 4 below

	<u>Original Master Plan</u>		<u>Revised Master Plan</u>		<u>11/13/03 Revised Master Plan</u>	
<u>3. Lot 4</u>	<u>Total Lot</u>	<u>Lot 4, Phase I (Bank)</u>	<u>Remaining Lot</u>	<u>Remaining Lot</u>	<u>Remaining Lot</u>	<u>Remaining Lot</u>
a. Lot Area	216,410 SF (1) 4.97 AC	66,056 SF (2) 1.52 AC	150,354 SF 3.45 AC	150,354 SF 3.45 AC	150,354 SF 3.45 AC	150,354 SF 3.45 AC
b. Number of Buildings	5	1	4	6 (Maximum)	6 (Maximum)	6 (Maximum)
c. Building Area	60,000 SF	10,000 SF	50,000 SF	50,000 SF	50,000 SF	50,000 SF
d. Maximum Building Area per Building	10,000 SF	10,000 SF	10,000 SF	10,000 SF	Maximum for first floor only N/A	Maximum for first floor only N/A
e. Height of Building	25 feet – one story	25 feet – one story	N/A	N/A	N/A	N/A
- Fronting NW 43 rd St.						
- Remaining	35 feet – two story	N/A	35 feet – two story	35 feet – two story	3 Stories	Financial Institution must be at least 2 stories
f. Parking Total	230	48	182	182 (Minimum)	134 (Minimum)	134 (Minimum)
Regular	175	46	129	Mixture	All parking shall comply with the City LDR	All parking shall comply with the City LDR
Compact	29	0	29	Maximum 50%	All parking shall comply with the City LDR	All parking shall comply with the City LDR
Handicap	3	2	1	by code		
Grass	23	0	23	None		
Ratio/Building Area	1/260 SF	1/208 SF	1/274 SF	1/274 SF (Minimum)	See No. 4 below	1/300 SF (Minimum)
g. Maximum Medical Office (% of Building Area)	55%	0%	55%	See No. 4 below	See No. 4 below	

(1) Original – 219,357 SF/5.035 AC – Additional R/W taken for NW 43rd Street.

(2) Data from Site Plan Approval (46SPL-88PB)

4. Total Allowable Medical Uses

a. Original Master Plan

1. Lot 1	8,000 SF @ 80%	=	6,400 SF
2. Lots 2 and 3	48,000 SF @ 70%	=	33,600 SF
3. Lot 4, Phase I	10,000 SF @ 55%	=	5,500 SF
4. Lot 4, Remaining	50,000 SF @ 55%	=	<u>27,500 SF</u>
	Total		73,000 SF
	Total (less Lot 1 and Lot 4, Phase I; 11,900 SF)		61,100 SF

b. Revised Master Plan

The existing development consists of Lot 1 (8,000 SF/veterinarian) and Lot 4, Phase I (bank) which are not medical uses. Allocated medical uses for Lot 1 and Lot 4, Phase I is 11,900 SF. The Revised Master Plan designates the remaining allowable medical uses of 61,100 SF to be placed all within the remaining area of Lot 4 or Lots 2 and 3; or any combination thereof. The distribution of medical square footage within the development shall be subject to approval by the City of Gainesville Community Development Department.

B. Other Development Data

1. The existing six (6) foot wood fence located approximately 15 feet inside the south property line will remain. The (6) foot wood fence will be extended along the south and east property lines on a site plan by site plan approval basis or all installed at one time per the discretion of the Owner.
2. The wordings on the record plat Plat Book "M", page 43 relating to "Buildings – As to Lots 1, 2 and 3; As to Lot 4" will be removed or clarified based on procedure to be determined by the City Attorney.
3. The maximum square footage of buildings on Lots 2 and 3, and remaining Lot 4 will be based on the ability of the individual site plan to meet development requirements per the proposed amended ordinance.
4. The minimum building separation will be as required by the Florida Building Code for building construction type.
5. The existing development on Lot 1, will not be connected to Lot 2. Lot 1 may or may not be a member of the Owners Association per the discretion of Lot 1 Owner. The existing development of Lot 4, Phase I have parking improvements constructed on the remaining land of Lot 4. Cross parking easement will be provided to Lot 4, Phase I. Lot 4 must be subdivided in accordance with the subdivision ordinance of the City of Gainesville and lot split, minor subdivision or other approved process must be implemented at the time of development plan review for the remaining portion of Lot 4.

6. Any financial institution proposed for the remainder of Lot 4 shall be located on the corner of NW 40th Terrace and NW 39th Avenue. This building must meet the build-to requirements of the Central Corridor Overlay District. On the northern side, the building must provide at least 30% glazing and architectural relief. The east side of the building must provide 30% glazing on the first floor. A financial institution will be allowed no more than two drive through lanes with 1 pass-by lane.

C. Drainage Requirements

1. The twenty five (25) foot drainage easement along the south of Lot 2 and east boundary of Lot 3 will remain.
2. The existing constructed facilities within the 25 foot drainage easement will be renovated in accordance to a preliminary master drainage plan.

A preliminary master drainage plan has been submitted to the City's Engineering Department. Design criteria will be based upon current Land Development Codes.

3. Stormwater management system for individual site plan will be consistent with the City's Land Development Codes.
4. Appropriate maintenance agreement will be made with the City for operation and maintenance of the facilities located within the drainage easements.
5. Signage on the remaining portion of Lot 4 shall be in accordance with the current Land Development Code pertaining to signage.

D. Project Signage

1. A project sign is proposed in each of the median islands located at NW 43rd Street and NW 39th Avenue. These two project signs will be ground mounted with landscape planting in the island. MetroCorp Center will maintain the sign and median areas and indemnify the City as necessary. Each entrance sign will be double faced with each face containing no more than 24 sq. ft. of lettering on each face.
2. Each driveway entrance within the park will have a ground mounted double faced sign with a maximum of 12 sq. ft. per face to identify occupants within that portion of the park.
3. Individual site plans may have a free standing sign based upon the review and approval of the MetroCorp Center Architectural Control Committee. Individual free standing signs are subject to the City Land Development Code.

4. Other directional, building, temporary and wall mounted signages shall be in accordance with City's Codes.

E. Phasing

Development plan approval for Lots 2, 3 and the remaining area of Lot 4 will be on a phase (site plan by site plan) basis. Each occurring development will be assigned the appropriate next phasing designation. Example, Lot 2, Phase I, Lot 2 Phase II, etc. Each phase development will include the required parking spaces, landscaping, and drainage improvements consistent with the preliminary master drainage plan. Development review process shall be in accordance with Article VII, Development Review Process.

F. Car and Bike Parking Requirements

The parking requirements will be as follows:

1. Handicap Spaces

The number required, size and ramps will be consistent with all applicable state codes and American Disability Act.

2. The minimum number of spaces will be consistent with the original development plan as defined above. It is anticipated that more spaces will be provided and will be assessed on a site plan by site plan basis.

3. The maximum number of compact car spaces, based on the City's codes of 50%, is proposed to be utilized for this revised development report.

4. Each individual site plan will meet the requirements for bicycle parking.

G. Permitted Uses

Permitted uses are as follows:

1. Financial institution (*at corner parcel only*).
2. Offices of physicians.
3. Offices of dentists.
4. Offices of osteopathic physicians.
5. Offices of other health practitioners.
6. Professional pharmacies accessory to and in same building as above medical uses.
7. Veterinary services (interior uses only – no exterior kennels).
8. Legal services.
9. Accounting, auditing and bookkeeping services.
10. Mortgage bankers and brokers.
11. Real Estate.
12. Insurance, insurance agents, brokers and service.
13. Engineering, architectural and surveying services.
14. Building construction – general contractors and operative builders.

15. Noncommercial educational, scientific and research organizations.
16. Management, consulting and public relations services.
17. Business associations.
18. Holding and other investment offices.
19. Advertising.
20. Computer and data processing services.
21. Business services.
22. Mailing, reproduction, commercial art and photography and stenographic services.
23. Travel agency.
24. Other services in OF – General Office District.

H. Buffering Adjacent to South and East Property Line

The buffering along the south and east property lines will remain per the original plan and are defined as follows:

1. Outward 15' - Undisturbed except for fence and drainage pipe construction, if necessary.
2. Center 35' - Undisturbed except trees under one (1) inch diameter and underbrush can be removed.
3. Inward 25' - Designated as drainage easement – for drainage retention/detention basis.

I. Landscaping

Landscape design for each site plan will be prepared by a registered landscape designer. Plant materials will meet Florida Grade 1. Coordination with the City's Arborist will be required for site plan design.