

**LEGISLATIVE #**

**200886A**



28 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
29 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
30 pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 25, 2021, and  
31 voted to recommend that the City Commission approve this Future Land Use Map amendment;  
32 and

33 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a  
34 newspaper of general circulation and provided the public with at least seven days' advance  
35 notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City  
36 Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of  
37 Gainesville; and

38 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this  
39 proposed amendment to the reviewing agencies and any other local government unit or state  
40 agency that requested same; and

41 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was  
42 placed in the aforesaid newspaper and provided the public with at least five days' advance  
43 notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the City  
44 Commission; and

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

47 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered any written  
48 comments received concerning this Future Land Use Map amendment.

49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**  
50 **FLORIDA:**

51 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
52 amended by changing the land use category of the following property from Planned Use  
53 District (PUD) to Commercial (C), Urban Mixed-Use (UMU), and Residential Low-Density (RL):

54         See legal description attached as **Exhibit A** and made a part hereof as if set forth  
55         in full. The location of the property is shown on **Exhibit B** for visual reference.  
56         In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.  
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58 **SECTION 2.** Within ten working days of the transmittal (first) hearing, the City Manager or  
59 designee is authorized and directed to transmit this Future Land Use Map amendment and  
60 appropriate supporting data and analyses to the reviewing agencies and to any other local  
61 government or governmental agency that has filed a written request for same with the City.  
62 Within ten working days of the adoption (second) hearing, the City Manager or designee is  
63 authorized and directed to transmit this amendment to the state land planning agency and  
64 any other agency or local government that provided comments to the City regarding the  
65 amendment.

66 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary  
67 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to  
68 comply with this ordinance.

69 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
70 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
71 finding will not affect the other provisions or applications of this ordinance that can be given

72 effect without the invalid or unconstitutional provision or application, and to this end the  
73 provisions of this ordinance are declared severable.

74 **SECTION 5.** As of the effective date of this amendment to the Comprehensive Plan as  
75 described in Section 6 of this ordinance, all ordinances or parts of ordinances in conflict  
76 herewith are to the extent of such conflict hereby repealed, including specifically Ordinance  
77 No. 960936 which is hereby repealed.

78 **SECTION 6.** This ordinance will become effective immediately upon adoption; however, the  
79 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the  
80 amendment is not timely challenged, will be 31 days after the state land planning agency  
81 notifies the City that the plan amendment package is complete in accordance with Section  
82 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment will  
83 become effective on the date the state land planning agency or the Administration Commission  
84 enters a final order determining the amendment to be in compliance with Chapter 163, Florida  
85 Statutes. No development orders, development permits, or land uses dependent on this  
86 Comprehensive Plan amendment may be issued or commenced before this amendment has  
87 become effective.

88 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

89

90

91

92

93

94 Attest:

95

96

97 \_\_\_\_\_  
98 OMICHELE D. GAINEY

CITY CLERK

\_\_\_\_\_  
LAUREN POE  
MAYOR

Approved as to form and legality:

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

99

100 This ordinance passed on transmittal (first) reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

101

102 This ordinance passed on adoption (second) reading this \_\_\_\_ day of \_\_\_\_\_, 2021.



**LEGAL DESCRIPTIONS**

**PARCEL A (Proposed Commercial FLU)**

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°04'46" EAST, ALONG THE WEST LINE OF SAID MINOR SUBDIVISION, ALONG THE EAST LINE OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 22, PAGE 23 OF SAID PUBLIC RECORDS, AND ALONG THE EAST LINE OF "NORTH MAIN STREET COMMERCIAL PARK", A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 96 OF SAID PUBLIC RECORDS, AND A SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 2442.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.E. 31st AVENUE; THENCE NORTH 89°24'01" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, 598.43 FEET; THENCE NORTH 00°54'24" WEST, 205.00 FEET; THENCE NORTH 89°24'01" EAST, 167.62 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID MINOR SUBDIVISION RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF SAID PUBLIC RECORDS; THENCE NORTH 01°04'46" WEST, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE OF SAID MINOR SUBDIVISION RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35, A DISTANCE OF 2240.60 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222; THENCE SOUTH 89°08'12" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 766.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 42.22 ACRES (1,839,130 SQUARE FEET), MORE OR LESS.

## Exhibit A to Ordinance 200886

### **PARCEL B (Proposed Urban Mixed Use FLU)**

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 766.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 676.65 FEET; THENCE SOUTH 00°54'24" EAST, 1214.61 FEET; THENCE SOUTH 89°08'12" WEST, 672.99 FEET TO THE SOUTHEAST CORNER OF SAID MINOR SUBDIVISION; THENCE NORTH 01°04'46" WEST, ALONG THE EAST LINE OF SAID MINOR SUBDIVISION, 1214.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.82 ACRES (819,644 SQUARE FEET), MORE OR LESS.



## Exhibit A to Ordinance 200886

### **PARCEL C (Proposed Residential Low FLU)**

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

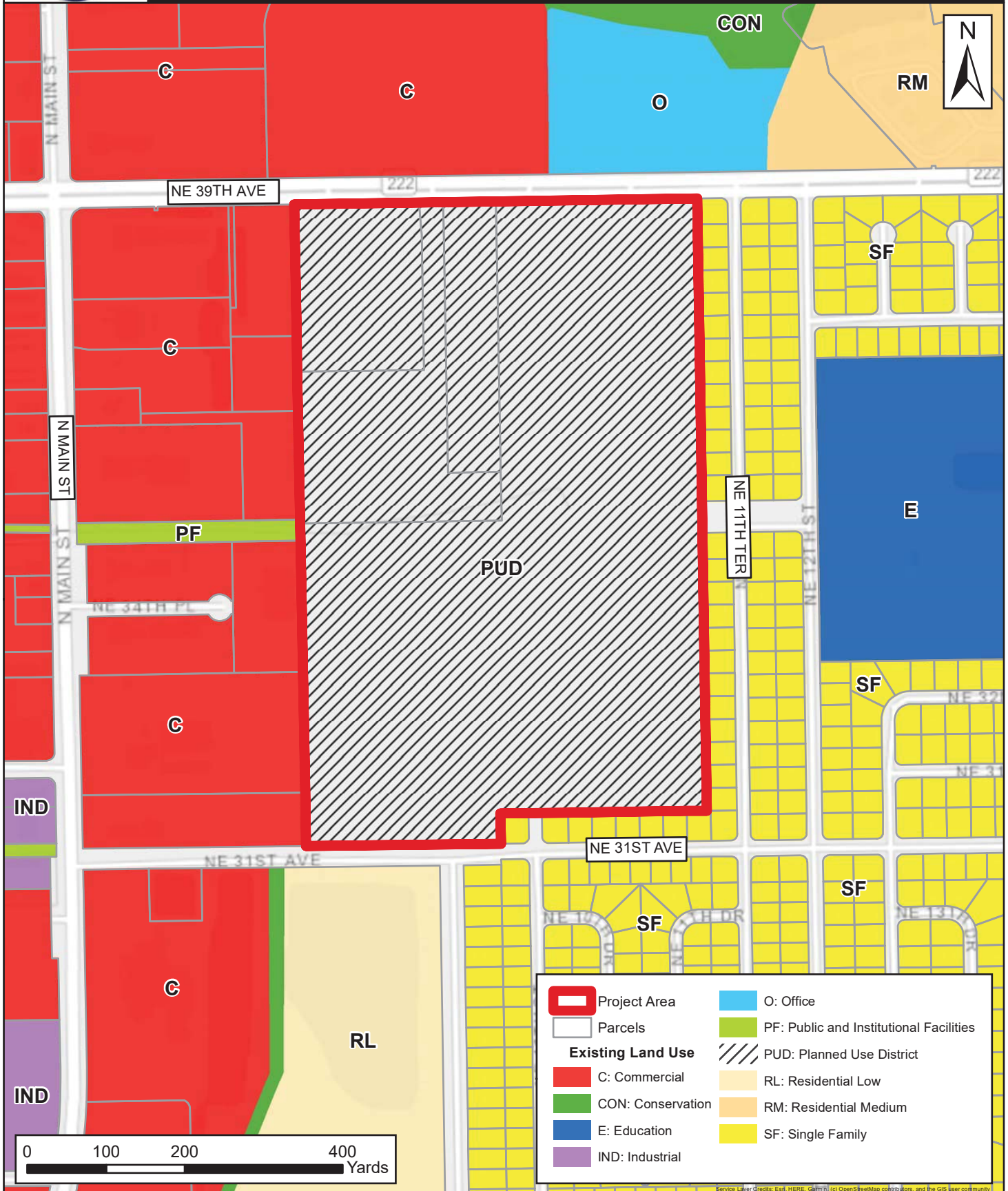
COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1443.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 90.00 FEET TO THE NORTHWEST CORNER OF "HIGHLAND COURT MANOR UNIT NO. 5". A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 44 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°54'24" EAST, 1808.54 FEET TO THE SOUTHWEST CORNER OF SAID "HIGHLAND COURT MANOR UNIT NO. 5" AND THE NORTHWEST CORNER OF "HIGHLAND COURT MANOR UNIT NO. 4", A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "F", PAGE 77 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 00°54'24" EAST, ALONG THE WEST LINE OF SAID "HIGHLAND COURT MANOR UNIT NO. 4" A DISTANCE OF 523.03 FEET TO A POINT ON THE NORTHERLY LINE OF SAID "HIGHLAND COURT MANOR UNIT NO. 4"; THENCE SOUTH 89°13'01" WEST, ALONG SAID NORTHERLY LINE OF "HIGHLAND COURT MANOR UNIT NO. 4" A DISTANCE OF 784.29 FEET TO THE NORTHWEST CORNER OF LOT 105 OF SAID "HIGHLAND COURT MANOR UNIT NO. 4"; THENCE SOUTH 00°54'24" EAST, 115.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 105 AND TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.E. 31st AVENUE; THENCE SOUTH 89°24'01" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 143.23 FEET; THENCE NORTH 00°54'24" WEST, 205.00 FEET; THENCE NORTH 89°24'01" EAST, 167.62 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35; THENCE NORTH 01°04'46" WEST, 1025.98 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID MINOR SUBDIVISION; THENCE NORTH 89°08'12" EAST, 672.99 FEET; THENCE NORTH 00°54'24" WEST, 1214.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 22.75 ACRES (990,825 SQUARE FEET), MORE OR LESS.



# NE 39th Ave Henderson Project (PB-20-00152)

## Existing Land Use



# Exhibit B to Ordinance 200886



## NE 39th Ave Henderson Project (PB-20-00152) Proposed Land Use

