



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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J. B. BUSH
 Governor

COLLEEN CASTILLE
 Secretary

July 22, 2003

Ms. Linda Loomis Shelly, Esq.
 Fowler, White, Boggs, Banker
 101 North Monroe Street, Suite 1090
 Tallahassee, Florida 32311

Re: Shands Teaching Hospital Expansion Project/
 Butler Enterprises and the University of Florida
 CL-303-034

Dear Ms. Shelly:

This letter is to correct a scrivener's error in our clearance letter of July 18, 2003. This letter will replace the previous letter, which was prepared in response to a request for an informal determination regarding the DRI status of two tracts located on Southwest Archer Road, in Alachua County, Florida. The two tracts were identified as the Shands Teaching Hospital and Clinics Expansion, totaling 16.8 acres; and the Butler Plaza Expansion, totaling 125 acres. You sought to confirm that these two tracts would not be aggregated and treated as a single development, pursuant to Section 380.0651(4), F.S.

The Shands Teaching Hospital is a regional medical facility seeking to expand the amount of outpatient clinics, administrative, and medical offices to better support the needs of its clients. The Butler Plaza Expansion is a proposed retail/office expansion to the existing Butler Plaza Development. The two proposed projects are physically proximate to one another.

You have informed us that Mr. Clark Butler is the current owner of the property upon which the Shands Hospital Expansion will be located. Mr. Butler intends to convey the property to a corporation to be owned equally by himself, Deborah Butler, and the University of Florida Foundation. Mr. Butler intends then to execute agreements, which would transmit his portion of the corporation to Deborah Butler, who in turn would transmit her interest to the University of Florida Foundation, thus eventually removing all Butler Family ownership from the Shands Hospital Expansion.

Mr. Butler is the designated business agent for Butler Enterprises, which owns Butler Plaza located on the north side of State Road 24 between I-75 and State Road 121, in Alachua County. The Department determined, through two Binding Letters of Interpretation (BLIVR-379-007, BLIM-379-005), in March of 1979 that a portion of Butler Plaza, consisting of approximately

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 2796 Overseas Highway, Suite 212
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239 acres, is vested from development-of regional impact (DRI) review. Additional development has occurred in areas known as Butler Plaza West and Butler Plaza Central, and an agreement dated July 15, 1993 between the Department and Butler Enterprises is in effect with regard to the DRI status of this development. The agreement specified the amount and type of development that can occur on the unvested portion of Butler Plaza. No other development has been permitted pending resolution of the DRI status of this property. Within the next year, Butler Enterprises intends to commence with the DRI development approval process for an expansion of Butler Plaza, in accordance with the DRI agreement.

Pursuant to Section 380.0651(4), *F.S.*, two or more developments, "shall be aggregated and treated as single development when they are determined to be part of a unified plan of development and are physically proximate to one another." Further, pursuant to Subsection 380.0651(4)(a), *F.S.*, two of the following criteria must be met in order to determine that two developments have a unified development plan:

- 1.a. The same person has retained or shared control of the developments;
- 1.b. The same person has ownership or a significant legal or equitable interest in the developments; or
- 1.c. There is common management of the developments controlling the form of physical development or disposition of the parcels of the development.
2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a government agency of a master plan or series of plans or drawings for the other development, which is indicative of a common development effort.
3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated, which have been submitted for authorization to commence development.
4. The voluntary sharing of infrastructure that is indicative of a common development effort, except that which was required by a local government or other agency.
5. There is a common advertising scheme or promotional plan in effect for both developments.

According to your letter, there is currently common ownership of both parcels. Mr. Butler does not intend to maintain ownership of the Shands Hospital Expansion project. The University of Florida Foundation will become sole owner and managing organization for this facility. Although it is likely that there will be a reasonable closeness in time between the development of both parcels, there is no unified plan of development in existence which links the two properties. You indicate that there is no sharing of infrastructure indicative of a common development effort. Each site is served by separate storm water and sewer infrastructure. No infrastructure exists or will be designated specifically to accommodate both properties. There is no common

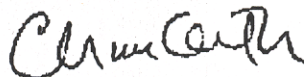
advertising scheme or promotional plan for the two parcels, which are proposed for dissimilar types of development.

Based on your representations, the Butler Plaza Expansion and the Shands Hospital Expansion are not part of a unified plan of development. Therefore, the Department concludes that the development of these two tracts does not meet the aggregation criteria outlined in Section 380.0651(4), *F.S.* The development of the Shands Hospital Expansion may proceed without undergoing review under Section 380.06, *F.S.*

Please be aware, however, that the conclusions of this letter represent an informal determination. The Department has no independent confirmation of the assertions that have been provided, and, therefore, we reserve the rights pursuant to Chapter 380, *F.S.*, concerning the development. Further review of the project may be required if there is a material change in the development plans as represented.

If you have any questions or comments concerning this matter, please call Dan Evans, AICP, Planner, at (850) 922-1805.

Sincerely yours,



Charles Gauthier, AICP
Acting Director
Division of Community Planning

cc: Ken Zeichner, Principal Planner, Alachua County
Charles Justice, Executive Director, North Central Florida Regional Planning Council