



1           **WHEREAS**, by initiation of the owners of the subject property to amend the property's  
2 Planned Development District (PD) zoning, notice of public meetings was given as required by  
3 law; and

4           **WHEREAS**, on December 3, 2014, a public meeting was held by the City Plan Board,  
5 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it  
6 recommended approval of the petition; and

7           **WHEREAS**, on February 19, 2015, the City Commission held a public hearing and  
8 approved the petition; and

9           **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
10 newspaper of general circulation notifying the public of this proposed ordinance and of public  
11 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of  
12 Gainesville; and

13           **WHEREAS**, public hearings were held pursuant to the notice described above at which  
14 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;  
15 and

16           **WHEREAS**, the City Commission finds that the amendments to the Planned  
17 Development District (PD) zoning for the property described herein is consistent with the City of  
18 Gainesville Comprehensive Plan.

19           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
20 **CITY OF GAINESVILLE, FLORIDA:**

21           **Section 1.**     The Zoning Map Atlas of the City of Gainesville is amended by rezoning  
22 the following described property to Planned Development District (PD):

1 See legal description attached as Exhibit "A" and made a part hereof as if set forth  
2 in full. The location of the property is shown on Exhibit "B" for visual reference.  
3 In the event of conflict or inconsistency, Exhibit "A" shall prevail over Exhibit  
4 "B".  
5

6 **Section 2.** The use and development of the property described in Section 1 of this  
7 ordinance shall be consistent with the City of Gainesville Comprehensive Plan, shall be regulated  
8 by the following land development regulations, and shall be regulated by Exhibit "C", which is  
9 attached to this ordinance and made a part hereof as if set forth in full and consists of the PD  
10 Report titled "Planned Development (PD) Report Oak Hammock at the University of Florida"  
11 dated November 19, 2014, revised May 20, 2015 and includes the PD Layout Plan map. In the  
12 event of conflict or inconsistency, the order of precedence shall be as follows, with number 1  
13 taking precedence over number 2 and so on: 1) the City of Gainesville Comprehensive Plan; 2)  
14 the land development regulations set forth in this Section 2 of this ordinance; 3) Exhibit "C"; and  
15 4) the City's Land Development Code.

16 Condition 1. The development shall not exceed 94 Independent Living Unit attached/detached  
17 home sites, and 300 Independent Living Unit apartments, 60 Assisted Living Facility units, 24  
18 Memory Impaired units, and 73 Skilled Nursing units contained in a multi-use building. The  
19 multi-use building shall not exceed a total square footage of 1,098,400 square feet with a  
20 maximum building foot print of 380,400 square feet, and a maximum height of 5 stories or 70  
21 feet from the finished floor to the top of the roof including basement parking. The building may  
22 be divided into the following maximum square footages and story levels:

- 23 a. The 1-story portion containing 60 Assisted Living Facility units, 24 Memory Impaired  
24 units, and 73 Skilled Nursing units shall not exceed a maximum of 122,400 square feet of  
25 floor area and 30 feet in height from the finished floor to the top of the roof.
- 26 b. The 2-story portion containing the Independent Living Common Healthplex shall be a  
27 maximum of 86,000 square feet and 70 feet in height from the finished floor to the top of  
28 the roof.
- 29 c. The 5-story portion containing 300 Independent Living apartment units and basement  
30 parking shall be a maximum of 890,000 square feet and 70 feet in height from the  
31 finished floor to the top of the roof.

32 The appropriate reviewing entity may allow minor variations in square footage and building  
33 height provided that the maximum number of units is not exceeded.

1  
2 The general location and boundaries of defined uses, private streets, trails, undisturbed areas, and  
3 all other elements of the PD shall be in accordance with the PD Layout Plan. The appropriate  
4 reviewing entity may allow minor variations in locations provided that the overall intent of the  
5 PD Layout Plan is maintained.

6  
7 Condition 2. Development plan approval in accordance with the Land Development Code shall  
8 be required.

9  
10 Condition 3. Individual services facilities for the residents of the PD, including but not limited to  
11 dining facilities, a beauty salon/barber shop, and a wellness center shall not be open to the  
12 general public except for occasional use by guests of residents.

13  
14 Condition 4. Specific buffers and setbacks appropriate to the phase shall be in place prior to  
15 issuance of a certificate of occupancy. The following buffers and setbacks shall be required and  
16 maintained:

- 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 appropriate reviewing entity, with canopy and  
20 understory trees from the Gainesville tree list in the Land Development Code, shrubs, and  
21 evergreens/conifers. A 150' setback for the multi-story building shall be maintained  
22 along the south property lines.
- 23 b. Along the north and east property lines, as shown on the PD Layout plan, where  
24 development is adjacent to the property lines: a minimum 25'-wide buffer. This buffer  
25 shall be a high-density combination of existing natural vegetation augmented if necessary  
26 to provide sufficient opacity, as determined by the appropriate reviewing entity, with  
27 canopy and understory trees from the Gainesville tree list in the Land Development Code,  
28 shrubs, and evergreens/conifers.
- 29 c. The appropriate reviewing entity may allow minor variations in building setbacks at time  
30 of development plan review.

31  
32 Condition 5. Total parking for the PD shall be 642 spaces, 300 of which shall be basement  
33 parking under the multi-use building. Any golf cart parking shall be grassed parking. Tree  
34 plantings and islands for surface parking shall be provided at a minimum of an average of every 7  
35 parking spaces in order to break up large areas of parking. Where the parking is a single row,  
36 sidewalk and parking tree canopy coverage may be shared in lieu of islands, provided 50% tree  
37 canopy coverage of both parking area and the sidewalk is met. Surface parking areas shall be  
38 landscaped consistent with the principles of xeriscaping, and with an emphasis on use of native  
39 species. Non-invasive, non-native species may be used to supplement native plantings. Tree  
40 canopy shall cover at least 50% of the surface parking area within 20 years of development. A  
41 minimum of 20% of the total developed area of the site shall be landscaped. A minimum of 40%  
42 of the initial tree canopy of delineated tree canopy conservation areas of the site shall be retained.  
43 A minimum of 50% of delineated tree canopy conservation areas of the site shall be underneath

1 tree canopy in 20 years' time.

2  
3 Condition 6. A sidewalk on the east side of SW 29<sup>th</sup> Drive (County Road) has been constructed  
4 with the completed Phase I connecting the Oak Hammock internal sidewalk/trail system with a  
5 sidewalk along Williston Road. Oak Hammock is not responsible for the construction of any  
6 additional sidewalk on SW 29<sup>th</sup> Drive and SW 25<sup>th</sup> Terrace. Tree canopy shall cover at least  
7 50% of each walking trail, bike/pedestrian path, and sidewalk within the PD within 20 years of  
8 development.

9  
10 Condition 7. A private transit system shall be provided for off-site and on-site travel and service  
11 to nearby RTS bus stops.

12  
13 Condition 8. Signage identifying the PD shall not exceed 3 monument-type signs, within a  
14 landscaped area, limited to a sign structure 7-feet in height above grade and 6-feet in width, with  
15 a sign face not exceeding 5-feet in height above grade. One sign may be located at an eastern PD  
16 entrance, one sign may be located at a western PD entrance, and a third sign may be located at  
17 the eastern Williston Road connection. No internally illuminated signs shall be permitted.

18  
19 Condition 9. Stormwater facilities shall be shallow basin and designed and integrated into the  
20 landscape/buffering system as an amenity. Basins shall be vegetated with appropriate trees and,  
21 if necessary, understory planting, and shall be designed in such a way as to appear natural.

22  
23 Condition 10. The owner/developer shall comply with all federal, state, and local laws, rules,  
24 regulations, and ordinances now and hereafter in force that may be applicable to the use of the  
25 site. Concurrency and transportation mobility requirements for roads, parks, drainage,  
26 stormwater management, solid waste, water and sewer, and mass transit shall be met as a  
27 condition of development plan approval.

28  
29 Condition 11. To assist in offsetting the impacts of this development, additional mass transit  
30 access, as indicated in the traffic study, shall be provided in this area. This may include the  
31 extension of one or more of the existing RTS routes to the site. The owner/developer may  
32 provide for additional funding to RTS as transportation mitigation for the impacts to surrounding  
33 road network or such other mitigation as determined by the City. Oak Hammock has provided  
34 funding to RTS in full satisfaction of this condition. No further transportation mitigation is  
35 required for future Phase II.

36  
37 Condition 12. A portion of SW 25<sup>th</sup> Terrace making up the east entrance road to Oak Hammock  
38 has been constructed and conveyed to the City as public right-of-way, as described in the PD  
39 Layout Plan. Neither the City nor Oak Hammock shall be required to construct an extension of  
40 said portion of SW 25<sup>th</sup> Terrace to the east to provide connectivity to the approximately 70 acres  
41 of property to the east of and adjacent to Oak Hammock ("SW 25<sup>th</sup> Terrace Easterly Extension").  
42 However, if the SW 25<sup>th</sup> Terrace Easterly Extension is at any time constructed, it shall be done in  
43 accordance with the applicable standards in the City's Public Works Design Manual, certified as  
44 open for traffic and accepted for maintenance by the City's Public Works Department, and Oak

1 Hammock shall convey to the City, at no cost or expense to the City, fee simple title (free from  
2 any encumbrances except any utility easements granted) to the SW 25<sup>th</sup> Terrace Easterly  
3 Extension as public right-of-way. The SW 25<sup>th</sup> Terrace Easterly Extension shall not exceed 60-  
4 feet in width, its approximate alignment through Oak Hammock property shall be as described in  
5 the PD Layout Plan, and it shall meet the 30 mph design speed standards for the existing portion  
6 of SW 25<sup>th</sup> Terrace.

7  
8 Condition 13. Within the 150-foot setback along the south property lines, the character of  
9 proposed development shall be similar in character to development in the adjacent residentially-  
10 zoned properties with regard to building heights and housing type.

11  
12 **Section 3.** The development terms and conditions in this ordinance shall remain  
13 effective until such time as, upon either the City or the property owner filing a rezoning petition,  
14 the City adopts an ordinance rezoning the property described in Section 1 of this ordinance to  
15 another zoning district consistent with the Comprehensive Plan and Land Development Code.

16 **Section 4.** Any person who violates any provision of this ordinance shall be deemed guilty  
17 of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by  
18 Section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
19 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
20 offense. If it is determined by the City Manager that a violation of this ordinance exists, the City  
21 Manager may issue and deliver an order to cease and desist from such violation in order to correct a  
22 violation, to preclude occupancy of the affected building or area, or to vacate the premises. In  
23 addition, the City Manager, through the City Attorney, may seek an injunction in a court of  
24 competent jurisdiction and seek any other remedy available at law.

25 **Section 5.** The City Manager or designee is authorized and directed to make the necessary  
26 changes to the Zoning Map Atlas to comply with this ordinance.

27 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
28 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given  
2 effect without the invalid or unconstitutional provision or application, and to this end the  
3 provisions of this ordinance are declared severable.

4 **Section 7.** As of the effective date of this ordinance, Alachua County Resolution No. Z-00-  
5 4 is hereby superseded in its entirety and City of Gainesville Ordinance No. 040665 is hereby  
6 superseded in its entirety and is hereby repealed. All other ordinances or parts of ordinances in  
7 conflict herewith are to the extent of such conflict hereby repealed.

8 **Section 8.** This ordinance shall become effective immediately upon adoption.

9

10 **PASSED AND ADOPTED** this 4th day of June, 2015.

11

12

13

14

15

16

17 Attest:

18

19

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22

23

24 This ordinance passed on first reading this 4th day of June, 2015.

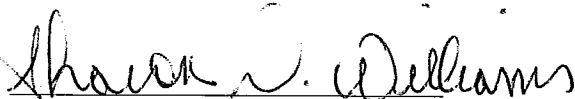
25

26 This ordinance passed on second reading this 18th day of June, 2015.

  
EDWARD B. BRADDY  
MAYOR

Approved as to form and legality:

 in absence of:  
NICOLLE M. SHALLEY  
CITY ATTORNEY

  
KURT M. LANNON  
CLERK OF THE COMMISSION

# LEGAL DESCRIPTION

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(Overall Oak Hammock Lands)

A portion of Lots 2,3,5,6,7,8,9 and 10 of Serenola Plantation, as recorded in Deed Book "L", pages 480 and 481 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at a concrete monument found at the Southwest corner of Serenola Plantation, as recorded in Deed Book "L", pages 480 and 481 of the public records of Alachua County, Florida, also known as the Southwest corner of Lot 4 of said Serenola Plantation; and run thence North 84°06'56" East, along the South line of said Serenola Plantation, 1318.59 feet to a concrete monument found at the Southwest corner of that certain parcel described in Official Records Book 1926, page 2992 of said public records; thence North 05°32'43" West, 663.75 feet to a 3/4" iron pipe found at the Northwest corner of said parcel (O.R. 1926, pg. 2992), also known as the Southwest corner of that certain parcel described in Official Records Book 1086, page 395 of said public records and being the POINT OF BEGINNING; thence North 05°12'23" West, 508.90 feet to a 1/2" iron pipe found at the Northwest corner of said parcel (O.R. 1086, pg. 395); thence North 83°46'31" East, 2045.42 feet to a point lying South 83°46'31" West, 374.15 feet from a concrete monument found at the Northeast corner of that certain parcel described in Official Records Book 1908, page 1714 of said public records; thence North 04°53'13" West, 1088.53 feet; thence North 00°03'11" East, 2217.56 feet to a point lying on the Southerly right of way line of State Road No. 331 (Williston Road, 100' R/W) said point lying on the arc of a curve concave Southeasterly and having a radius of 5641.63 feet; thence Southwesterly, along the arc of said curve, through a central angle of 12°42'05" an arc distance of 1250.65 feet to the Northeast corner of that certain parcel described in Official Records Book 174, page 349 of said public records, said arc being subtended by a chord having a bearing and distance of South 61°49'43" West, 1248.09 feet; thence South 35°55'19" East, 726.57 feet to a concrete monument found at the Southeast corner of said parcel (O.R. 174, pg. 349); thence South 54°04'30" West, 299.48 feet to a concrete monument found at the Southwest corner of said parcel, also known as the Southeast corner of that certain parcel described in Official Records Book 803, page 289, Parcel II of said public records; thence South 41°08'46" West, 286.35 feet to a concrete monument found at the Southwest corner of said parcel (O.R. 803, pg. 289); thence North 37°26'02" West, 773.74 feet to the Northwest corner of said parcel (O.R. 803, pg. 289), said Northwest corner lying on the Southerly right of way line of said State Road No. 331 and lying on the arc of a curve concave Southeasterly and having a radius of 5641.63 feet; thence Southwesterly, along said Southerly right of way line, and along the arc of said curve, through a central angle of 00°18'08" an arc distance of 29.75 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 49°14'18" West, 29.75 feet; thence South 49°05'14" West, along said right of way line, 70.95 feet to the Northeast corner of that certain parcel described in Official Records Book 803, page 289, Parcel I of said public records; thence South 37°26'02" East, 786.22 feet to the Southeast corner of said parcel (O.R. 803, pg. 289, Parcel I); thence South 42°07'49" West, 712.35 feet to a concrete monument found at the Southwest corner of said parcel, also known as the Southeast corner of that certain parcel described in Official Records Book 2028, page 254 of said public records; thence South 49°05'43" West, 250.26 feet to a concrete monument found at the Southwest corner of said parcel (O.R. 2028, pg. 254); thence North 40°54'00" West, along the West boundary of said parcel (O.R. 2028, pg. 254) a distance of 144.98 feet to a point, said point lying South 40°54'00" East, 725.14 feet from a rebar and cap (LS 4948) found at the Northwest corner of said parcel; thence South 49°05'14" West, parallel with the Southerly right of way line of said State Road No. 331, a distance of 751.08 feet to the beginning of a curve concave Southeasterly and having a radius of 460.00 feet; thence Southwesterly, along the arc of said curve, through a central angle of 18°14'59" an arc distance of 146.52 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 39°57'45" West, 145.90 feet; thence South 30°50'15" West, 94.84 feet to the beginning of a curve concave Northwesterly and having a radius of 540.00 feet; thence Southwesterly, along the arc of said curve, through a central angle of 18°14'59" an arc distance of 172.00 feet to the end of said curve and a point lying 80 feet Southeast of a rebar and cap stamped (PLS 4258) found at the Southeast corner of that certain parcel described in Official Records Book 1997, page 232 of said public records, said arc being subtended by a chord having a bearing and distance of South 39°57'45" West, 171.27 feet; thence South 49°05'14" West, parallel with and 80 feet Southeasterly of the Southeast boundary of said parcel (O.R. 1997, pg. 232), a distance of 330.77 feet to a point lying 300 feet perpendicular to a point on the West line of said Serenola Plantation, which lies North 05°56'18" West, 1543.40 feet from the concrete monument found at the Southwest corner of said Serenola Plantation, and South 05°56'18" East, 3059.13 feet from a rebar and cap (JV Myers, PLS 3447) found at the Northwest corner of said Serenola Plantation; thence South 05°56'18" East, parallel with said West line, 879.95 feet; thence North 84°06'56" East, parallel with the South line of said Serenola Plantation, 1023.15 feet to the POINT OF BEGINNING.



*Less and Except:*

(Right of Way – S.W. 25<sup>th</sup> Terrace Quitclaim Deed to City of Gainesville – per O.R. 3046, pg. 1345)

A portion of Lot 8 of Serenola Plantation, as recorded in Deed Book "L", pages 480 and 481 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at a concrete monument found at the Southeast corner of that certain parcel of land described in Official Records Book 174, page 349 of the public records of Alachua County, Florida and run thence North 35°53'35" West, along the Easterly boundary of said parcel (O.R. 174, pg. 349) a distance of 727.85 feet to a point on the Southerly right of way line of State Road No. 331 (Williston Road, 100' R/W), said point lying on the arc of a curve concave Southeasterly and having a radius of 5641.63 feet; thence Northeasterly, along the arc of said curve and along said Southerly right of way line, through a central angle of 03°01'15" an arc distance of 297.44 feet to the POINT OF BEGINNING, said arc being subtended by a chord having a bearing and distance of North 56°57'38" East, 297.40 feet; thence continue Southeasterly, along the arc of said curve and along said Southerly right of way line, through a central angle of 00°48'45" an arc distance of 80.00 feet, said arc being subtended by a chord having a bearing and distance of North 58°52'38" East, 80.00 feet; thence South 31°07'22" East, 49.67 feet to the beginning of a curve concave Northeasterly and having a radius of 910.00 feet; thence Southeasterly, along the arc of said curve, through a central angle of 25°30'00" an arc distance of 405.00 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 43°52'23" East, 401.67 feet, said end of curve being the beginning of a curve concave Northeasterly and having a radius of 1460.00 feet; thence Southeasterly, along the arc of said curve having a radius of 1460.00 feet, through a central angle of 10°56'33" an arc distance of 278.83 feet, said arc being subtended by a chord having a bearing and distance of South 62°05'39" East, 278.41 feet; thence South 22°26'04" West, 80.00 feet to a point on the arc of a curve concave Northeasterly and having a radius of 1540.00 feet; thence Northwesterly, along the arc of said curve, through a central angle of 10°56'33" an arc distance of 294.11 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of North 62°05'39" West, 293.67 feet, said end of curve being the beginning of a curve concave Northeasterly and having a radius of 990.00 feet; thence Northwesterly, along the arc of said curve having a radius of 990.00 feet, through a central angle of 25°30'00" an arc distance of 440.61 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of North 43°52'23" West, 436.98 feet; thence North 31°07'22" West, 49.67 feet to the POINT OF BEGINNING.

### City of Gainesville Zoning Districts

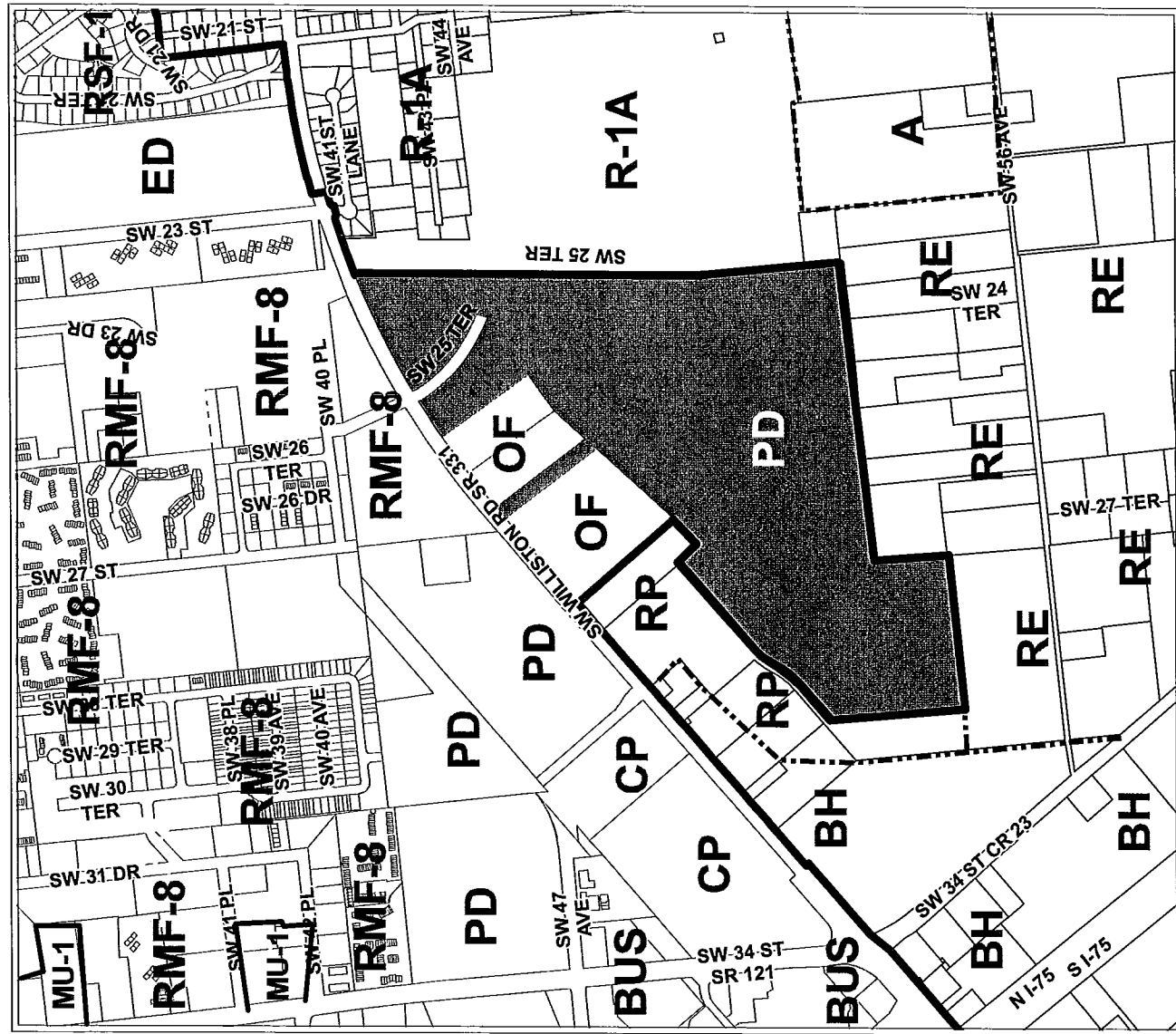
- RSF-1 3.5 units/acre Single-Family Residential
- RMF-8 8-30 units/acre Multiple-Family Residential
- BUS General Business
- MU-1 8-30 units/acre Mixed Use Low Intensity
- OF General Office
- ED Educational Services
- CP Corporate Park
- PD Planned Development

### Alachua County Zoning Districts

- A Agriculture
- BH Highway Oriented Business Services
- RP Residential Professional
- RE Residential Estate, 1 unit per 2 acres or less
- R-1A Single Family Residential, 1-4 units per acre

Area under petition consideration

Division line between two zoning districts  
City Limits



### EXISTING ZONING

Petition Request

Petition Number

Amend the Oak Hammock Planned Development (PD) to: update the PD layout plan, amend the phasing and schedule and amend square footage allowances

eda engineers-surveyors-planners, inc.,  
agent for Oak Hammock

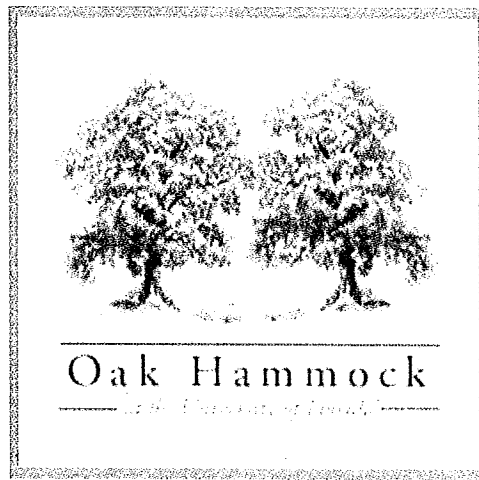
PB-14-132 PDA



No Scale

# ***Planned Development (PD) Report***

## ***Oak Hammock at the University of Florida***



**Prepared for Submitted to:**

City of Gainesville

**Prepared by:**

eda engineers-surveyors-planners, inc.

**Agents for:**

Oak Hammock at the University of Florida, Inc.

***November 19, 2014***

***Revised: May 20, 2015***

**Exhibit "C" to Ordinance No. 140576**

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Attachment 2	Boundary Survey
Attachment 3	Aerial Map
Attachment 4	Existing Conditions Map
Attachment 5	Proposed PD Layout Plan

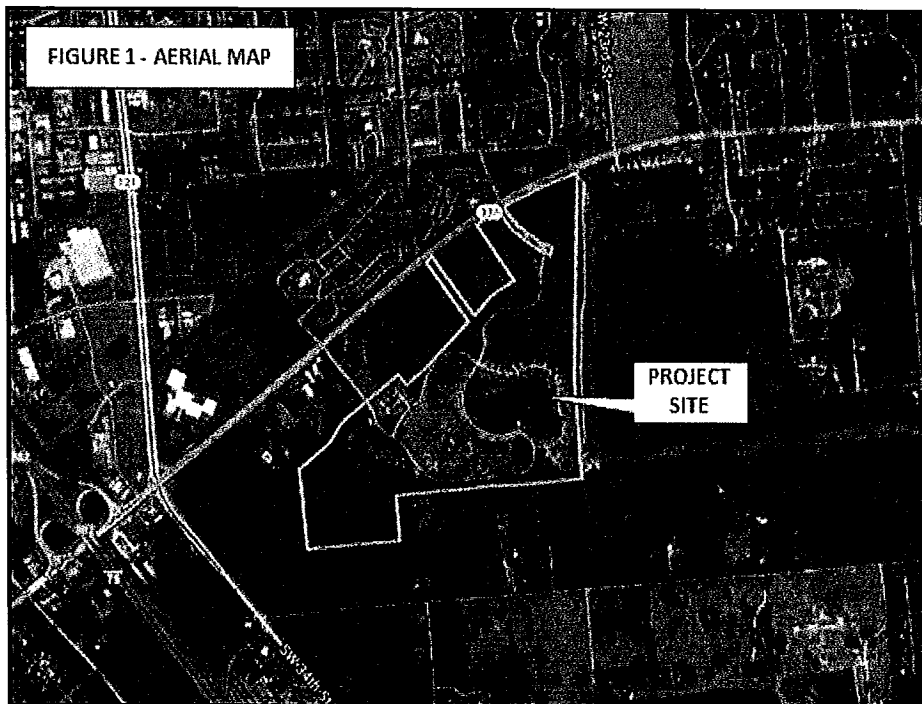
## Project Background

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The project area consists of the development known as Oak Hammock at the University of Florida. Located at 5100 SW 25<sup>th</sup> Boulevard (parcel number 07176-018-000), this property is approximately 136 acres in size. This project was originally approved by Alachua County in 2000 and subsequently adopted by the City of Gainesville in 2005 after the property was annexed into the City. The PD zoning designation is still valid and effective with an expiration date of May 9, 2015.

To date, the project has substantially completed the internal project infrastructure and has constructed approximately 75% of the total units approved as part of the PD ordinance. The PD Layout Plan included in this application illustrates the extent of the existing site improvements.

In addition, the following aerial map (Figure 1) indicates the project limits:



## Statement of Proposed Change

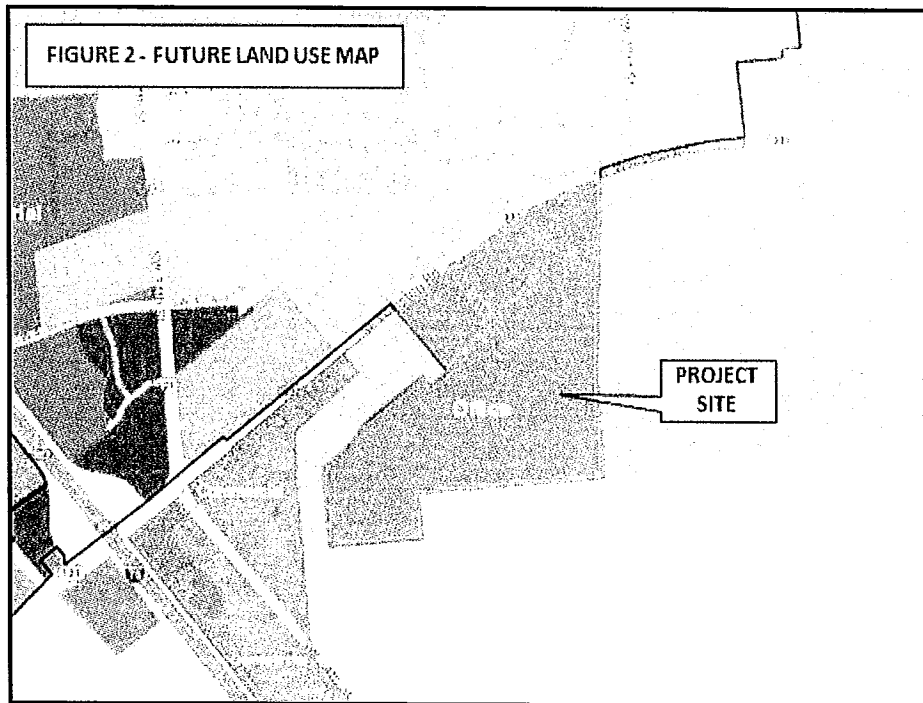
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This petition proposes amendments to the existing Oak Hammock Planned Development zoning designation. Specifically, this application requests to amend certain conditions that were approved by the City Commission in 2005. The primary amendment is to extend the time frame for the PD build-out and include a minor increase in square footage to the principal building within Oak Hammock (an 11,400 square foot increase from 1,087,000 to 1,098,400). Other minor amendments are intended to update the language to reflect the current state of the PD regarding infrastructure improvements completed and units constructed.

## Existing Future Land Use Designation

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The current Future Land Use designation of the site is Office, as indicated on Figure 2 below:



Policy 4.1.1 of the Future Land Use Element defines the Office Land Use Category as follows:

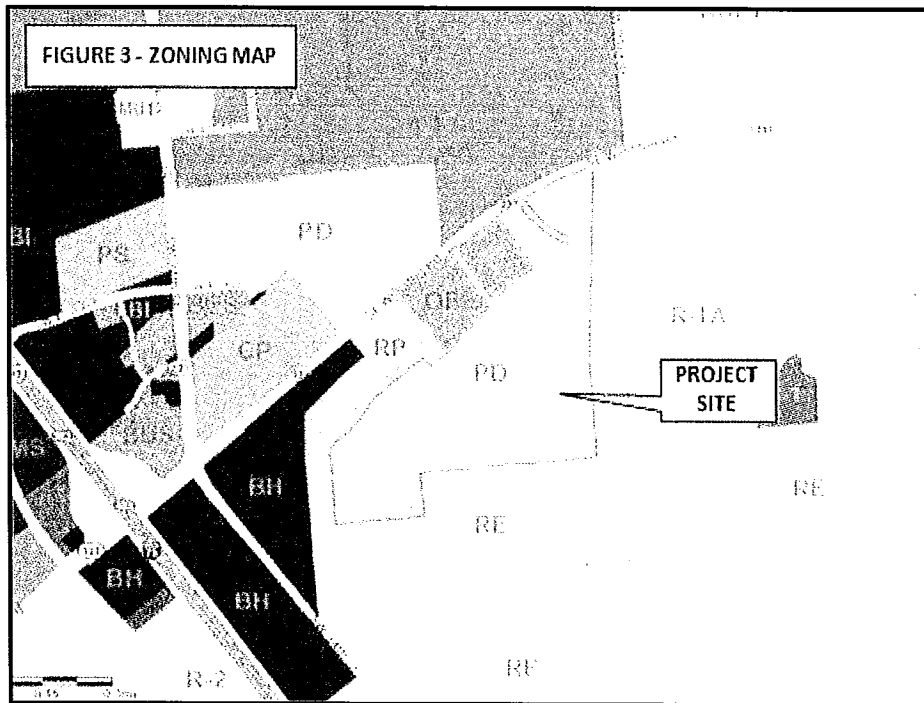
*The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.*

As described above, the Office Future Land Use designation does support the existing residential and ancillary uses within the Oak Hammock Planned Development.

## Existing Zoning District

---

The current zoning designation of the site is Planned Development, as indicated on Figure 3 below:



The Planned Development zoning for Oak Hammock was originally approved by Alachua County in 2000 and subsequently adopted by the City of Gainesville in 2005 after the property was annexed into the City. The PD zoning designation is still valid and effective with an expiration date of May 9, 2015.

### **Proposed Zoning District**

---

This petition requests to amend the existing Oak Hammock Planned Development zoning designation. Specifically, this application requests to amend certain conditions that were approved by the City Commission in 2005. The primary amendment is to extend the time line of the PD build-out and to increase the maximum square footage of the principal building within Oak Hammock (an 11,400 square foot increase from 1,087,000 to 1,098,400). Other minor amendments are intended to update the language to reflect the current state of the PD regarding infrastructure improvements completed and units constructed.

### **Consistency with Land Development Code**

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#### **Division 4 – Planned Development District**

##### **Sec. 30-211. - Purpose and intent.**

- (a) *Purpose.* It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which are not provided for or allowed in the zoning districts otherwise established by this chapter. In particular, these provisions allow a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in the district, but they must conform to all aspects of the comprehensive plan. Rezoning for planned developments (PDs) will be an entirely voluntary procedure.

**Consistency:** Oak Hammock was approved as a PD in 2000 in Alachua County and adopted by the City Commission in 2005. Over this time, it has demonstrated to be a unique project in that it is a large retirement community affiliated with University of Florida that provides a wide variety of independent and assisted living options. It's master plan also provides innovative design in merging these use types together and tying it to the surrounding natural environment.

(b) *Objectives.* The PD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility in the proposals which may be considered, while at the same time retaining control in the city commission over the approval or disapproval of such proposals, the PD provisions are designed to:

- (1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

**Consistency:** The Oak Hammock PD has demonstrated to be an outstanding and innovative project in Alachua County. This project is the only retirement community affiliated with the University of Florida and provides excellent independent and assisted living options to serve our elderly population. The master plan design provides many natural and constructed amenities that merge the built and natural environments in a positive way.

- (2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.

**Consistency:** The Oak Hammock PD does allow flexibility in the respect that several different housing choices are available to residents, including multiple types of independent and assisted living. The request for additional time to complete build-out comes from a desire to cater to economic and consumer preferences. The developer desires to construct the final phases along a timeline that is dictated by market demand.

- (3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features, high quality heritage trees, and scenic vistas.

**Consistency:** The Oak Hammock master plan calls for the highest quality natural areas on-site to be preserved and are designated accordingly on the plan. The preservation of these wooded areas greatly increase the overall quality of the project.

- (4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

**Consistency:** Oak Hammock was master planned to consider these very issues, of efficient utility infrastructure and street networks. At this stage of development, a large majority of the roads and utility infrastructure have been constructed.

- (5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

**Consistency:** Oak Hammock is a master planned project that provides upscale retirement living affiliated with the University of Florida. All elements of this project have been planned out and eliminates any



possibility of piecemeal development. Further, development on this property is infill in nature as it lies within the urbanized area of the City of Gainesville.

- (6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

**Consistency:** Oak Hammock has adopted a consistent architectural style as evidenced by the existing structures that are located within the development. The master plan of the project placed a priority on the interface of buildings and extensive wooded, natural areas throughout the development.

- (7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, streets canopied by large shade trees located within wide tree lawns or in tree wells constructed to allow sufficient space, and formal landscaping along streets and sidewalks.

**Consistency:** Oak Hammock's vehicular pedestrian infrastructure is essentially complete at this stage of the development and includes a series of connected streets, vistas and pedestrian amenities, including sidewalks and nature trails.

#### **Sec. 30-216. - Requirements and evaluation of PD.**

The PD report shall address each item in the subsections below. In considering a proposed PD for approval, the city plan board and the city commission shall evaluate the proposal in consideration of these criteria:

- (1) *Conformance with the PD objectives and the comprehensive plan.*

**Consistency:** As indicated in this report, the Oak Hammock Planned Development is consistent with the City of Gainesville Comprehensive Plan.

- (2) *Concurrency.*

**Consistency:** Infrastructure improvements required in the Oak Hammock PD have been met to date. In addition, the proposed PD amendment does not propose a net increase in units within the development and therefore, concurrency standards for this project have already been met.

- (3) *Internal compatibility.*

**Consistency:** The Oak Hammock PD is a master planned community that provides a mix of independent and assisted living unit types, which are inherently compatible with each other. No issues of incompatibility between internal uses exist.

- (4) *External compatibility.*

**Consistency:** Oak Hammock has been master planned to provide significant landscape buffers along the perimeter, particularly where residential development abuts the project. Provision of this buffer has proven to demonstrate that there are negative effects on compatibility with the surrounding area.

- (5) *Intensity of development.*

**Consistency:** The proposed PD amendment for Oak Hammock does not propose a net increase in units within the development and therefore, there will not be a change in intensity within the development as a result of this PD amendment.

- (6) *Usable open spaces, plazas and recreation areas.*

**Consistency:** The approved Oak Hammock master plan provides generous usable open space areas throughout the development. These areas include large wooded areas with nature trails and a pond that can be accessed via sidewalk and dock.

*(7) Environmental constraints.*

**Consistency:** The approved Oak Hammock master plan provides generous set-aside areas intended to properly conserve the areas on-site that were identified to be environmentally sensitive.

*(8) External transportation access.*

**Consistency:** The Oak Hammock development provides its residents a shuttle service that regularly transports residents to various destinations throughout town.

*(9) Internal transportation access.*

**Consistency:** The Oak Hammock development has an internal private road network that connects to Williston Road at two separate intersections. All units within the development are served by this internal road network.

*(10) Provision for the range of transportation choices.*

**Consistency:** Oak Hammock provides a range of transportation choices, including pedestrian amenities located within the project, a vehicular road network that serves all internal units and a shuttle service that regularly transports residents to various destinations throughout town.

**Sec. 30-217. - Unified control.**

*All land included in any PD shall be under the complete, unified, legal, otherwise-encumbered control of the applicant, whether the applicant be an individual, partnership, corporation, other entity, group or agency. Upon request of the city manager or designee, the applicant shall furnish the city sufficient evidence to the satisfaction of the city attorney that the applicant is in the complete, legal and unified control of the entire area of the proposed PD. Upon request of the city manager or designee, the applicant shall provide the city, for approval by the city attorney, all agreements, contracts, guarantees and other necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved. If any such documents are requested, the application shall not be considered by the city commission until the city attorney has certified in writing that the legal requirements of this section have been fully met. The applicant shall submit an agreement stating that the applicant will bind the successors and assigns in title to any commitments made in the adopted PD ordinance.*

**Consistency:** This PD is under the unified control of Oak Hammock at the University of Florida, Inc. and is managed accordingly.

**Sec. 30-218. - Phasing.**

*The city commission may permit or require the phasing or staging of a PD. When provisions for phasing are included in the development plan, each phase must be so planned and so related to previous development, surrounding properties and the available public facilities and services that a failure to proceed with subsequent phases will have no adverse impact on the PD or surrounding properties. Concurrency certification is not reserved by PD phasing.*

**Consistency:** This PD amendment application does request an extension of the development phasing for an additional 10 years to complete build-out based on the projected market demand. This extension, if

approved by the City Commission will allow for the successful completion of the Oak Hammock retirement community.

**Sec. 30-219. - Development time limits.**

*The city commission may establish reasonable periods of time for the completion of any dedicated public facilities within a PD, facilities planned for common areas, and the total PD. If phasing is provided for, time limits for the completion of each phase shall also be established or may be deferred until development review. Any such limit may be extended by the city commission, plan board or development review board for reasonable periods upon the petition of an applicant for an amendment to the PD layout plan or development plan and based upon good cause, as determined by the city commission. Any such extension shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. If time limits contained in the approved PD layout plan are not complied with and not extended for good cause, the city commission may rezone the property or any part of it, or amend the approved development plan, so as to best protect adjoining properties and the public health, welfare or safety. Failure to complete phasing on schedule shall require a new concurrency review and appropriate concurrency permit.*

**Consistency:** As discussed in the previous consistency response, this petition requests an extension of the development phasing for an additional 10 years to complete build-out based on the projected market demand. Regarding infrastructure, all improvements that were required in the PD have been completed in a timely manner. In addition, most of the overall infrastructure has been constructed for the project.

**Sec. 30-224. - Amendments to approved planned development.**

*(a) Except as noted in subsections (b) and (c) of this section, an amendment to an approved PD (except for an extension of a time limit) must be accomplished only by a rezoning petition and ordinance accompanied by a new proposed PD. All appropriate maps, plans and reports submitted with the approved PD layout plan may be resubmitted with the rezoning petition, along with sufficient new maps, plans and reports to clearly and thoroughly indicate the proposed changes, as the new proposed PD layout plan.*

**Consistency:** So noted. This application serves as a request to amend the approved Oak Hammock Planned Development. All required materials are included in the submittal package.

**Responses to City Application Questions**

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**A&B. Surrounding/Adjacent Land Uses**

The following land uses currently exist on the adjacent properties:

*North:* To the north of the parcel is a single family residence and across Williston Road lies a church and apartments.

*East:* To the east of the property is a large vacant parcel.

*South:* To the south of the property are large lot residential properties.

*West:* To the west of the parcel are office complexes.

Upon analyzing these existing land use pattern, the proposed PD amendment will not negatively affect the nature of the existing development pattern in the area. The Oak Hammock PD, which the City Commission has already determined that it is consistent with the surrounding area, will not substantively change as a result of the proposed PD amendments. Specifically, no setbacks or buffers shall be modified and therefore, the development shall remain consistent with the area.

*Figure 4: Surrounding Property Uses, Future Land Use and Zoning Designations*

<b>Direction</b>	<b>FLU Designation</b>	<b>Zoning</b>	<b>Existing Use</b>
North	Medium Density Residential	RMF-8	Church
	Medium Density Residential	RMF-8	Apartment
	Office	Office	Single Family
South	Single Family Residential (0-2 upa)	Residential Estate	Large Lot Residential
East	Residential Medium Density (2-4 upa)	R-1a	Vacant Land
West	Office/Residential (4-8 upa)	Residential / Professional	Office

**C. Development Impacts**

**a. Impact to Residential Streets**

The proposed land use and zoning amendment will not affect any residential streets, as the Oak Hammock development only accesses Williston Road, a non-residential, 4-lane arterial street.

**b. Impact on Noise and Lighting**

As identified on the PD Layout Plan, there is significant vegetative buffering on all sides of the property which provides a visual and sound buffer from the adjacent properties. These buffers adequately mitigate any noise and lighting impacts and the PD amendment will not modify these measures that protect the adjacent properties.

**D. Environmental Resources**

There are environmental resources located on the subject property, as indicated on the PD Layout Plan. These areas were all analyzed and identified during the original approval of the Planned Development. As part of this original PD approval, these environmentally sensitive areas were set aside to ensure that on-site development would not occur in these areas.

## **E. Historic Resources**

The project area does not contain any known historic structures or any identified archaeological resources deemed significant by the state.

## **F. Development Pattern and Community Contribution**

The Oak Hammock Planned Development is located along Williston Road in the urbanized portion of the City of Gainesville. Infrastructure is available and has already been constructed by Oak Hammock. The development pattern is well established in the area as the Oak Hammock currently operates under a master plan previously approved by the City of Gainesville.

## **G. Long-Term Economic Benefits**

As stated in the letter provided by the Oak Hammock Board of Directors, the approval of the PD amendment will extend the project phasing schedule and will provide adequate time to complete the build-out of the remaining units. This approval will allow for Oak Hammock to continue to be a thriving development that pays local property taxes, which is a long-term economic benefit to the community.

## **H. Level of Services Standards**

The proposed Planned Development amendment does not request an increase in the maximum number of units and subsequently, will not result in an increase in the level of service standards above that has previously been approved by the City of Gainesville.

### **b. Roadways**

The Oak Hammock PD has substantially completed its infrastructure, including the required construction of two roadway connections from Williston Road to the PD (SW 25<sup>th</sup> Blvd. and SW 29<sup>th</sup> Drive), which also includes the installation of a traffic light at the intersection of SW 25<sup>th</sup> Blvd. and Williston Road. The PD ordinance approved by the City Commission in 2005 includes Condition #15 which states that 'No other traffic mitigation is required for future Phase II.'

### **c. Recreation**

The proposed PD amendment does not propose an increase in residential density and therefore, no new impacts to the recreation level of service shall occur.

### **d. Water and Wastewater**

The property is currently served with both water and wastewater by Gainesville Regional Utilities via existing systems constructed by the developers of Oak Hammock. Further, the PD amendment does not propose to increase the density within the project and therefore, will not adversely impact the level of service.

### **e. Solid Waste**

Solid waste will not exceed Gainesville's established Level of Service Standard of 0.655 tons of solid waste per capita per year disposed (3.6 pounds solid waste per capita per day disposed). Collection of solid waste will not exceed Gainesville's established Level of Service Standard of 1.07 tons of solid waste per capita per year collected (5.9 pounds of solid waste per capita per day collected).

**f. Mass Transit**

RTS service is available to serve the residents of Oak Hammock via RTS Route 35 (Reitz Union to SW 35<sup>th</sup> Place) along Williston Road.

**g. Schools**

The Oak Hammock PD is a master planned retirement community with age restrictions and therefore, no impacts to the public school level of service shall occur as a result of this application.

**I. Site Accessibility**

The subject property has direct access to Williston Road via SW 25<sup>th</sup> Blvd. (signalized intersection) and SW 29<sup>th</sup> Drive.

**Comprehensive Plan Consistency**

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The proposed amendment to the existing Planned Development is consistent with the City's Comprehensive Plan. The following objectives and policies are applicable to the Planned Development amendment:

**Objective 4.1**

*The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility and institutional uses at appropriate locations to meet the needs of the proposed population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.*

**Consistency:** This objective supports allocation of land for a wide range of land uses within the urbanized area. Included in those uses that are supported are residential and institutional-type uses, as found at the Oak Hammock facility.

**Policy 4.1.1**

*Land use category on the Future Land Use Map shall be defined as follows:*

*Office*

*The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.*

**Consistency:** As described in the Comprehensive Plan policy above, the Office Future Land Use designation does support the existing residential and ancillary uses found within the Oak Hammock Planned Development.

### **Conclusion**

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As stated in this report, the Oak Hammock at UF Planned Development has substantially completed the site infrastructure and approximately 75% of the units have been constructed. The primary intent of the PD amendment is to extend the timeframe for the build-out of the remaining units. Other changes include a minor increase in square footage to the primary building within the Oak Hammock campus and various administrative updates to the conditions to reflect the current status of the PD. These proposed amendments to the existing Planned Development will not affect the intent and character of the PD and are consistent with the City of Gainesville Comprehensive Plan and Land Development Code.

Attachment 1  
Legal Description



# LEGAL DESCRIPTION

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(Overall Oak Hammock Lands)

A portion of Lots 2,3,5,6,7,8,9 and 10 of Serenola Plantation, as recorded in Deed Book "L", pages 480 and 481 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at a concrete monument found at the Southwest corner of Serenola Plantation, as recorded in Deed Book "L", pages 480 and 481 of the public records of Alachua County, Florida, also known as the Southwest corner of Lot 4 of said Serenola Plantation; and run thence North 84°06'56" East, along the South line of said Serenola Plantation, 1318.59 feet to a concrete monument found at the Southwest corner of that certain parcel described in Official Records Book 1926, page 2992 of said public records; thence North 05°32'43" West, 663.75 feet to a 3/4" iron pipe found at the Northwest corner of said parcel (O.R. 1926, pg. 2992), also known as the Southwest corner of that certain parcel described in Official Records Book 1086, page 395 of said public records and being the POINT OF BEGINNING; thence North 05°12'23" West, 508.90 feet to a 1/2" iron pipe found at the Northwest corner of said parcel (O.R. 1086, pg. 395); thence North 83°46'31" East, 2045.42 feet to a point lying South 83°46'31" West, 374.15 feet from a concrete monument found at the Northeast corner of that certain parcel described in Official Records Book 1908, page 1714 of said public records; thence North 04°53'13" West, 1088.53 feet; thence North 00°03'11" East, 2217.56 feet to a point lying on the Southerly right of way line of State Road No. 331 (Williston Road, 100' R/W) said point lying on the arc of a curve concave Southeasterly and having a radius of 5641.63 feet; thence Southwesterly, along the arc of said curve, through a central angle of 12°42'05" an arc distance of 1250.65 feet to the Northeast corner of that certain parcel described in Official Records Book 174, page 349 of said public records, said arc being subtended by a chord having a bearing and distance of South 61°49'43" West, 1248.09 feet; thence South 35°55'19" East, 726.57 feet to a concrete monument found at the Southeast corner

of said parcel (O.R. 174, pg. 349); thence South 54°04'30" West, 299.48 feet to a concrete monument found at the Southwest corner of said parcel, also known as the Southeast corner of that certain parcel described in Official Records Book 803, page 289, Parcel II of said public records; thence South 41°08'46" West, 286.35 feet to a concrete monument found at the Southwest corner of said parcel (O.R. 803, pg. 289); thence North 37°26'02" West, 773.74 feet to the Northwest corner of said parcel (O.R. 803, pg. 289), said Northwest corner lying on the Southerly right of way line of said State Road No. 331 and lying on the arc of a curve concave Southeasterly and having a radius of 5641.63 feet; thence Southwesterly, along said Southerly right of way line, and along the arc of said curve, through a central angle of 00°18'08" an arc distance of 29.75 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 49°14'18" West, 29.75 feet; thence South 49°05'14" West, along said right of way line, 70.95 feet to the Northeast corner of that certain parcel described in Official Records Book 803, page 289, Parcel I of said public records; thence South 37°26'02" East, 786.22 feet to the Southeast corner of said parcel (O.R. 803, pg. 289, Parcel I); thence South 42°07'49" West, 712.35 feet to a concrete monument found at the Southwest corner of said parcel, also known as the Southeast corner of that certain parcel described in Official Records Book 2028, page 254 of said public records; thence South 49°05'43" West, 250.26 feet to a concrete monument found at the Southwest corner of said parcel (O.R. 2028, pg. 254); thence North 40°54'00" West, along the West boundary of said parcel (O.R. 2028, pg. 254) a distance of 144.98 feet to a point, said point lying South 40°54'00" East, 725.14 feet from a rebar and cap (LS 4948) found at the Northwest corner of said parcel; thence South 49°05'14" West, parallel with the Southerly right of way line of said State Road No. 331, a distance of 751.08 feet to the beginning of a curve concave Southeasterly and having a radius of 460.00 feet; thence Southwesterly, along the arc of said curve, through a central angle of 18°14'59" an arc distance of 146.52 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 39°57'45" West, 145.90 feet; thence South 30°50'15" West, 94.84 feet to the beginning of a curve concave Northwesterly and having a radius of 540.00 feet; thence Southwesterly, along the arc of said curve, through a central angle of 18°14'59" an arc distance of 172.00 feet to the end of said curve and a point lying 80 feet Southeast of a rebar and cap stamped (PLS 4258) found at the Southeast corner of that certain parcel described in Official Records Book 1997, page 232 of said public records, said arc being subtended by a chord having a bearing and distance of South 39°57'45" West, 171.27 feet; thence South 49°05'14" West, parallel with and 80 feet Southeasterly of the Southeast boundary of said parcel (O.R. 1997, pg. 232), a distance of 330.77 feet to a point lying 300 feet perpendicular to a point on the West line of said Serenola Plantation, which lies North 05°56'18" West, 1543.40 feet from the concrete monument found at the Southwest corner of said Serenola Plantation, and South 05°56'18" East, 3059.13 feet from a rebar and cap (JV Myers, PLS 3447) found at the Northwest corner of said Serenola Plantation; thence South 05°56'18" East, parallel with said West line, 879.95 feet; thence North 84°06'56" East, parallel with the South line of said Serenola Plantation, 1023.15 feet to the POINT OF BEGINNING.

**Less and Except:**

(Right of Way – S.W. 25<sup>th</sup> Terrace Quitclaim Deed to City of Gainesville – per O.R. 3046, pg. 1345)

A portion of Lot 8 of Serenola Plantation, as recorded in Deed Book "L", pages 480 and 481 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at a concrete monument found at the Southeast corner of that certain parcel of land described in Official Records Book 174, page 349 of the public records of Alachua County, Florida and run thence North 35°53'35" West, along the Easterly boundary of said parcel (O.R. 174, pg. 349) a distance of 727.85 feet to a point on the Southerly right of way line of State Road No. 331 (Williston Road, 100' R/W), said point lying on the arc of a curve concave Southeasterly and having a radius of 5641.63 feet; thence Northeasterly, along the arc of said curve and along said Southerly right of way line, through a central angle of 03°01'15" an arc distance of 297.44 feet to the POINT OF BEGINNING, said arc being subtended by a chord having a bearing and distance of North 56°57'38" East, 297.40 feet; thence continue Southeasterly, along the arc of said curve and along said Southerly right of way line, through a central angle of 00°48'45" an arc distance of 80.00 feet, said arc being subtended by a chord having a bearing and distance of North 58°52'38" East, 80.00 feet; thence South 31°07'22" East, 49.67 feet to the beginning of a curve concave Northeasterly and having a radius of 910.00 feet; thence Southeasterly, along the arc of said curve, through a central angle of 25°30'00" an arc distance of 405.00 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 43°52'23" East, 401.67 feet, said end of curve being the beginning of a curve concave Northeasterly and having a radius of 1460.00 feet; thence Southeasterly, along the arc of said curve having a radius of 1460.00 feet, through a central angle of 10°56'33" an arc distance of 278.83 feet, said arc being subtended by a chord having a bearing and distance of South 62°05'39" East, 278.41 feet; thence South 22°26'04" West, 80.00 feet to a point on the arc of a curve concave Northeasterly and having a radius of 1540.00 feet; thence Northwesterly, along the arc of said curve, through a central angle of 10°56'33" an arc distance of 294.11 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of North 62°05'39" West, 293.67 feet, said end of curve being the beginning of a curve concave Northeasterly and having a radius of 990.00 feet; thence Northwesterly, along the arc of said curve having a radius of 990.00 feet, through a central angle of 25°30'00" an arc distance of 440.61 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of North 43°52'23" West, 436.98 feet; thence North 31°07'22" West, 49.67 feet to the POINT OF BEGINNING.