

Legislative #

130436A

ORDINANCE NO. 130436

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2
3 **An ordinance amending the Future Land Use Map of the City of Gainesville**
4 **Comprehensive Plan by changing the land use category of approximately 134**
5 **acres of property consisting of 4 parcels generally located east of Cone Park,**
6 **south of the 3100 block of E University Avenue and west of the 400 block of**
7 **SE 43rd Street, as more specifically described in this ordinance, from Alachua**
8 **County Medium Density Residential to City of Gainesville Residential Low-**
9 **Density; providing directions to the City Manager; providing a severability**
10 **clause; providing a repealing clause; and providing an effective date.**

11
12 **WHEREAS,** notice was given as required by law that the Future Land Use Map of the
13 City of Gainesville Comprehensive Plan be amended by changing the land use category of certain
14 properties from Alachua County Medium Density Residential to City of Gainesville Residential
15 Low-Density; and

16 **WHEREAS,** notice was given as required by law and a public hearing was held by the
17 City Plan Board on October 24, 2013; and

18 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10
19 inches long was placed in a newspaper of general circulation and provided the public with at
20 least seven (7) days' advance notice of the first public hearing to be held in the City Hall
21 Auditorium, located on the first floor of City Hall in the City of Gainesville; and

22 **WHEREAS,** pursuant to law, after the public hearing at the transmittal stage, the City of
23 Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any
24 other local government unit or state agency that requested same; and

25 **WHEREAS,** a second advertisement no less than two columns wide by 10 inches long
26 was placed in the aforesaid newspaper and provided the public with at least five (5) days'
27 advance notice of the second public hearing; and

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

4 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered any
5 written comments received concerning this amendment.

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

8 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
9 amended by changing the land use category of the following properties from Alachua County
10 Medium Density Residential to City of Gainesville Residential Low-Density:

11 See legal description attached hereto as Exhibit "A" and made a part
12 hereof as if set forth in full. The location of the properties is shown on
13 Exhibit "B" for visual reference. In the event of conflict or inconsistency,
14 Exhibit "A" shall prevail over Exhibit "B."
15

16 **Section 2.** Within ten (10) working days of the transmittal (first) hearing, the City
17 Manager or designee is authorized and directed to transmit this plan amendment and appropriate
18 supporting data and analyses to the reviewing agencies and to any other local government or
19 governmental agency that has filed a written request for same with the City. Within ten (10)
20 working days of the adoption (second) hearing, the City Manager or designee is authorized and
21 directed to transmit this plan amendment to the state land planning agency and any other agency
22 or local government that provided timely comments to the City.

23 **Section 3.** The City Manager or designee is authorized and directed to make the
24 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in
25 order to comply with this ordinance.

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

7 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 **Section 6.** This ordinance shall become effective immediately upon adoption; however,
10 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
11 amendment is not timely challenged, shall be 31 days after the state land planning agency notifies
12 the City that the plan amendment package is complete in accordance with Section 163.3184, F.S.
13 If timely challenged, this amendment shall become effective on the date the state land planning
14 agency or the Administration Commission enters a final order determining this adopted
15 amendment to be in compliance with Chapter 163, F.S. No development orders, development
16 permits, or land uses dependent on this amendment may be issued or commenced before this plan
17 amendment has become effective.

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1 **PASSED AND ADOPTED** this _____ day of _____, 2014.

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EDWARD B. BRADY
MAYOR

8 Attest:

Approved as to form and legality:

9
10
11

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

14
15
16

17 This ordinance passed on (first) transmittal hearing this ____ day of _____, 2014.

18

19 This ordinance passed on (second) adoption hearing this ____ day of _____, 2014.

EXHIBIT "A"

PARCEL 1 (Parcel ID No. 10889-003-000):

EAST 40 ACRES OF THE SOUTH ½ OF THE SE ¼ OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF RECORD, AND LESS

A portion of the East 1410' of the South ½ of the Southeast ¼ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4th Avenue (40' R/W) with the westerly right-of-way line of S.E. 43rd Street (100' R/W), and run thence westerly along said southerly right-of-way line of S.E. 4th Avenue 822.5 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43rd Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet thence easterly, parallel with said southerly right-of-way line, 200.00 feet; thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8th Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43rd Street; thence northerly, along said westerly right-of-way line, 1280 feet, more or less to the POINT OF THE BEGINNING.

PARCEL 2 (Parcel ID No. 10889-002-000):

A portion of the East 1410' of the South ½ of the Southeast ¼ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4th Avenue (40' R/W) with the westerly right-of-way line of S.E. 43rd Street (100' R/W), and run thence westerly along said southerly, right-of-way line of S.E. 4th Avenue, 822.50 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43rd Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet; thence easterly, parallel with said southerly right-of-way line, 220.00 feet; thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8th Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43rd Street; thence northerly, along said westerly right-of-way line, 1280 feet, more or less, to the POINT OF BEGINNING.

PARCEL 3 (Parcel ID No. 10889-000-000):

A tract of land lying in Section 2, of Township 10 South, Range 20 East, being more particularly described as follows:

The South ½ of the Southeast ¼, Less the Westerly 15.50 acres thereof, of said Section 2, Alachua County, Florida.

LESS:

Right of way of record that may have been conveyed by those certain documents recorded in Official Records Book 534, Page 443 and Official Records Book 1457, Page 129, Public Records of Alachua County, Florida.

LESS:

A portion of the East 1410' of the South ½ of the Southeast ¼ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4th Avenue (40' R/W) with the westerly right-of-way line of S.E. 43rd Street (100' R/W), and run thence westerly along said southerly right-of-way line of S.E. 4th Avenue, 822.50 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43rd Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet; thence easterly, parallel with said southerly right-of-way line, 220.00 feet; thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8th Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43rd Street; thence northerly, along said westerly right-of-way line, 1280 feet, more or less, to the POINT OF BEGINNING.

LESS:

EAST 40 ACRES OF THE SOUTH ½ OF THE SE ¼ OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, LESS RIGHT-OF-WAY OF RECORD, AND LESS THE FOLLOWING PARCEL:

A portion of the East 1410' of the South ½ of the Southeast ¼ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Begin at the intersection of the southerly right-of-way line of S.E. 4th Avenue (40' R/W) with the westerly right-of-way line of S.E. 43rd Street (100' R/W), and run thence westerly along said southerly right-of-way line of S.E. 4th Avenue 822.50 feet; thence southerly, parallel with said westerly right-of-way line of S.E. 43rd Street, 146.00 feet; thence easterly, parallel with said southerly right-of-way line, 25.00 feet; thence southerly, parallel with said westerly right-of-way line, 330.00 feet thence easterly, parallel with said southerly right-of-way line, 220.00 feet;

thence southerly, parallel with said westerly right-of-way line, 804 feet, more or less, to a point on the northerly right-of-way line of S.E. 8th Avenue; thence easterly along said northerly right-of-way line, 577.50 feet, more or less, to a point on said westerly right-of-way line of S.E. 43rd Street, thence northerly, along said westerly right-of-way line, 1280 feet, more or less, to the POINT OF BEGINNING.

PARCEL 4 (Parcel ID No. 10890-000-000)

A tract of land located in Section 2, Township 10 South, Range 20 East, being more particularly described as follows: Lots 1, 1A, 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7 and 7A of Lake Forest-Gainesville-Lake Farms, a subdivision recorded in Plat Book A, page 152 of the public records of Alachua County, Florida; And, the South $\frac{1}{2}$ of SW- $\frac{1}{4}$ of said Section 2, and the westerly 15.500 acres of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 2, and the S- $\frac{1}{2}$ of the NW- $\frac{1}{4}$ of the SW- $\frac{1}{4}$ of said Section 2; LESS those certain parcels of land described in Official Records Book 749, page 284 and Official Records Book 1617, page 296, of the Public Records of Alachua County, Florida.

Also less and except:

A portion of Section 2, Township 10 South, Range 20 East, Alachua County, Florida; being more particularly described as follows: Begin at the southeast corner of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 2, Township 10 South, Range 20 East, Alachua County, Florida, and run thence South 89°10'27" West along the south line of said southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$, a distance of 1072.08 feet to the southeast corner of that certain parcel of land as described in Official Records Book 1617, page 296 et seq. of the Public Records of Alachua County, Florida; thence North 03°32'38" West, along the easterly line of said certain parcel, 777.59 feet to a point on the centerline of a 170 foot wide Alachua County drainage easement, as described in Official Records Book 687, page 65 of said Public Records, said point being the beginning of a curve, concave northeasterly, having a radius of 100.00 feet; thence Southeasterly, along said centerline and along the arc of said curve, through a central angle of 81°04'30", an Arc distance of 141.50 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 44°04'53" East, 129.99 feet; thence Easterly, along said centerline through the following 8 courses: 1) South 84°37'08" East, 166.48 feet; 2) South 77°50'23" East, 166.00 feet; 3) North 89°25'37" East, 329.00 feet; 4) North 84°00'52" East, 220.00 feet; 5) South 89°06'08" East, 93.00 feet; 6) North 76°42'52" East, 290.00 feet; 7) South 66°26'53" East, 285.00 feet; 8) South 62°42'23" East, 19.22 feet to a point on the easterly line of the westerly 15.500 acres of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 2; thence South 00°40'37" East, along the easterly line of said Westerly 15.500 acres, a distance of 578.31 feet to a point on the south line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence South 89°11'29" West, along the South line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, a distance of 506.65 feet to the POINT OF BEGINNING. Being that parcel of land deeded to Florence Landfill Alternatives, Inc., a Florida

corporation by warranty deed dated December 19, 2001 and recorded January 2, 2002 in Official Records book 2412, page 349 of the Public Records of Alachua County, Florida.

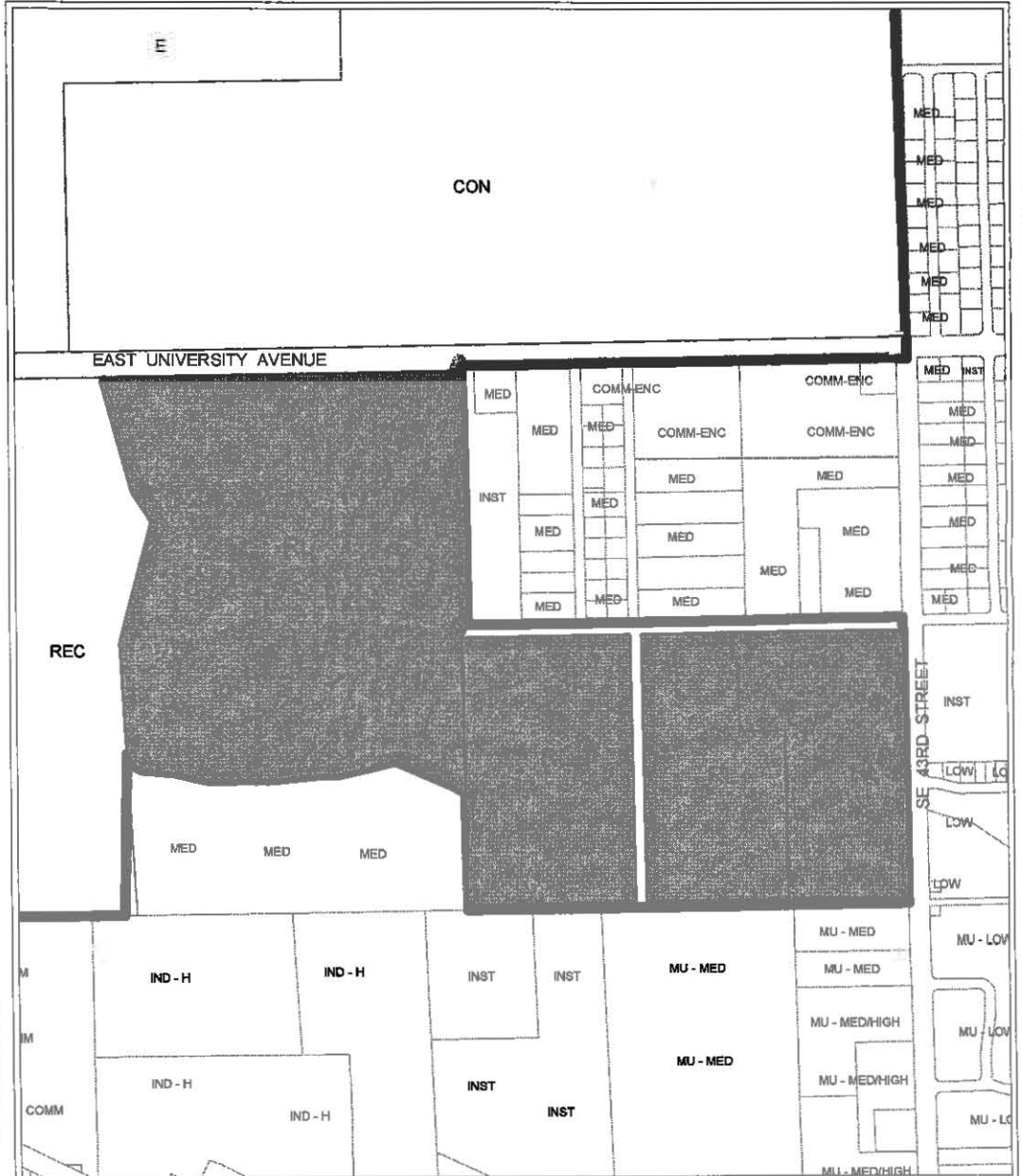
City of Gainesville Land Use Designations

E Education
 REC Recreation
 CON Conservation
 RL Residential Low-Density (up to 12 units/acre)


Alachua County Land Use Designations

COMM Commercial
 COMM-ENC Commercial Enclaves
 LOW Low Density Res (1-4 DU/acre)
 MED Medium Density Res (4-8 DU/acre)
 MU-LOW Mixed-Use Low Density Res (1-4 DU/acre)
 MU-MED Mixed-Use Medium Density Res (4-8 DU/acre)
 MU-MED/HIGH Mixed-Use Med-High Density Res (8-14 DU/acre)
 OFF-RES Office-Residential (2-4 DU/acre)
 INST Institutional
 IND-H Heavy Industrial

Exhibit "B" to Ordinance No. 130436



PROPOSED LAND USE

 No Scale	Name	Petition Request	Petition Number
	City Plan Board, applicant	Amend City of Gainesville FLUM from Alachua County Medium Density Residential (4-8 du/acre) to City of Gainesville Residential Low-Density (up to 12 units/acre)	PB-13-94 LUC

----- Division line between two land use categories
 ——— City Limits

Area under petition consideration

