

Legislative #

100761



MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 100761

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

TO: Mayor and City Commission

DATE: August 18, 2011

FROM: City Attorney

FIRST READING

SUBJECT: Ordinance No. 100761, Petition No. PB-11-13ZON
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "CON: Conservation" to "BI: Business industrial district"; consisting of approximately 47.8 acres; located in the vicinity of 3801 Northeast Waldo Road; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission: 1) approve Petition No. PB-11-13 ZON; and 2) adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This petition requests a rezoning on a 47.8-acre portion of a 48-acre parcel from CON (Conservation) zoning to BI (Business Industrial), leaving a 0.2-acre portion in the Conservation zoning district since it serves to buffer an environmentally sensitive area on the neighboring parcel to the south. This parcel is located on NE Waldo Road north of NE 39th Avenue and is bounded by the Gainesville Regional Airport and the Alachua County Fairgrounds.

The subject property has been owned by the City of Gainesville since 1986, and is managed by the Gainesville Regional Airport. It is undeveloped and primarily consists of an open field, used occasionally for horse shows or overflow parking for special events. Rezoning the 47.8-acre portion of this parcel to Business Industrial is consistent with Plan East Gainesville, which was accepted by the City Commission in 2003, and the Gainesville Airport Authority's Master Planning Report, which was approved by the City Commission in August 2010 (Legistar number 100233). These plans include the construction of a new airport entry road from Waldo Road, which will be underway in early 2011.

Public notice was published in the Gainesville Sun on February 8, 2011. The City Plan Board held a public hearing on February 24, 2011.

City Plan Board to City Commission- The City Commission approve Petition PB-11-13ZON.
The Plan Board voted 7-0.

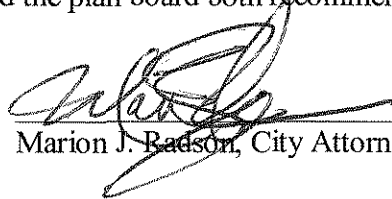
Staff to City Commission - The City Commission approve Petition PB-11-13ZON.

Staff to City Plan Board - The City Plan Board approve Petition PB-11-13ZON.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

ORDINANCE NO. 100761

1
2
3
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain property, as more specifically**
6 **described in this Ordinance, from the zoning category of “CON:**
7 **Conservation” to “BI: Business industrial district”; consisting of**
8 **approximately 47.8 acres; located in the vicinity of 3801 Northeast**
9 **Waldo Road; providing a severability clause; providing a repealing**
10 **clause; and providing an immediate effective date.**

11
12
13 **WHEREAS**, publication of notice of a public hearing was given that the Zoning Map
14 Atlas be amended by rezoning certain property from the zoning category of “CON: Conservation
15 district” to “BI: Business industrial district”; and

16 **WHEREAS**, notice was given and publication made as required by law and a public
17 hearing was held by the City Plan Board on February 24, 2011; and

18 **WHEREAS**, the City Commission finds that the rezoning of the property described herein
19 will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

20 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10 inches
21 long was placed in a newspaper of general circulation and of the public hearing to be held in the City
22 Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days
23 after the day the first advertisement was published; 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 the
26 adoption stage at least five (5) days after the day the second advertisement was published; and

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

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

6 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
7 following described property from the zoning category of "CON: Conservation district" to "BI:
8 Business industrial district":

9 See Legal Description attached hereto as Composite Exhibit "A", and made a
10 part hereof as if set forth in full.

11
12 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
13 the Zoning Map to comply with this Ordinance.

14 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
15 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
16 finding shall not affect the other provisions or applications of the ordinance which can be given
17 effect without the invalid or unconstitutional provisions or application, and to this end the
18 provisions of this ordinance are declared severable.

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

21 **Section 5.** This ordinance shall become effective immediately upon final adoption; however,
22 the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010

D R A F T

5/26/2011

1 Comprehensive Plan adopted by Ordinance No. 100760 becomes effective as provided therein.

2 **PASSED AND ADOPTED** this _____ day of _____, 2011.

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5
6

CRAIG LOWE, MAYOR

7 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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9
10

11 _____ By: _____
12 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
13 CLERK OF THE COMMISSION

14
15

16 This ordinance passed on first reading this _____ day of _____, 2011.

17
18

This ordinance passed on second reading this _____ day of _____, 2011.



ENG, DENMAN & ASSOCIATES, INC.

ENGINEERS • SURVEYORS • PLANNERS

January 11, 2011

Legal Description

For: Gainesville Regional Airport

A portion of Section 26, Township 9 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Commence at the northwest corner of Section 26, Township 9 South, Range 20 East, Alachua County, Florida and run thence South $89^{\circ}19'00''$ East, 873.65 feet to the Point of Beginning; thence run South $31^{\circ}11'00''$ West, 1174.28 feet; thence South $89^{\circ}19'00''$ East, 2442.71 feet; thence North $27^{\circ}06'24''$ East, 45.85 feet; thence North $56^{\circ}27'45''$ East, 35.82 feet; thence South $77^{\circ}07'58''$ East, 106.44 feet; thence South $62^{\circ}43'45''$ East, 80.87 feet; thence South $78^{\circ}36'56''$ East, 13.74 feet; thence South $89^{\circ}19'00''$ East, 10.12 feet; thence North $00^{\circ}36'00''$ East, 92.40 feet; thence North $37^{\circ}23'00''$ West, 1166.80 feet; thence North $89^{\circ}19'00''$ West, 1377.82 feet to the Point of Beginning.

Containing 47.80 Acres, more or less.

EXHIBIT "A"

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A handwritten signature in black ink, appearing to read 'Robert W. A.', is written over the bottom right portion of the page.