

**Legislative #
150049A**

ORDINANCE NO. 150049

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 9.9 acres of property generally located in the 3800 block of SW 37th Boulevard approximately 400 feet south of Archer Road, as more specifically described in this ordinance, from Commercial (C) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, by initiation of the subject property’s owner(s) or a person having a legal or equitable interest therein, this ordinance amends the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the subject property’s land use category from Commercial (C) and Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL); and

WHEREAS, the amendment to the Future Land Use Map of the City of Gainesville Comprehensive Plan proposed herein involves a use of 10 acres or fewer and qualifies as a small-scale development amendment as provided in Section 163.3187, Florida Statutes; and

WHEREAS, on May 28, 2015, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it voted to recommend that the City Commission approve this land use change; and

WHEREAS, at least five (5) days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

1 **WHEREAS**, the public hearing was held pursuant to the notice described above at which
2 hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

5 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
6 amended by changing the land use category of the following property from Commercial (C) and
7 Residential Medium-Density (RM) to Mixed-Use Low-Intensity (MUL):

8 See legal description attached hereto as Exhibit "A" and made a
9 part hereof as if set forth in full. The location of the property is
10 shown on Exhibit "B" for visual reference. In the event of conflict
11 or inconsistency, Exhibit "A" shall prevail over Exhibit "B".
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13 **Section 2.** The City Manager or designee is authorized and directed to make the
14 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order
15 to comply with this ordinance.

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

21 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
22 such conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

23 **Section 5.** This ordinance shall become effective immediately upon adoption; however,
24 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely
25 challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, this

1 amendment shall become effective on the date the state land planning agency or the
 2 Administration Commission issues a final order determining this amendment to be in compliance
 3 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses
 4 dependent on this amendment may be issued or commenced before this amendment has become
 5 effective.

6 **PASSED AND ADOPTED** this _____ day of _____, 2015.

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 EDWARD B. BRADY
 MAYOR

Attest:

Approved as to form and legality:

 KURT LANNON
 CLERK OF THE COMMISSION

 NICOLLE M. SHALLEY
 CITY ATTORNEY

This ordinance was passed on Adoption Reading on this _____ day of
 _____, 2015.

Parcel 1B

A parcel of land situated in Section 14, Township 10 South, Range 19 East, Alachua County, Florida, and the Gary Grant; being more particularly described as follows:

Commence at the Northeast corner of Section 14, Township 10 South, Range 19 East and run thence South $00^{\circ}41'40''$ East, along the east line of said Section 14, a distance of 1258.47 feet to the centerline of State Road No. 24 (Archer Road); thence southwesterly, along said centerline, with a curve concave southeasterly, said curve having a central angle of $09^{\circ}10'17''$, a radius of 5729.58 feet, an arc distance of 917.14 feet and a chord bearing and distance of South $44^{\circ}33'11''$ West, 916.16 feet; thence South $39^{\circ}58'03''$ West, along said centerline, 765.29 feet; thence southwesterly, along said centerline, with a curve concave Northwesterly, said curve having a central angle of $10^{\circ}48'12''$, a radius of 5729.58 feet, an arc distance of 1080.32 feet and a chord bearing and distance of South $45^{\circ}22'03''$ West, 1078.72 feet; thence South $39^{\circ}13'45''$ East, 78.00 feet to the southerly right of way line of said State Road No. 24 (Archer Road) and to the northwesterly corner of the lands described in Official Records Book 2511, Page 1066 of the Public Records of Alachua County, Florida; thence South $39^{\circ}17'28''$ East, along the westerly line of said lands described in Official Records Book 2511, Page 1066, a distance of 78.17 feet; thence South $00^{\circ}57'14''$ East, along the westerly line of said lands described in Official Records Book 2511, Page 1066, a distance of 22.57 feet; thence continue South $00^{\circ}57'14''$ East, along the westerly line of said lands described in Official Records Book 2511, Page 1066, a distance of 282.37 feet to the southwest corner of said lands; thence North $86^{\circ}29'22''$ East, along the south line of said lands described in Official Records Book 2511, Page 1066, a distance of 296.44 feet to the southeast corner of said lands and the southwest corner of the lands described in Official Records Book 4042, Page 139; thence North $86^{\circ}26'23''$ East, along the south line of said lands described in Official Records Book 4042, Page 139, a distance of 143.15 feet to the southeast corner of said lands and to a point on the west line of the lands described in Official Records Book 2293, Page 388; thence South $00^{\circ}43'10''$ East, along the west line of said lands described in Official Records Book 2293, Page 388, a distance of 75.00 feet to the Point of Beginning; thence continue South $00^{\circ}43'10''$ East, along the west line of said lands described in Official Records Book 2293, Page 388, a distance of 263.33 feet to the southwest corner of said lands and to a point on the northerly line of the Gary Grant; thence South $46^{\circ}39'12''$ West, along the northerly line of the Gary Grant, a distance of 193.55 feet; thence South $26^{\circ}32'22''$ East, 199.47 feet; thence South $44^{\circ}29'29''$ West, 323.19 feet to a point on the northeasterly right-of-way line of SW 37th Boulevard, said point also being a point of intersection with a non-tangent curve concave to the northeast with a radius of 610.00 feet and a radial bearing of North $43^{\circ}34'06''$ East at said point of intersection; thence northwesterly along the arc of said curve and said northeasterly right-of-way line of SW 37th Boulevard through a central angle of $11^{\circ}38'55''$, a distance of 124.02 feet to the point of tangency; thence North $34^{\circ}46'59''$ West, along said northeasterly right-of-way line of SW 37th Boulevard a distance of 590.51

feet; thence North 71°54'21" East, leaving said northeasterly right-of-way line of SW 37th Boulevard, a distance of 728.27 feet to the Point of Beginning.

Containing 6.89 acres, more or less.

Parcel IIB

A parcel of land situated in Section 14, Township 10 South, Range 19 East, Alachua County, Florida, and the Gary Grant; being more particularly described as follows:

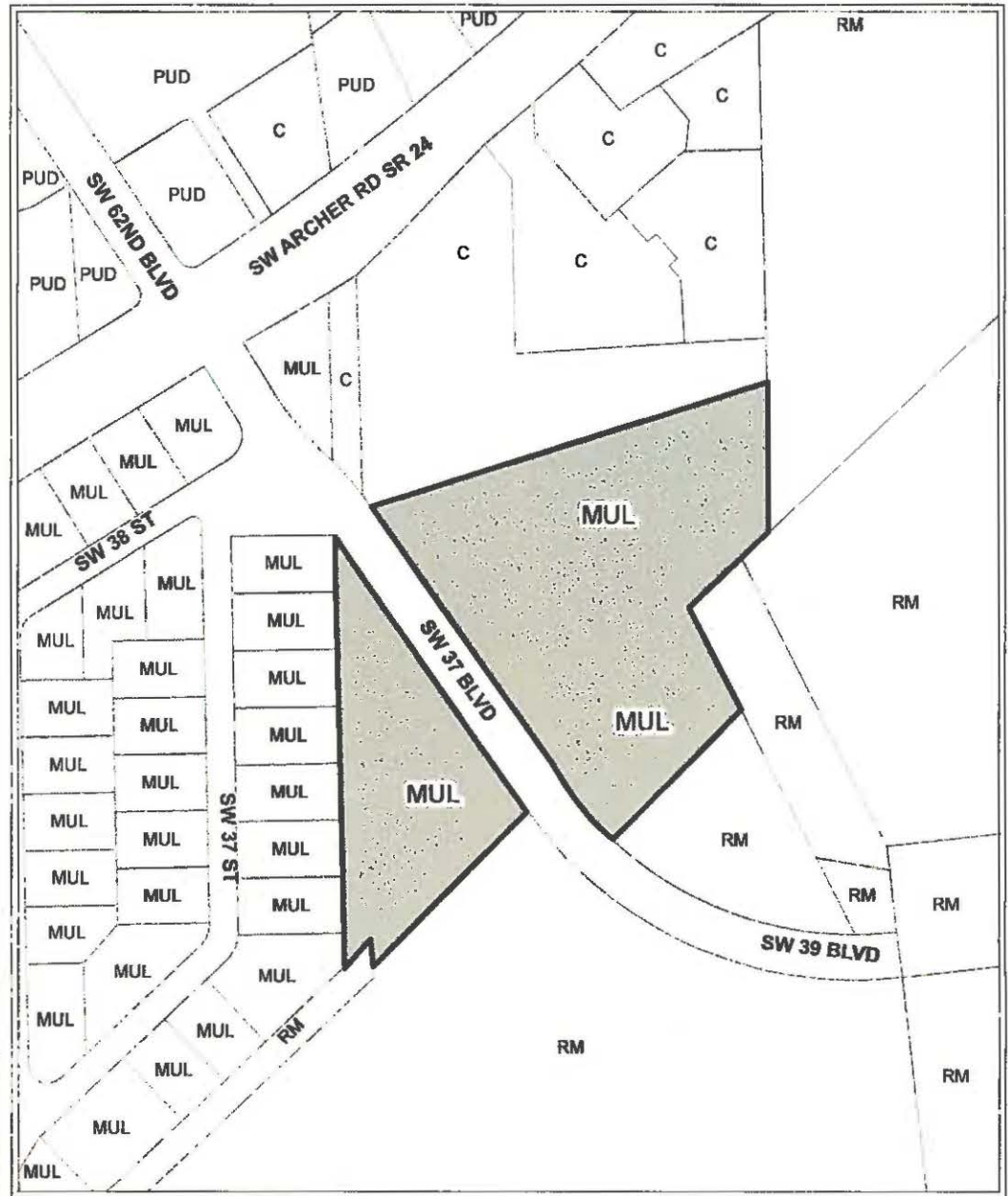
Commence at the Northeast corner of Section 14, Township 10 South, Range 19 East and run thence South 00°41'40" East, along the east line of said Section 14, a distance of 1258.47 feet to the centerline of State Road No. 24 (Archer Road); thence southwesterly, along said centerline, with a curve concave southeasterly, said curve having a central angle of 09°10'17", a radius of 5729.58 feet, an arc distance of 917.14 feet and a chord bearing and distance of South 44°33'11" West, 916.16 feet; thence South 39°58'03" West, along said centerline, 765.29 feet; thence southwesterly, along said centerline, with a curve concave Northwesterly, said curve having a central angle of 10°48'12", a radius of 5729.58 feet, an arc distance of 1080.32 feet and a chord bearing and distance of South 45°22'03" West, 1078.72 feet; thence South 39°13'45" East, 78.00 feet to the southerly right of way line of said State Road No. 24 (Archer Road) and to the northwesterly corner of the lands described in Official Records Book 2511, Page 1066 of the Public Records of Alachua County, Florida; thence South 39°17'28" East, along the westerly line of said lands described in Official Records Book 2511, Page 1066, a distance of 78.17 feet; thence South 00°57'14" East, along the westerly line of said lands described in Official Records Book 2511, Page 1066, a distance of 22.57 feet; thence continue South 00°57'14" East, along the westerly line of said lands described in Official Records Book 2511, Page 1066, a distance of 282.37 feet to the southwest corner of said lands; thence North 86°29'22" East, along the south line of said lands described in Official Records Book 2511, Page 1066, a distance of 296.44 feet to the southeast corner of said lands and the southwest corner of the lands described in Official Records Book 4042, Page 139; thence North 86°26'23" East, along the south line of said lands described in Official Records Book 4042, Page 139, a distance of 143.15 feet the southeast corner of said lands and to a point on the west line of the lands described in Official Records Book 2293, Page 388; thence South 00°43'10" East, along the west line of said lands described in Official Records Book 2293, Page 388, a distance of 338.33 feet to the southwest corner of said lands and to a point on the northerly line of the Gary Grant; thence South 46°39'12" West, along the northerly line of the Gary Grant, a distance of 193.55 feet; thence South 26°32'22" East, 199.47 feet; thence South 44°29'29" West, 323.19 feet to a point on the northeasterly right-of-way line of SW 37th Boulevard, said point also being a point of intersection with a non-tangent curve concave to the northeast with a radius of 610.00 feet and a radial bearing of North 43°34'06" East at said point of intersection; thence northwesterly along the arc of said curve and said northeasterly right-of-way line of SW 37th Boulevard through a central angle of 11°38'55", a distance of 124.02 feet to the point of tangency; thence North 34°46'59" West, along said northeasterly right-of-way line of SW 37th Boulevard a distance of 590.51 feet; thence South 55°13'01" West, leaving said northeasterly right-of-way line of SW 37th Boulevard, a distance of 80.00 feet to a point on the southwesterly right-of-way line of SW 37th

Boulevard, said point being a point of intersection with a non-tangent curve concave to the southwest with a radius of 500.00 feet and a radial bearing of South 55°13'01" West at said point of intersection, said point also being the Point of Beginning; thence northwesterly along the arc of said curve and said southwesterly right-of-way line of SW 37th Boulevard through a central angle of 00°10'30", a distance of 1.53 feet to a point of intersection with a non-tangent line being the east line of Robbinswood, a subdivision as recorded in Plat Book "E", Page 69 of the Public Records of Alachua County, Florida; thence South 01°11'29" East, along said east line of said Robbinswood, a distance of 759.82 feet to the Southeast Corner of said Robbinswood; thence North 46°30'21" East, along the south line of the lands described in Official Records Book 824, Page 696, a distance of 67.94 feet to the southeast corner of said lands, said point also being the northeast corner of the lands described in Official Records Book 824, Page 698; thence South 01°11'29" East, along the east line of the lands described in Official Records Book 824, Page 698, a distance of 58.07 feet to a point on the northwest line of the lands described in Official Records Book 4301, Page 2222; thence North 43°33'17" East, along said northwest line of the lands described in Official Records Book 4301, Page 2222 a distance of 393.48 feet to a point on the southwest right-of-way line of SW 37th Boulevard; thence North 34°46'59" West, along said southwest right-of-way line of SW 37th Boulevard, a distance of 589.95 feet to the Point of Beginning.

Containing 3.02 acres, more or less.

Land Use Designations

- RM Residential Medium-Density (8-30 du/acre)
- MUL Mixed-Use Low-Intensity (8-30 du/acre)
- C Commercial
- IND Industrial
- CON Conservation
- PF Public Facilities
- PUD Planned Use District



----- Division line between two land use categories

Area under petition consideration

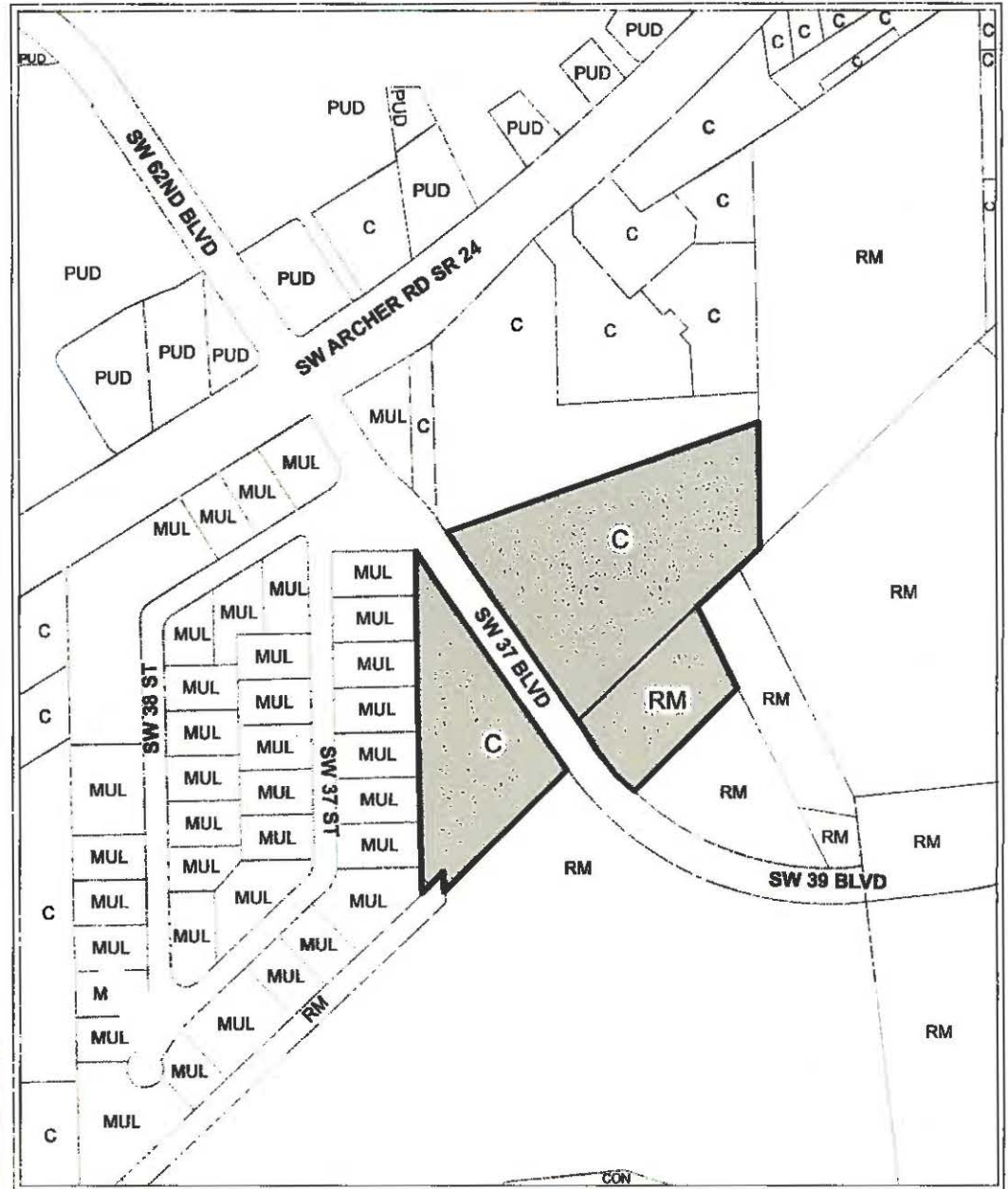


PROPOSED LAND USE

	Name	Petition Request	Petition Number
	eda engineers-surveyors-planners, inc., agent for Prairie View Trust and the City of Gainesville (GRU)	Amend the City of Gainesville Future Land Use Map from Commercial (C) and Residential Medium-Density: 8-30 units/acre (RM) to Mixed-Use Low-Intensity: 8-30 units/acre (MUL)	PB-15-29 LUC

Land Use Designations


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- C Commercial
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- CON Conservation
- PF Public Facilities
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Area under petition consideration

----- Division line between two land use categories

EXISTING LAND USE

	Name	Petition Request	Petition Number
	eda engineers-surveyors-planners, inc., agent for Prairie View Trust and the City of Gainesville (GRU)	Amend the City of Gainesville Future Land Use Map from Commercial (C) and Residential Medium-Density: 8-30 units/ acre (RM) to Mixed-Use Low-Intensity: 8-30 units/acre (MUL)	PB-15-29 LUC