

MEMORANDUM

Office of the City Attorney

LEGISTAR NO. 040658

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: April 25, 2005

FROM: City Attorney

CITY ATTORNEY

FIRST READING

SUBJECT: Ordinance No. 0-05-13, Petition No. 162ZON-04 PB

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop Front/Office/Apartment) for certain property located in the vicinity of 205 NW 14th Street as more specifically shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This is an application to amend a portion of the College Park Special Area Plan Map, a 0.47-acre parcel from Type IV - Civic (civic uses) to Type I (shop fronts, offices, apartments or mixed-use buildings with apartments). As illustrated on the College Park Special Area Plan Map, the subject parcel is located at 205 Northwest 14th Street, between Northwest 2nd and 3rd Avenues, on the east side of Northwest 14th Street. The subject parcel contains a two-story boarding house/dormitory style residential building, which was formerly a place of religious assembly. The zoning and land use designations of the subject property and properties to the north and west are respectively RMU (Up to 75 units/acre, residential mixed use) and MUR (Mixed Use residential, up to 75 units per acre). The zoning and land use designations to the east (the only abutting property), south and northeast are respectively MU-1 (Mixed Use Low Intensity) and MUL (Mixed Use Low).

The existing Type IV - Civic classification is no longer appropriate for the subject property since the existing building is currently utilized solely as a residential structure. The requested change to Type - I (shop fronts, office, apartments or mixed-use buildings with apartments) will allow the mixed-use development proposed for the subject property and the remainder of the block located to the east.

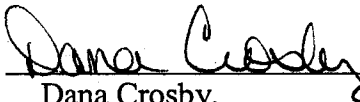
The Plan Board heard the petition and recommended that it be approved.

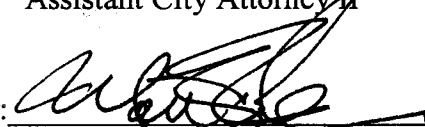
Public notice was published in the Gainesville Sun on November 2, 2004. Letters were mailed to surrounding property owners on November 3, 2004. The Plan Board held a public hearing November 18, 2004.

The City Commission at its meeting on December 13, 2004, held a public hearing and approved Petition 162ZON-04 PB.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading, the second and final reading will be May 9, 2005.

Prepared by: 
Dana Crosby,
Assistant City Attorney II

Prepared and
Submitted by: 
Marion J. Radson,
City Attorney

Attachment

ORDINANCE NO. _____
0-05-13

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop Front/Office/Apartment) for certain property located in the vicinity of 205 NW 14th Street as more specifically shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given that the College Park Special Area Plan Map be amended by rezoning certain property within the City from the zoning category of "Type IV (Civic)" to "Type I (Shop Front/Office/Apartment)"; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on November 18, 2004; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was held on the Petition before the City Commission on December 13, 2004; and

WHEREAS, the City Commission finds that the rezoning of the property described herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan, as applicable; and

WHEREAS, at least ten (10) days notice has been given of the public hearings once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City of Gainesville; and

1 **WHEREAS**, notice has also been given by mail to the owner whose property will be
2 regulated by the adoption of this Ordinance, at least thirty days prior to the adoption of this
3 ordinance; and

4 **WHEREAS**, the Public Hearing was held pursuant to the published and mailed notice
5 described above at which hearing the parties in interest and all others had an opportunity to be
6 and were, in fact, heard.

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

9 **Section 1.** Appendix A, section 3, of the Land Development Code of the City of
10 Gainesville is amended by rezoning the following described property from the zoning category of
11 “Type IV (Civic)” to “Type I (Shop Front/Office/Apartment)”:

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

14 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
15 the Zoning Map (Exhibit A, College Park Special Area Plan, Master Plan) to comply with this
16 Ordinance.

17 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
18 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
19 affect the validity of the remaining portions of this ordinance.
20

D R A F T

3-22-05

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

3 **Section 5.** This ordinance shall become effective immediately upon final adoption.
4

5 **PASSED AND ADOPTED** this _____ day of _____, 2005.

6
7
8 _____
9 PEGEEN HANRAHAN, MAYOR

10 ATTEST: Approved as to form and legality:
11
12

13
14 _____
15 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
16 CLERK OF THE COMMISSION

17
18
19 This ordinance passed on first reading this ____ day of _____, 2005.
20

21 This ordinance passed on second reading this ____ day of _____, 2005.
22
23

Exhibit "A"

LEGAL DESCRIPTION:

An area of land located in Section 6, Township 10 South, Range 20 East, and further described as:

Commence at a nail and disk, P.L.S. #4788 located at the intersection of the centerline of NW 1st Avenue and the eastern right of way line of NW 14th Street, run North 00° 28' 45" West, a distance 20.01 feet; thence run North 00° 25' 33" West, a distance of 160.16 feet; thence continue to run North 00° 25' 33" West, a distance of 40.00 feet to Point of Beginning; thence continue to run North 00° 25' 33" West, a distance of 160.30 feet; thence run North 89° 29' 47" East, a distance of 111.00 feet; thence run South 00° 25' 33" East, a distance of 160.27 feet; thence run South 89° 29' 02" West, a distance of 111.00 feet to Point of Beginning.

Zoning Districts

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park



Type IV - Civic



Type III - House

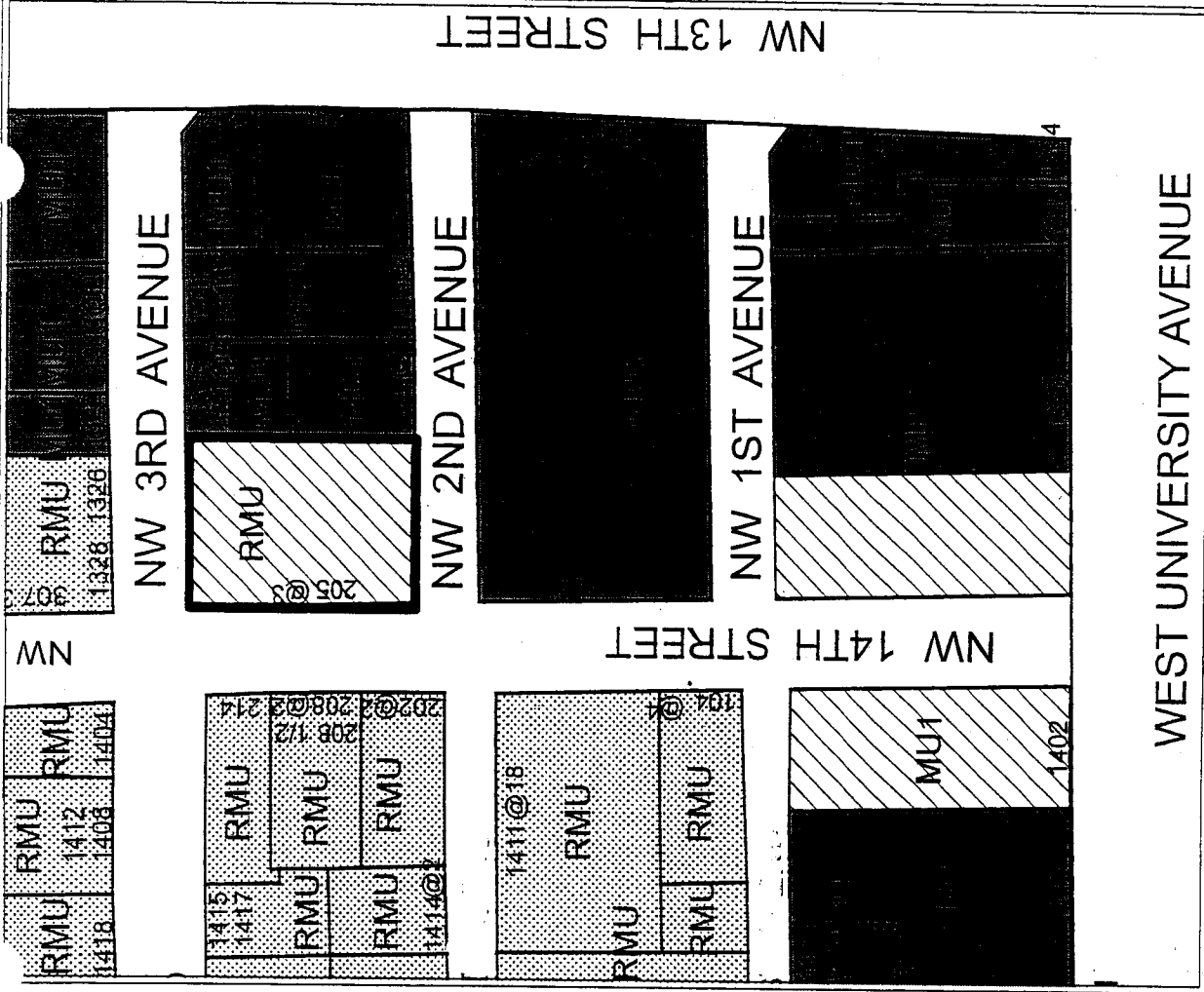


Type II - Apartment/House



Type I - Shopfront/Office/Apartment

Area under petition consideration



ZONING

Name	Petition Request	Map(s)	Petition Number
Jay Brawley, Genesis Group, agent for University Corners, LLC.	From Type IV - Civic (civic uses) to Type I (shopfronts, offices, apartments or mixed-use buildings with apartments)	3949	162ZON-04PR



**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 25th day of April, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 9th day of May, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
ORDINANCE NO. 0-05-12**

An ordinance of the City of Gainesville, Florida, amending Appendix A, Section 3 of the Land Development Code, relating to the College Park Master Plan and Regulating for New Construction; amending paragraph (2) of the subsection on building height for new construction, by allowing greater building heights and number of stories under certain prescribed zoning and land use conditions; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

ORDINANCE NO. 0-05-13

An ordinance of the City of Gainesville, Florida, amending Appendix A, section 3 of the Land Development Code, incorporating a specific change from Type IV (Civic) to Type I (Shop Front/ Office / Apartment) for certain property located in the vicinity of 205 NW 14th Street as more specifically shown on the map of the College Park Special Area Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

April 15, 2005
Publish Date

Clerk of the Commission