

LEGISLATIVE #

110866A

ORDINANCE NO. 110866

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3 **An ordinance of the City of Gainesville, Florida, amending the Planned**
4 **Development commonly known as “Hawley 39th Avenue Planned**
5 **Development” located in the vicinity of 4405 NW 39th Avenue; by amending**
6 **City of Gainesville Ordinance No. 050254 to provide for additional parking;**
7 **by providing a severability clause; and providing an immediate effective**
8 **date.**

9
10 **WHEREAS**, the City Commission, on July 24, 2006, adopted Ordinance No. 050254
11 that rezoned the subject property of this ordinance to Planned Development (PD) zoning and
12 adopted certain development conditions for the “Hawley 39th Avenue Planned Development”;
13 and

14 **WHEREAS**, pursuant to Condition 24 of Ordinance No. 050254 the owner/developer
15 requested a 1-year extension of the PD Development Schedule and on August 21, 2008, the City
16 Commission approved the extension; and

17 **WHEREAS**, the Planned Development was constructed in accordance with Ordinance
18 No. 050254 and upon completion and operation of the business, the owner/developer determined
19 the parking was inadequate to serve the business. Therefore, the owner/developer has requested
20 an amendment to PD Ordinance No. 050254 for the sole purpose of providing additional parking;

21 **WHEREAS**, notice was given and publication made as required by law of a public
22 hearing which was held by the City Plan Board on March 22, 2012; and

23 **WHEREAS**, notice was given and publication made of a public hearing which was held
24 by the City Commission on May 17, 2012; and

25 **WHEREAS**, the City Commission finds that this amendment of Ordinance No. 050254
26 “Hawley 39th Avenue Planned Development” is consistent with the City of Gainesville
27 Comprehensive Plan; and

1 **WHEREAS**, at least ten (10) days notice has been given once by publication in a
2 newspaper of general circulation notifying the public of this proposed ordinance and of a public
3 hearing in the City Hall Auditorium, First Floor, City Hall, City of Gainesville; and

4 **WHEREAS**, public hearings were held pursuant to the published notice described above
5 at which hearings the parties in interest and all others had an opportunity to be and were, in fact,
6 heard.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The PD Layout Plan Map, which comprised the second sheet of the
10 development plan maps identified as Exhibit “C” incorporated and made a part of Section 3 of
11 Ordinance No. 050254 is amended and superseded in its entirety by the adoption of a new PD
12 Layout Plan Map dated January 11, 2012 and revised February 7, 2012 (the “Amended PD
13 Layout Plan”) attached hereto as Exhibit “1” and made a part hereof as if set forth in full. The
14 terms, conditions, and limitation of the Amended PD Layout Plan shall regulate the use and
15 development of the property described in Section 1 of Ordinance No. 050254.

16 **Section 2.** A new condition 24 is added to Section 4 of Ordinance No. 050254 to read
17 as follows:

18 24. Along the entire western side of the property, the landscape/pedestrian area
19 between the edge of curb/edge of pavement of the vehicular use area and the property line shall
20 be a minimum of 8 feet wide. The development shall provide safe and efficient pedestrian
21 circulation throughout the site. A pedestrian cross-walk and required facilities shall provide safe
22 and efficient connectivity from the residential area to the west across the existing driveway to the
23 entrance of the building. A minimum of 40 feet of separation shall be provided from the travel

1 lane of NW 39th Avenue to any parking space along the existing main driveway entrance to the
2 property. During development plan review, the Public Works Department shall determine the
3 exact separation distance, which may be greater than 40 feet, as necessary to allow safe
4 maneuvering of pedestrians and vehicles accessing the site. During development plan review,
5 the owner/developer shall submit detailed designs and configuration of the parking and how it
6 relates to the adjacent road network as well as stormwater, internal vehicle and pedestrian
7 circulation. The designs and configuration shall be reviewed by and are subject to approval by
8 the Public Works Department based on the requirements of the Public Works Design Manual in
9 conjunction with the Department's professional determination of achieving automobile and
10 pedestrian circulation at the site in a safe and efficient manner. The owner/developer shall apply
11 for and obtain final development plan approval for the additional parking spaces and other
12 improvements to be constructed pursuant to this condition 24 within three (3) years of adoption
13 of this PD amendment ordinance. Construction must commence within 18 months of approval of
14 the final development plan. Failure to comply with the time limits shall render this PD
15 amendment ordinance void and of no further force and effect.

16 **Section 3.** Except as expressly modified, amended or changed by this ordinance, Ordinance
17 No. 050254 shall remain in full force and effect. In the event of conflict or inconsistency between
18 the provisions of Ordinance No. 050254 and this ordinance, this ordinance shall govern and prevail.

19 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
20 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
21 finding shall not affect the other provisions or applications of this ordinance that can be given
22 effect without the invalid or unconstitutional provisions or application, and to this end the
23 provisions of this ordinance are declared severable.

1 **Section 5.** This ordinance shall become effective immediately upon final adoption.

2

3 **PASSED AND ADOPTED** this _____ day of _____, 2012

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CRAIG LOWE
MAYOR

10 ATTEST:

Approved as to form and legality

11

12

13

14 _____
KURT M. LANNON
15 CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

16

17 This ordinance passed on first reading this _____ day of _____, 2012.

18

19 This ordinance passed on second reading this _____ day of _____, 2012.



RICARDO CAVALLINO AND ASSOCIATES, INC.
 ARCHITECTURE-PLANNING AA 002865
 22 SE 5TH AVENUE 352-377-1751 (F)
 GAINESVILLE, FL 32601

PLANNED DEVELOPMENT AMENDMENT FOR:
LAS MARGARITAS
 4405 NW 39TH AVENUE, GAINESVILLE, FLORIDA

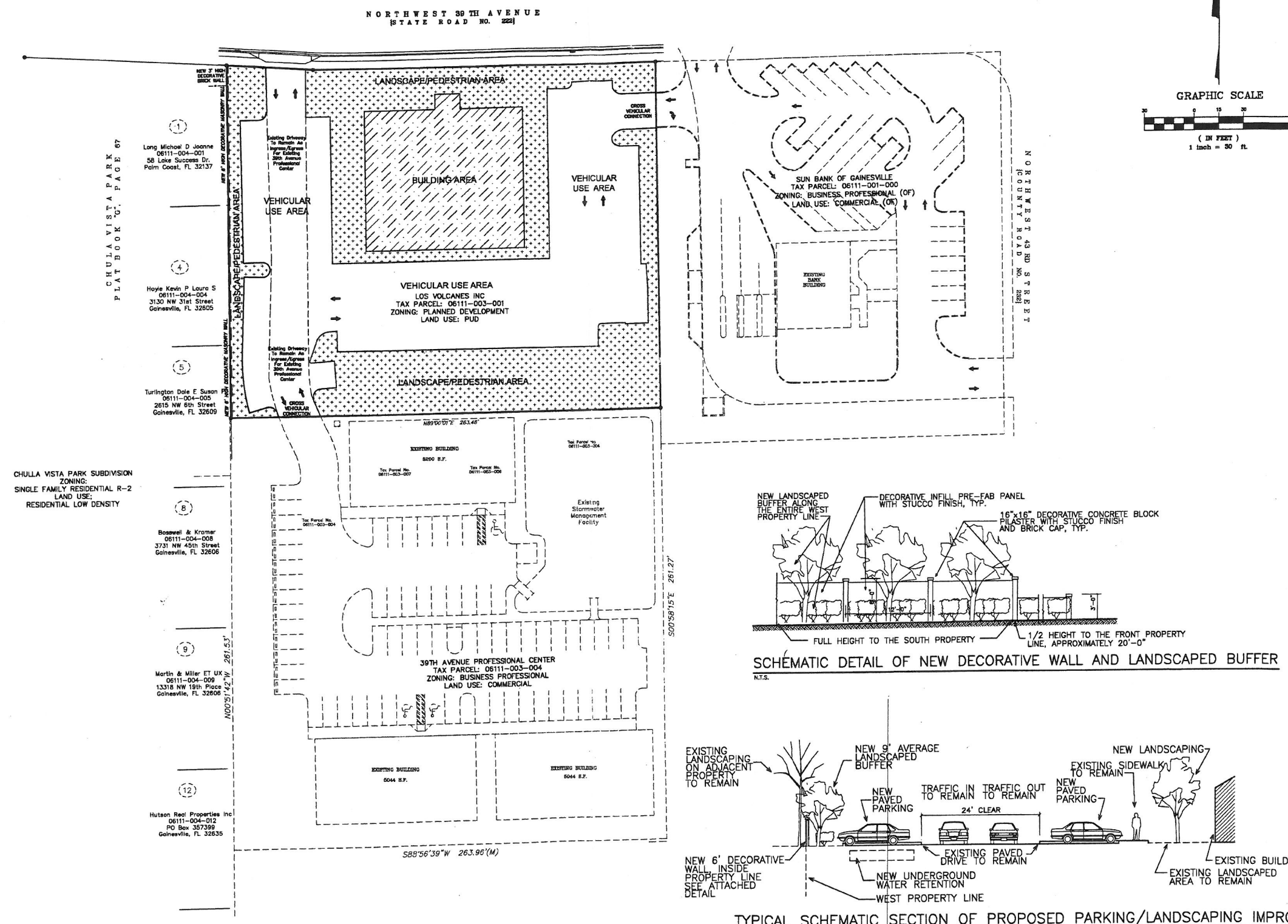
PD LAYOUT PLAN

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REVISED:	02/07/12	ADDED DETAILS
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PROJECT: 1201
 DRAWN BY: RAJ/DRH
 CHECKED: R.C.
 DATE: 01-11-2012

SHEET PD-1



CHULLA VISTA PARK SUBDIVISION
 ZONING: SINGLE FAMILY RESIDENTIAL R-2
 LAND USE: RESIDENTIAL LOW DENSITY

CHULLA VISTA PARK
 PLAT BOOK 'G', PAGE 67

- 1 Long Michael D Joanne
06111-004-001
58 Lake Success Dr.
Palm Coast, FL 32137
- 4 Hoyt Kevin P Laura S
06111-004-004
3130 NW 31st Street
Gainesville, FL 32605
- 5 Turlington Dale E Susan
06111-004-005
2815 NW 8th Street
Gainesville, FL 32609
- 8 Boswell & Kromer
06111-004-008
3731 NW 45th Street
Gainesville, FL 32606
- 9 Morth & Miller ET UX
06111-004-009
13318 NW 19th Place
Gainesville, FL 32608
- 12 Hutson Real Properties Inc
06111-004-012
PO Box 357399
Gainesville, FL 32635

Exhibit "1"
 to Ordinance No. 110866