



MEMORANDUM

Office of the City Attorney

Box 46

Phone: 334-5011/Fax 334-2229

TO: Mayor and City Commission

DATE: November 14, 2005

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-05-55, Petition 49ZON-05PB
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands, recently annexed into the City and as more specifically described in this ordinance, from the Alachua County zoning category of "PD, planned development" to the City of Gainesville zoning category of "Planned Development District"; adopting and approving the Land Development Conditions that were imposed by Alachua County; generally located in the vicinity of the 7200 block of N.W. 52nd Terrace; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission: 1) approve Petition No. 49ZON-05PB; and 2) adopt the proposed ordinance on first reading.

STAFF REPORT

The subject property is 18 acres in size, and is a portion of the Blues Creek development in northwest Gainesville. The property was annexed into the city in 2005, and is mostly found within the 100-year FEMA floodplain. A much larger portion of the Blues Creek development—256 acres—was annexed in to the city in 2001 and 2002. This property must be brought into conformance with the City's land development regulations. This requires amending the City's zoning map atlas to include this property. This petition would amend the City's zoning map atlas.

Planned Development (PD) zoning is north of the property, is also part of Blues Creek, and is undeveloped. County Planned Development (PD) zoning is adjacent and developed to the south, east and west.

The revised Master Plan for Blues Creek, dated November 1999, specifies that the 18 acres within Unit 1 shall contain 57 single-family attached homes. All units are to be 2- or 3-bedroom homes, with a maximum height of 35 feet. Each lot has a zero setback. Setbacks from the property perimeter or dedicated streets is 35 feet for front, 20 feet for rear and 10 feet from side.

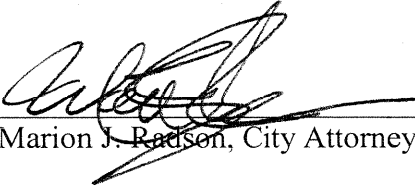
The character of the nearby property is largely suburban residential. Because the character of nearby properties is compatible, these properties are most suitably given a City Planned Development (PD) zoning. To avoid creating incompatibilities, nonconformities and confusion,

the proposed PD zoning will be implemented by the PUD ordinance approved by Alachua County when this property was initially proposed for development.

Therefore, should this petition be approved, the development regulations approved by the County within their PUD ordinance for this property would be adopted and remain in place by the City so that future improvements or re-development of the property would be consistent and compatible with existing development in the vicinity.

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 49ZON-05 PB. Plan Board vote 6-0.

Prepared and submitted by:



Marion J. Radson, City Attorney

MJR/afm

H:\Marion Radson\Planning\49ZON CVR.DOC

ORDINANCE NO. _____
0-05-55

1
2
3
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain lands, recently annexed into the City**
6 **and as more specifically described in this ordinance, from the Alachua**
7 **County zoning category of “PD, planned development” to the City of**
8 **Gainesville zoning category of “Planned Development District”;**
9 **adopting and approving the Land Development Conditions that were**
10 **imposed by Alachua County; generally located in the vicinity of the**
11 **7200 block of N.W. 52nd Terrace; providing a severability clause;**
12 **providing a repealing clause; and providing an immediate effective**
13 **date.**

14
15
16 **WHEREAS,** the City Plan Board authorized the publication of notice of a public hearing
17 that certain lands annexed into the City be rezoned from the Alachua County zoning category of
18 “PD, planned development” to the City of Gainesville zoning category of “Planned Development
19 District”; and

20 **WHEREAS,** notice was given and publication made as required by law and a Public
21 Hearing was held by the City Plan Board on April 21, 2005; and

22 **WHEREAS,** the City Commission finds that the rezoning of the property described
23 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan upon the
24 effective date of the plan amendment adopted by Ordinance No. 041186; and

25 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10
26 inches long was placed in a newspaper of general circulation and of the Public Hearing to be held in
27 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven
28 (7) days after the day the first advertisement was published; and

1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
2 place in the aforesaid newspaper notifying the public of the second Public Hearing to be held at the
3 adoption stage at least five (5) days after the day the second advertisement was published; and

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

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

9 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
10 following described properties from the Alachua County zoning category of “PD, planned
11 development” to the City of Gainesville zoning category of “Planned Development District”:

12 See Exhibit "A" attached hereto and made a part hereof as if set forth in full.

13 **Section 2.** The development regulations and conditions approved by Alachua County as
14 adopted by Alachua County Zoning Resolution No. Z-81-68, a true copy of which is attached
15 hereto as Exhibit “B” and made a part hereof as if set forth in full, is adopted and approved, and
16 shall regulate the development and use of the property described in § 1 of this Ordinance. The
17 regulations and conditions are further amended by the revised Master Plan for Blues Creek
18 adopted and approved by Alachua County dated November 1999, as shown on Exhibit “C”,
19 attached hereto and made a part hereof as if set forth in full. This revised Master Plan shall also
20 regulate the use and development of the aforesaid property.

21 **Section 3.** The City Manager is authorized and directed to make the necessary changes in
22 the Zoning Map to comply with this Ordinance.

1 Section 4. If any section, sentence, clause or phrase of this ordinance is held to be invalid
2 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
3 affect the validity of the remaining portions of this ordinance.

4 Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
5 such conflict hereby repealed.

6 Section 6. This ordinance shall become effective immediately upon final adoption.

7 PASSED AND ADOPTED this _____ day of _____, 2005.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality:

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2005.

This ordinance passed on second reading this _____ day of _____, 2005.

Exhibit "A"

DESCRIPTION FOR BLUES CREEK UNIT 1 AND UNIT 1-A

FOR A POINT OF BEGINNING COMMENCE AT THE EXISTING CITY OF GAINESVILLE LIMIT LINE AT THE NORTHEAST CORNER OF BLUES CREEK UNIT 1 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 95 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF NORTHWEST 52ND TERRACE; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT RUN ALONG THE EAST LINE OF SAID 52ND TERRACE THE FOLLOWING 10 COURSES; S 00° 27' 43" E, A DISTANCE OF 100.00 FEET; THENCE S 89° 32' 17" W, A DISTANCE OF 12.53 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 405 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 300.42 FEET THROUGH A CENTRAL ANGLE OF 42° 30' 02" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 35° 04' 59" W, 293.58 FEET; THENCE S 56° 20' 00" W, A DISTANCE OF 166.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 345 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 341.91 FEET THROUGH A CENTRAL ANGLE OF 56° 46' 54" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 27° 56' 33" W, 328.08 FEET; THENCE S 00° 26' 54" E, A DISTANCE OF 54.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 344.97 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 102.36 FEET THROUGH A CENTRAL ANGLE OF 17° 00' 03" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 08° 56' 56" E, 101.98 FEET; THENCE S 17° 26' 57" E A DISTANCE OF 91.83 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 405 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 282.74 FEET THROUGH A CENTRAL ANGLE OF 40° 00' 00" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 02° 33' 03" W, 277.04 FEET TO THE

BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 345 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 88.43 FEET THROUGH A CENTRAL ANGLE OF 14° 41' 09" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 15° 12' 28" W, 88.19 FEET TO A POINT ON THE SOUTH LINE OF SAID BLUES CREEK UNIT 1; THENCE LEAVING THE EAST RIGHT OF WAY LINE OF NORTHWEST 52ND TERRACE, S 89° 39' 06" W ALONG THE SOUTH LINE OF SAID BLUES CREEK UNIT 1, A DISTANCE OF 60.53 FEET TO THE SOUTHEAST CORNER OF BLUES CREEK UNIT-2 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "O", PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 52ND TERRACE AND BEING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 405 FEET; THENCE ALONG THE ARC OF SAID CURVE ALSO BEING THE EASTERLY BOUNDARY OF SAID BLUES CREEK UNIT-2 AND THE WEST RIGHT OF WAY LINE OF SAID NW 52ND TERRACE, A DISTANCE OF 61.99 FEET THROUGH A CENTRAL ANGLE OF 08° 46' 10" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 11° 01' 51" E, 61.93 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE OF NW 52ND TERRACE , CONTINUING ALONG THE NORTHEASTERLY BOUNDARY OF SAID BLUES CREEK UNIT-2 AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 33.88 FEET THROUGH A CENTRAL ANGLE OF 77° 38' 29" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 54° 14' 10" W, 31.34 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY OF BLUES CREEK UNIT-2, N 72° 41' 04" W, A DISTANCE OF 168.00 FEET; THENCE N 34° 15' 00" W, A DISTANCE OF 840.00 FEET TO THE NORTH MOST CORNER OF LOT 6 OF SAID BLUES CREEK UNIT-2 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE; THENCE LEAVING SAID NORTHEASTERLY BOUNDARY OF BLUES CREEK UNIT-2 AND ALONG SAID CITY OF GAINESVILLE LIMIT LINE THE FOLLOWING 6 COURSES: N 15° 57' 16" E, A DISTANCE OF 75.48 FEET TO A POINT ON THE WESTERLY BOUNDARY OF BLUES CREEK UNIT 1-A AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "N", PAGE 20 OF THE PUBLIC RECORDS OF

ALACHUA COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY BOUNDARY N 00° 27' 43" W, A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF SAID BLUES CREEK UNIT 1-A; THENCE ALONG THE NORTH BOUNDARY OF SAID BLUES CREEK UNIT 1-A N 89° 32' 17" E, A DISTANCE OF 82.92 FEET TO THE NORTH LINE OF THE AFOREMENTIONED BLUES CREEK UNIT 1 ALSO BEING THE NORTH LINE OF BLUES CREEK UNIT 1 REPLAT OF LOTS 23, 24 & 25 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "N", PAGE 11 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID REPLAT AND BLUES CREEK UNIT 1 N 89° 32' 17" E, A DISTANCE OF 642.08 FEET; THENCE ALONG THE WEST LINE OF SAID REPLAT AND BLUES CREEK UNIT 1 N 00° 27' 43" W, A DISTANCE OF 159.06 FEET TO THE NORTH LINE OF SAID REPLAT AND BLUES CREEK UNIT 1; THENCE ALONG SAID NORTH LINE N 89° 32' 17" E, A DISTANCE OF 429.99 FEET TO THE NORTHEAST CORNER OF SAID BLUES CREEK UNIT 1 ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NW 52ND TERRACE AND THE POINT OF BEGINNING.

City Recommendations: This proposed PUD is not within the Urban Service Boundary of the City of Gainesville. Before sewer or water service can be provided by GRU an amendment to the Gainesville Comprehensive Plan, 1980-2000, must be approved by the Gainesville City Commission after review by the Plan Board, the County, the Regional Planning Council and the State of Florida. Because this project entails what the City Planning Staff considers an inappropriate increase in density in the Alachua County Comprehensive Plan and violates a number of goals, objectives and standards of the Comprehensive Plan, staff would recommend denial of any petition to extend the Urban Service Boundary to this project.

It was moved by Mr. Lee, seconded by Mr. Coward and unanimously carried that the Land Use Plan be amended from Category 4 to Category 5 on an estimated 300 acres of land located 1 mile north of N. W. 53rd Avenue and ½ mile west of 43rd Street.

It was moved by Mr. Coward, seconded by Mr. Lee and unanimously carried that the following Zoning Resolution Z-81-68 be adopted, and the Chairman be authorized to execute the document.

ZONING RESOLUTION
Z-81-68

WHEREAS, Zoning Application 2614 has been duly filed and was considered by the Alachua County Planning Commission at its meeting of June 24, 1981; and,

WHEREAS, the application was considered by the Alachua County Board of County Commissioners at its meetings of July 7, 1981, and July 21, 1981; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application 2614, as summarized in Exhibit "A" of this Resolution, is hereby approved, and the real property described within the application shall, unless changed in accordance with law, hereafter bear the zoning district classification of Planned Unit Development in accordance with the subject application, subject to the following additional conditions:

1. Development must occur in accordance with the previously approved master drainage plan for this area (Storm Water Management Plan for San Felasco Villas--Deer Run Units).

2. Staged development will occur as follows:

a. The first stage of the development be limited to those units that would generate not over 900 vehicle trips per day. This is estimated to be 75 single-family dwellings, or 125 condominium units.

b. Any subsequent phases would require the construction of the east/west road connecting into Northwest 43rd Street extension, and would also require the extension of Northwest 43rd Street to the east/west connection.

3. This Planned Unit Development will meet all the requirements of the R-1a and R-3 Districts except as indicated in the applicant's narrative of June 24, 1981.

4. All roads must be constructed to County specifications and dedicated to the public.

Upon adoption of this Resolution, the Alachua County Director of Codes Enforcement, his designee or other authorized agent of Alachua County, shall make such change on the Alachua County Zoning Atlas as is necessary to effect this Resolution.

This Resolution shall take effect upon its adoption.

DULY ADOPTED in regular session this 21st day of July, A.D., 1981.

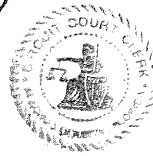
BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

By: [Signature]
Jack Burrance, Chairman

ATTEST:

[Signature]
A. Curtis Powers, Clerk

(SEAL)



J.K. "Buddy" Irby, Clerk of the Circuit & County Court, Eighth Judicial Circuit of Florida, in and for Alachua County, hereby certifies this to be a true and correct copy of the document, now of record in this office. Witness my hand and seal this 4th day of October 2005.
J.K. "Buddy" Irby, Clerk of the Circuit & County Court
By: [Signature]
Deputy Clerk

ALACHUA COUNTY PLANNING COMMISSION

Room 201 - County Administration Building
Gainesville, Florida 32601
Phone #374-5249

Planning Commission Members:

John A. Nattress, Chairman
W.T. Coram, Jr.
Herb R. Edwards
Ann B. Green
Karl R. Owens, Jr.
Dale Thompson
Jane B. Walker

Jack Durrance, Chairman
Edwin B. Turlington
Thomas Coward
Walter "Sonny" Lee
John Schroepfer

Planning & Development Director:

Alvin H. Lewis

Director of Codes Enforcement:

Robert Holton

Notice is hereby given that the Alachua County Planning Commission will hold a public hearing at 7:30 P.M., on Wednesday, May 27 1981 in Room 209 of the Alachua County Administration Building to consider the following:

Application # 2614: A request by S. M. Hasan, Agent for Larry Ross & Larry Cheshire to rezone from (Agriculture "A-1" to "PUD" (Planned Unit Development District).

*If this request is granted by the Alachua County Board of County Commissioners the Land Use Element of the Comprehensive Plan will also be amended from Category 4 (Very Low Density Single Family 1-2 Units/Acre) to Category 5 (Low Density Single Family 3-4 Units/Acre).

Legal Description of Property: Parcel 1: The south 150 acres of the west 3/4 of Section 10 T9 S, R 10 E less the SW 1/4 of the SE 1/4 thereof. Parcel 2: The North 150 acres of the south 300 acres of the west 3/4 of Section 10, T 9 S, R 19 E less the SW 1/4 of the SE 1/4 thereof.

Location of Property: 1 mile north of NW 53rd Avenue 1/2 mile west of 43rd St.

Permitted Use - Existing Zoning

"Agriculture" A-1 Single family dwellings on basis of one dwelling per acre. Public parks and recreation areas, golf courses, game preserves, historical areas, churches, and private schools.

Permitted Use - If Rezoning is Granted

"PUD" (Planned Unit Development) District. Residential units, including single family attached and detached dwellings, two family dwellings and multiple family dwellings.

EXHIBIT "A"

