

**LEGISLATIVE #**

**130690A**

**ORDINANCE NO. 130690**

**An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 11.42 acres of property generally located on the west side of the 5000 block of SW 41<sup>st</sup> Boulevard (Fred Bear Drive), as more specifically described in this ordinance, from Alachua County Heavy Industrial to City of Gainesville Business Industrial (BI); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, notice was given as required by law that the Future Land Use Map of the City of Gainesville Comprehensive Plan be amended by changing the land use category of the property that is the subject of this ordinance from Alachua County Heavy Industrial to City of Gainesville Business Industrial (BI); and

**WHEREAS**, on January 23, 2014, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and makes recommendations to the City Commission of the City of Gainesville; and

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

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

**WHEREAS**, a second advertisement no less than two columns wide by ten (10) inches long was placed in the aforesaid newspaper and provided the public with at least five (5) days' advance notice of this ordinance's second public hearing to be held by the City Commission; and

**WHEREAS**, public hearings were held pursuant to the notices described above at which

1 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;  
2 and

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

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

7       **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
8 amended by changing the land use category of the following property from Alachua County  
9 Heavy Industrial to City of Gainesville Business Industrial (BI):

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

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

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

25       **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
26 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of this ordinance that can be given  
2 effect without the invalid or unconstitutional provision or application, and to this end the  
3 provisions of this ordinance are declared severable.

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

15 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

22 Attest:

Approved as to form and legality:

23  
24  
25

\_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

28  
29  
30

31 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

1  
2 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
3

## Legal Description

**Parcel: 07240-030-000:**

A tract of land lying in the Gary Grant, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the G.I.F. Clark Grant as shown on plat recorded in Plat Book A, Page 114, Public Records of Alachua County, Florida and thence run North 2° 01'31" East, a distance of 266.63 feet; thence run North 50° 03'47" East, a distance of 947.01 feet to a concrete monument; thence run South 10° 10'42" East, a distance of 200.00 feet to a concrete monument at the Northwest corner of lands described in Official Records Book 2111, Page 2779, Public Records of Alachua County, Florida and the Point of Beginning; thence run North 63° 25'26" East along the North line of said lands, a distance of 660.21 feet to a concrete monument on the West right of way line of S.W. 41st Boulevard; thence run North 21° 46'45" West along said right of way line, a distance of 192.54 feet to a concrete monument; thence South 63° 25'26" West, a distance of 619.85 feet to a concrete monument; thence South 10° 10'42" East, a distance of 200.00 feet to the Point of Beginning.

**Parcel: 07240-001-010:**

A tract of land situated in the Gary Grant, Township 10 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Northwest corner of the Gary Grant, Township 10 South, Range 19 East, and run South 39° 44'41" East, 1195.21 feet; thence run North 83° 57'50" East, 3803.72 feet; thence run South 14° 41'23" West, 247.20 feet; thence run North 49° 57'21" East, 947.10 feet; thence run South 10° 10' 42" East, 200.00 feet to the Point of Beginning; then run North 63° 26'37" East, 660.25 feet to the Westerly right of way line of S.W. 41st Boulevard (100 foot right of way); thence run South 21° 43'34" East along said Westerly right of way line, 230.00 feet; thence run South 54° 03'59" West, 754.45 feet; thence run North 10° 10'42" West, 367.00 feet to the Point of Beginning.

**Parcel: 07242-001-000:**

A tract of land lying in the Gary Grant, Township 10 South, Range 19 East, Alachua County, Florida, described as follows:

Commence at the Northeast corner of the G.I.F. Clark Grant as shown on plat recorded in Plat Book A, Page 114, of the Public Records of Alachua County, Florida; and run North 02° 01'17" East, a distance of 266.80 feet; thence North 49° 57'21" East along the Northerly line of lands described in Official Records Book 1736, Page 2672, a distance of 449.26 feet to the Point of Beginning; thence continuing North 49° 57'21" East along said line, a distance of 498.49 feet to the Northeasterly corner of said tract; thence South 10° 10'42" East along the Easterly line of said tract, a distance of 566.90 feet; thence South 54° 02'58" West, a distance of 217.93 feet; thence North 39° 54'06" West parallel to the East line of said Clark Grant, a distance of 476.06 feet to the Point of Beginning.

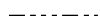
## City of Gainesville Land Use Designations

O Office  
 C Commercial  
 BI Business Industrial  
 IND Industrial  
 PF Public Facilities

## Alachua County Land Use Designations

LOW Low Density Residential  
 MED Medium Density Residential  
 IND/H Heavy Industrial  
 IND/L Light Industrial  
 OFF/M Office/Medical

Exhibit "B" to Ordinance No. 130690

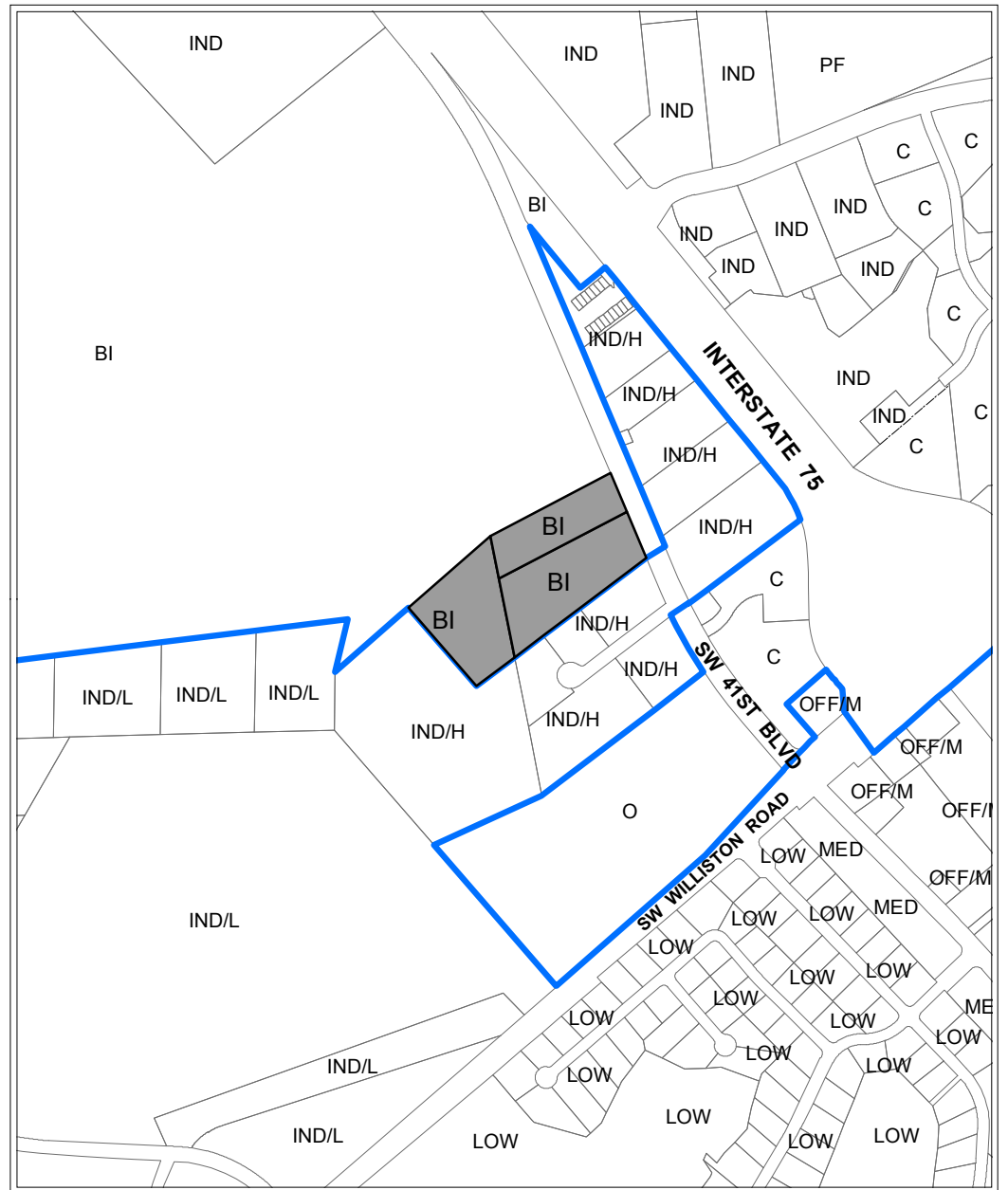


Division line between two land use categories



City Limits

*Area  
under petition  
consideration*



## PROPOSED LAND USE

	Applicant	Petition Request	Petition Number
	City Plan Board	Amend the City of Gainesville Future Land Use Map from Alachua County Heavy Industrial to City of Gainesville Business Industrial	PB-13-124 LUC