

Legislative #

150456

ORDINANCE NO. 150456

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 1.1 acres of property that has an underlying land use category of Commercial (C) and that is generally located at 3440 SW Archer Road, as more specifically described in this ordinance; assigning the subject property to Subarea 3 within the Butler Development PUD as regulated by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Section 163.3167, Florida Statutes, requires local governments to maintain a Comprehensive Plan to guide future development and growth; and

WHEREAS, the Planned Use District (PUD) land use category is an overlay land use district, which may be applied to any specific property in the City, that allows the consideration of unique, innovative or narrowly construed land use proposals that might otherwise not be allowed in the underlying land use category; and

WHEREAS, each PUD land use overlay shall be adopted by an ordinance with land use regulations that address density and intensity, permitted uses, access by car, foot, bicycle, and transit, trip generation and trip capture, environmental features and, when necessary, buffering of adjacent uses; and

WHEREAS, upon the adoption of a PUD land use overlay, the underlying land use categories are neither abandoned nor repealed, but are inapplicable as long as the subject property is developed and used in accordance with the PUD land use overlay and the implementing Planned Development (PD) zoning ordinance; and

WHEREAS, on August 5, 2010, the City Commission adopted Ordinance No. 090537 (subsequently amended by Ordinance Nos. 121107 and 150441), which overlaid the PUD land

1 use category on certain property known as the Butler Development PUD and established land use
2 regulations through the creation of Policy 4.3.6 of the Future Land Use Element of the City of
3 Gainesville Comprehensive Plan; and

4 **WHEREAS**, the property that is the subject of this ordinance has an underlying land use
5 category of Commercial (C); and

6 **WHEREAS**, by initiation of a petition by the owners of the subject property, notice was
7 given as required by law that the Future Land Use Map of the City of Gainesville Comprehensive
8 Plan be amended by overlaying the PUD land use category on the subject property and assigning
9 the subject property to the Butler Development PUD as regulated by Policy 4.3.6 of the Future
10 Land Use Element of the Comprehensive Plan; and

11 **WHEREAS**, the amendment to the Future Land Use Map of the City of Gainesville
12 Comprehensive Plan proposed herein involves a use of 10 acres or fewer and qualifies as a small-
13 scale development amendment as provided in Section 163.3187, Florida Statutes; and

14 **WHEREAS**, the City Plan Board, which acts as the local planning agency pursuant to
15 Section 163.3174, Florida Statutes, held a public hearing on October 22, 2015, and voted to
16 recommend that the City Commission approve this Future Land Use Map amendment; and

17 **WHEREAS**, on December 3, 2015, the City Commission held a public hearing and voted
18 to approve the petition (Petition No. PB-15-91 LUC) associated with this ordinance; and

19 **WHEREAS**, at least five (5) days' notice has been given once by publication in a
20 newspaper of general circulation notifying the public of this proposed ordinance and of a public
21 hearing in the City Hall Auditorium located on the first floor of City Hall in the City of
22 Gainesville; and

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

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
6 amended by overlaying the Planned Use District (PUD) land use category on the following
7 described property:

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

13 **Section 2.** The property described in Section 1 shall be included within Subarea 3 in the
14 Butler Development PUD and shall hereafter be governed by Policy 4.3.6 of the Future Land Use
15 Element of the City of Gainesville Comprehensive Plan, as may be amended from time to time.

16 **Section 3.** The two maps titled "Butler Development Underlying Future Land Use" and
17 "Butler Development PUD Future Land Use Overlay" in the Future Land Use Map Series in the
18 Future Land Use Element of the City of Gainesville Comprehensive Plan are both deleted and
19 replaced with the respective maps attached as Exhibit "C" and made a part hereof as if set forth
20 in full. Except as amended herein, the remainder of the Future Land Use Map Series remains in
21 full force and effect.

22 **Section 4.** A Planned Development (PD) zoning ordinance is required to implement the
23 PUD land use overlay, and must be adopted by the City Commission within 18 months of the
24 effective date of this amendment. The underlying Future Land Use Map category of Commercial
25 (C) on the property described in Section 1 is neither abandoned nor repealed; such category is

1 inapplicable as long as the property is developed and used in accordance with the implementing
2 PD zoning ordinance. If the aforesaid time period expires without the adoption of an
3 implementing PD zoning ordinance, this ordinance shall be void and have no further force and
4 effect and the City may amend the Future Land Use Map accordingly upon proper notice and
5 action.

6 **Section 5.** The City Manager or designee is authorized and directed to make the
7 necessary changes to the Future Land Use Map and to the text, maps and other data in the City of
8 Gainesville Comprehensive Plan in order to comply with this ordinance.

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

14 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of
15 such conflict hereby repealed on the effective date of this amendment to the Comprehensive Plan.

16 **Section 8.** This ordinance shall become effective immediately upon adoption; however,
17 the effective date of this amendment to the City of Gainesville Comprehensive Plan shall be 31
18 days after adoption if this amendment is not timely challenged. If challenged within 30 days
19 after adoption, this amendment shall become effective on the date the state land planning agency
20 or the Administration Commission issues a final order determining this amendment to be in
21 compliance with Chapter 163, Florida Statutes. No development orders, development permits, or

1 land uses dependent on this amendment may be issued or commenced before this amendment has
2 become effective.

3 **PASSED AND ADOPTED** this _____ day of _____, 2016.

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EDWARD B. BRADY
MAYOR

10 Attest:

Approved as to form and legality:

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KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

18 This ordinance passed on First Reading on this _____ day of _____, 2016.

19

20 This ordinance passed on Second/Adoption Reading on this _____ day of _____, 2016.

LEGAL DESCRIPTION:

A tract of land situated in the Northeast quarter of Section 14, Township 10 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows:

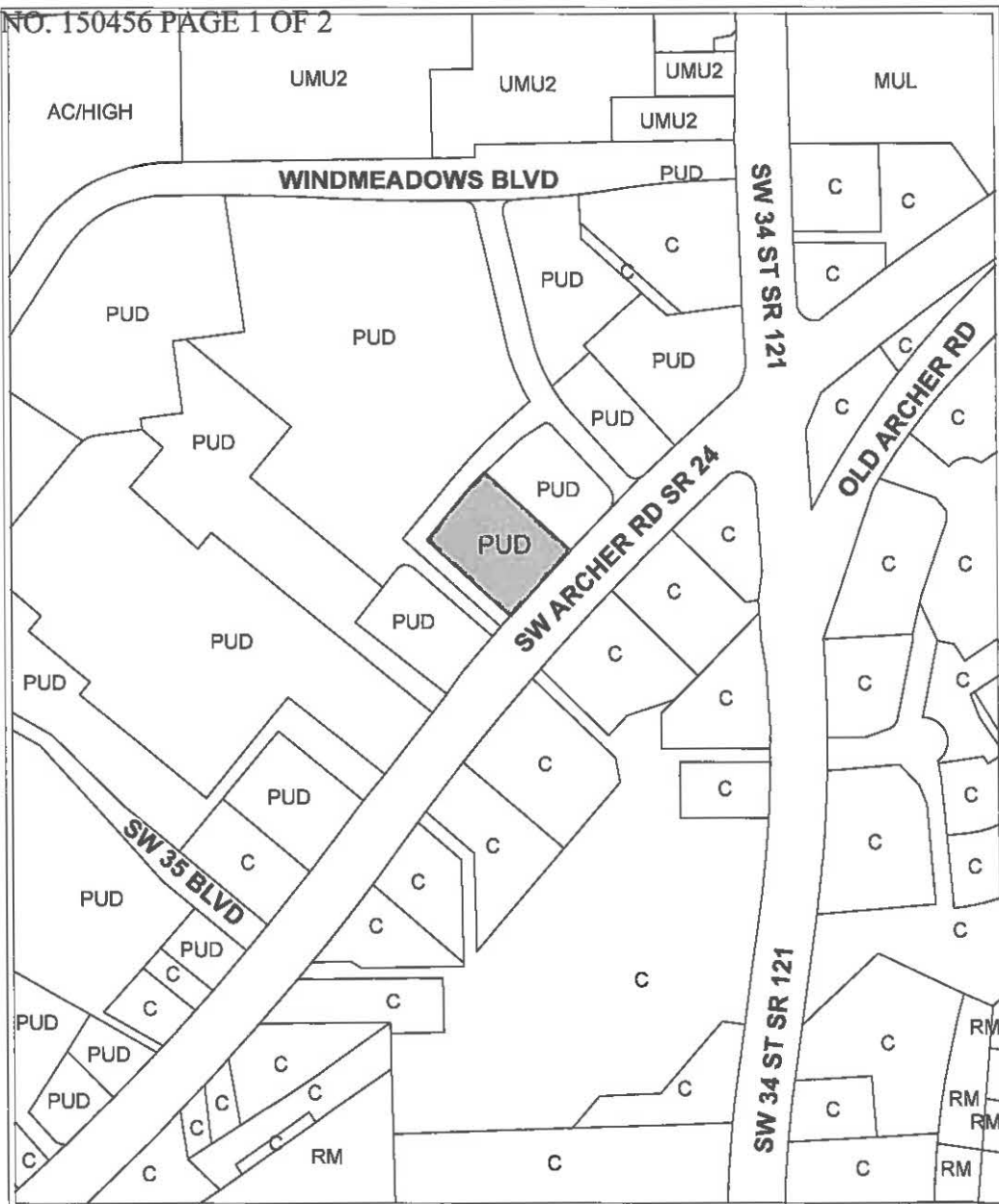
Commence at the Northeast corner of Section 14, Township 10 South, Range 19 East, and run South 00 deg. 02 min. 47 sec. West, along the East line of said Section 14, a distance of 1258.82 feet to the survey line of State Road No. 24; thence run along said survey line with a curve concave Southeasterly, said curve having a central angle of 09 deg. 10 min. 17 sec. a radius of 5729.58 feet, an arc length of 917.14 feet and a chord bearing and distance of South 45 deg. 16 min. 53 sec. West, 916.16 feet; thence run North 49 deg. 18 min. 15 sec. West, a distance of 78.00 feet to a point on the Northerly right-of-way line of State Road No. 24, said point being the Point of Compound Curvature of said right-of-way line; thence run along said right-of-way line and along the arc of said curve through a central angle of 01 deg. 39 min. 49 sec. an arc distance of 168.64 feet and a chord bearing and distance of North 41 deg. 24 min. 24 sec. East, a distance of 168.63 feet to the Point of Beginning; thence run North 46 deg. 57 min. 54 sec. West, a distance of 253.48 feet; thence run North 40 deg. 17 min. 54 sec. East a distance of 141.76 feet to the Point of Curvature of a curve concave Southeasterly and having a radius of 450.00 feet; thence run Northeasterly along the arc of said curve through a central angle of 07 deg. 26 min. 29 sec. an arc distance of 58.44 feet and a chord bearing and distance of North 44 deg. 01 min. 08 sec. East, 58.40 feet; thence run South 46 deg. 57 min. 54 sec. East, a distance of 259.91 feet to the aforesaid Northerly right-of-way line of State Road No. 24, point also being on a curve concave Southeasterly and having a radius of 5807.58 feet; thence run Southwesterly along the arc of said curve through a central angle of 01 deg. 58 min. 23 sec. an arc distance of 200.00 feet and a chord bearing and distance of South 43 deg. 13 min. 30 sec. West, 199.99 feet to the Point of Beginning. Containing 1.182 acres, more or less.

SUBJECT TO a 15-foot Public Utilities Easement lying in the Southeasterly 15 feet of said described property, as per O.R. 1644, pages 524-529. Also subject to a 10-foot Sanitary Sewer Easement as shown on survey.

(Olive Garden tax parcel # 06810-001-020)

City of Gainesville Land Use Categories

- RM Residential Medium-Density (8-30 units per acre)
- MUL Mixed-Use Low-Intensity (8-30 units per acre)
- UMU2 Urban Mixed-Use 2 (10-100 units per acre)
- C Commercial
- PUD Planned Use District



Area under petition consideration



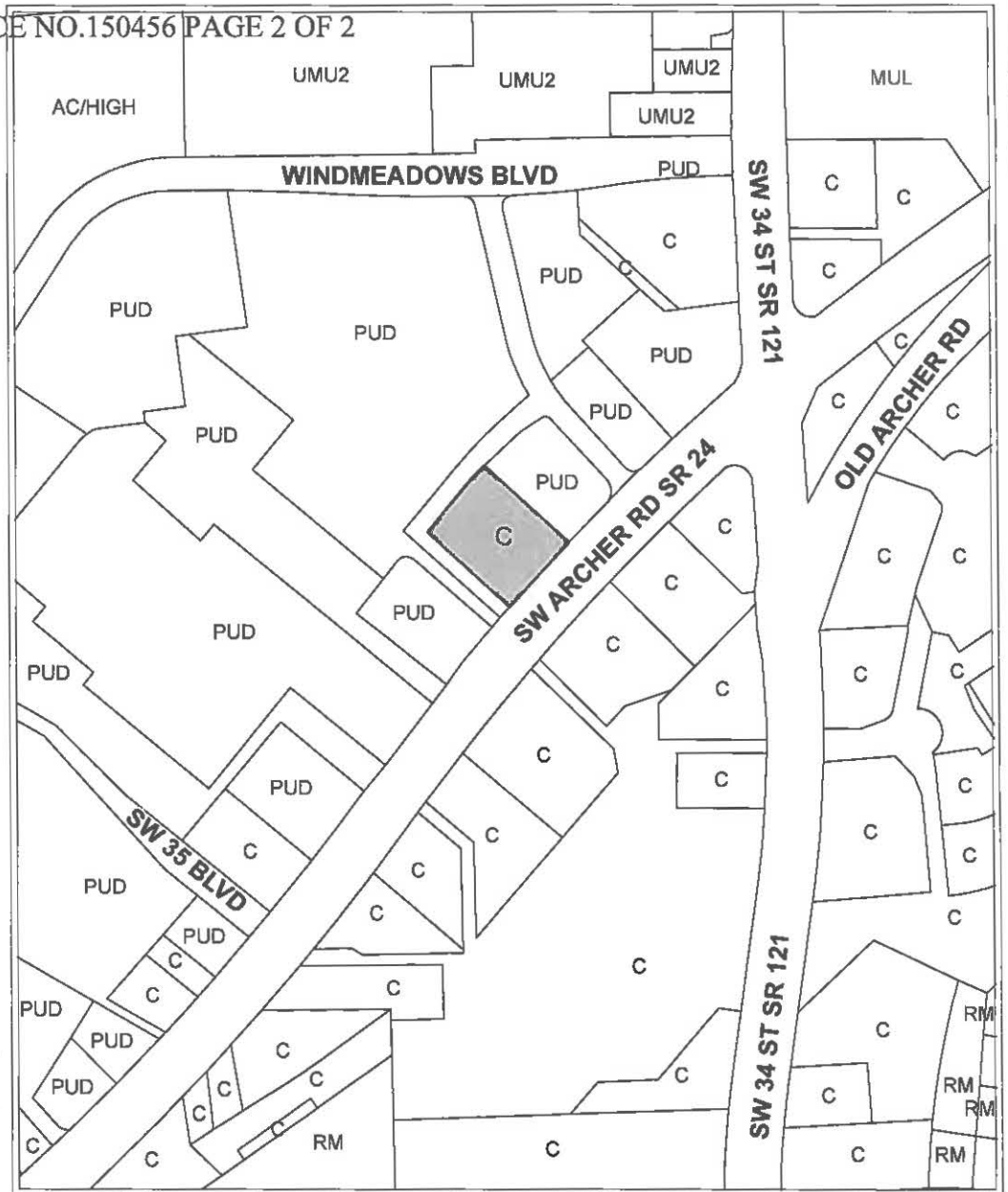
----- Division line between two zoning districts

PROPOSED LAND USE

	Name	Petition Request	Petition Number
 No Scale	Causseaux, Hewett & Walpole, Inc., agent for S. Clark Butler Properties Land Trust	Amend the City of Gainesville Future Land Use map from Commercial (C) to Planned Use District (PUD)	PB-15-91 LUC

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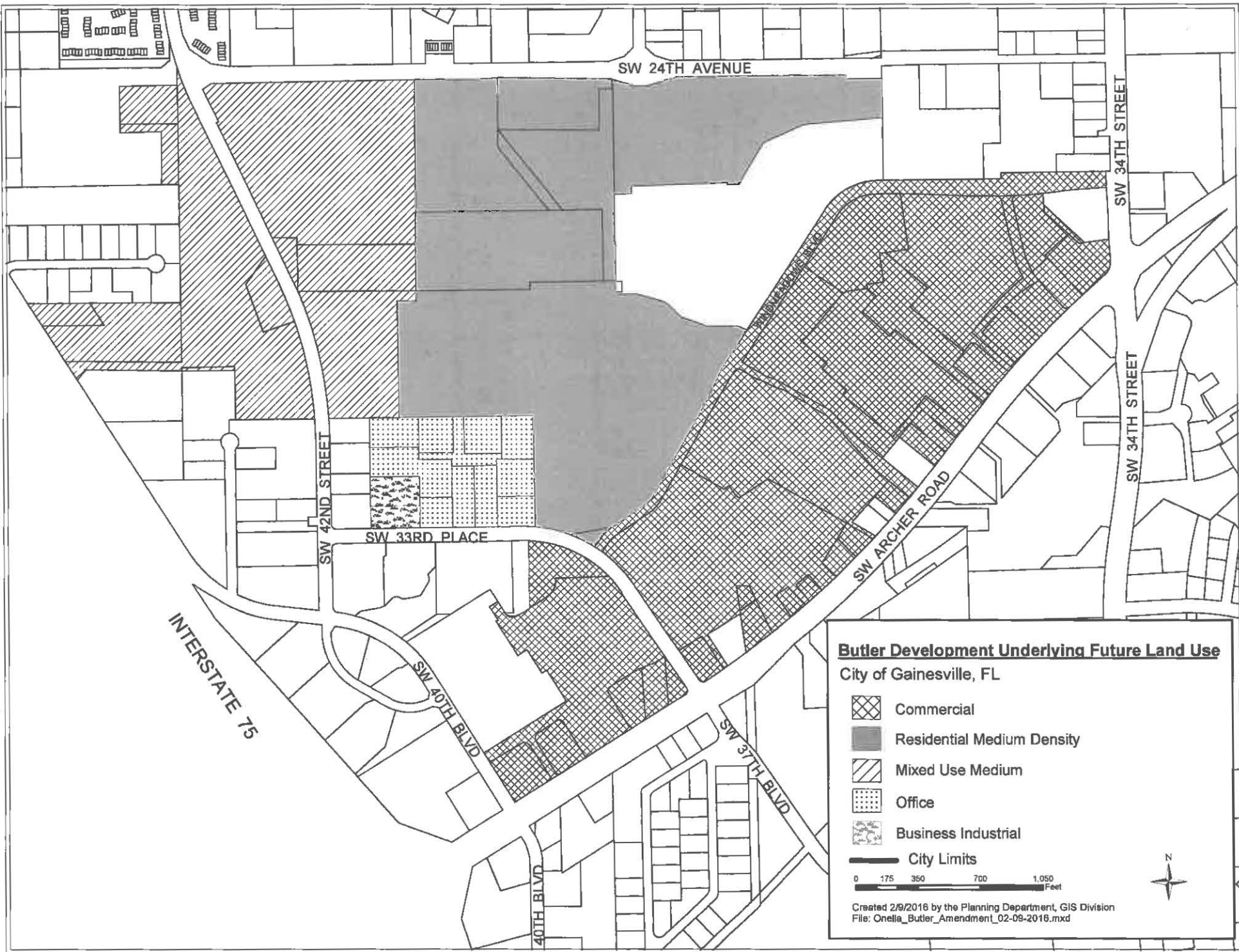
Area under petition consideration

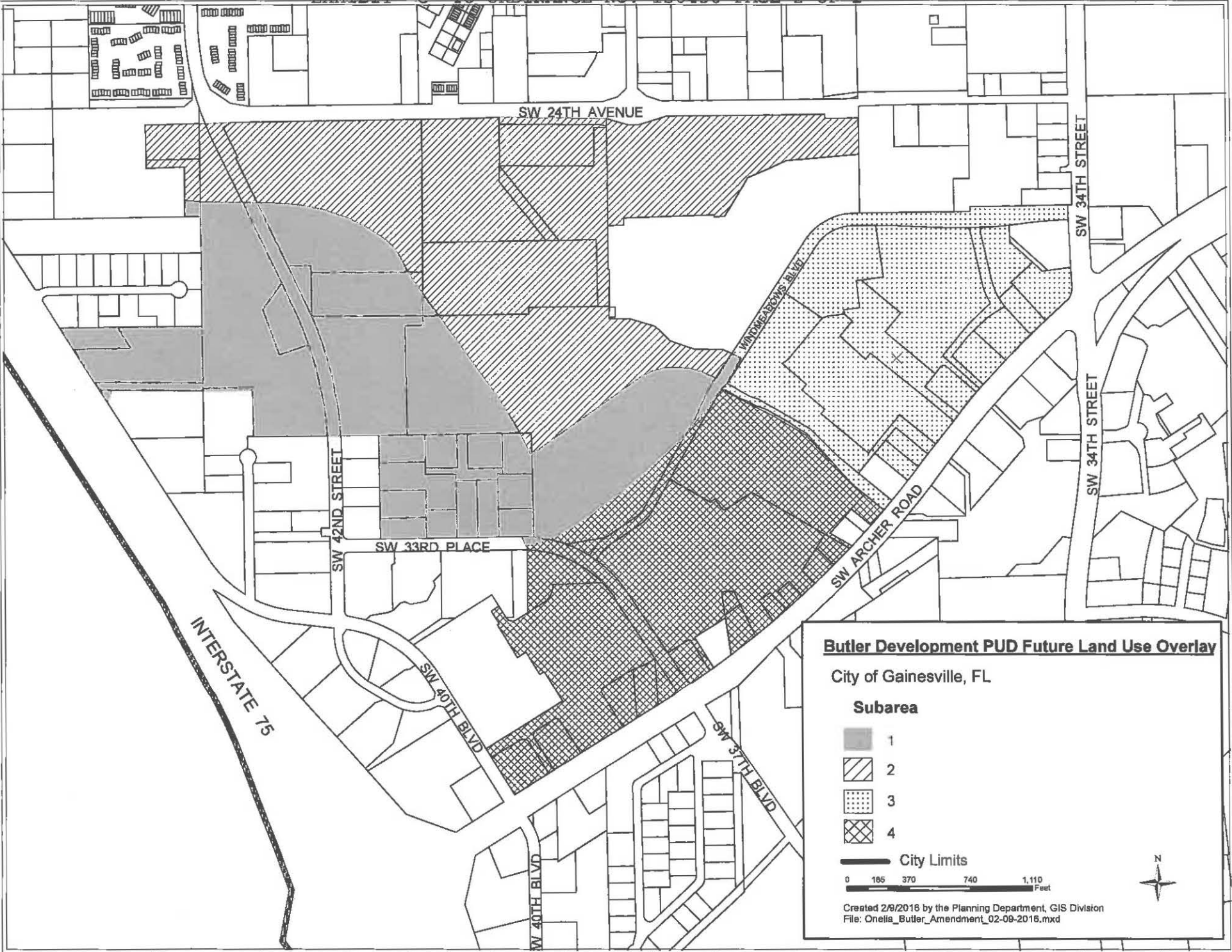


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EXISTING LAND USE

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





Butler Development PUD Future Land Use Overlay

City of Gainesville, FL

Subarea

-  1
-  2
-  3
-  4

City Limits



Created 2/9/2016 by the Planning Department, GIS Division
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