

**TO: City Plan Board**

**Item Number: 1**

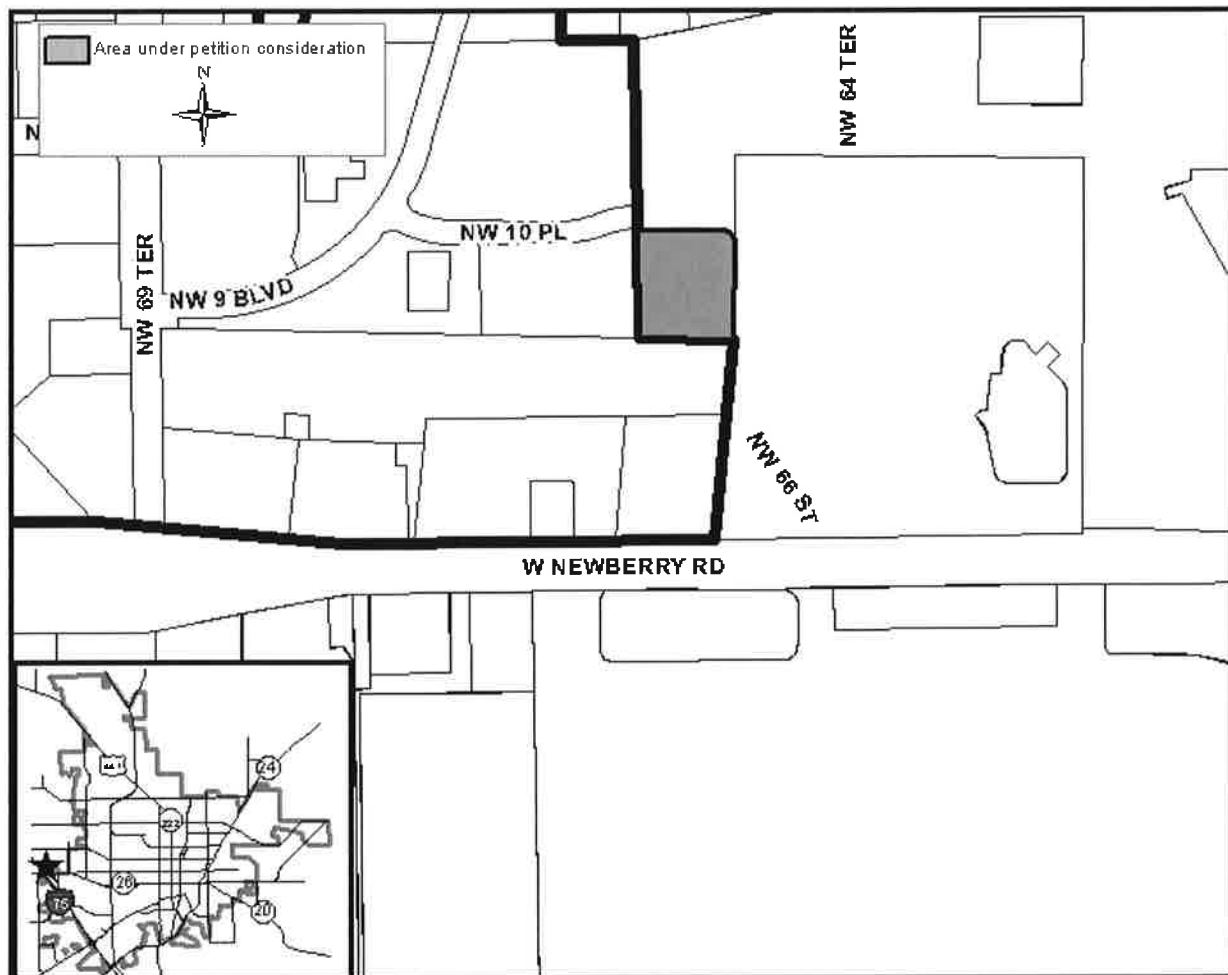
**FROM: Planning & Development Services Department  
 Staff**

**DATE: October 27,  
 2016**

**SUBJECT: Petition PB-16-141 LUC . City of Gainesville. Amend the City of Gainesville Future Land Use Map from Alachua County Office/Medical to City of Gainesville Office (O). Located at 916 NW 66th Street. Related to PB-16-142 ZON.**

### Recommendation

Staff recommends approval of Petition PB-16-141 LUC.



## Description

This petition for a small-scale amendment of the Future Land Use Map pertains to a 0.91-acre property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. This property was voluntarily annexed into the City of Gainesville by Ordinance 160156 effective on September 15<sup>th</sup>, 2016. The property is currently developed with an existing 10,016 square foot CVS pharmacy and is surrounded by the North Florida Regional Medical Center (NFRMC) complex. The site also abuts existing commercial development along Newberry Road.

The proposed small-scale land use change from Alachua County Office/Medical to City of Gainesville Office (O) will allow a mix of residential and non-residential uses including medical offices and similar facilities that are consistent with the existing Alachua County land use designation.

This property abuts NFRMC properties with City of Gainesville Office land use to the north and the east, Alachua County Office/Medical land use to the west, and Alachua County Tourist/Entertainment to the south. The respective zoning designations for the adjacent properties are City of Gainesville Medical Services district (MD) to the north and east, Alachua County Hospital and Medical district to the west, and Alachua County Highway Oriented Business (BH) zoning to the south.

This petition is related to Petition PB-16-142 ZON, which proposes a zoning change from Alachua County Hospital and Medical district to City of Gainesville Medical Services zoning.

## Key Issues

- The City is required to place City land use (and zoning) on annexed property.
- The proposed small-scale amendment to Office is consistent with the City's Comprehensive Plan and supports appropriate areas for professional and service uses, hospital and medical uses, and appropriate ancillary uses.
- The subject property is currently developed with an existing CVS pharmacy.

## Basis for Recommendation

The staff recommendation is based on the factors stated in the Future Land Use Element and on State statute criteria, which are discussed below: Consistency with the Comprehensive Plan; Compatibility and surrounding land uses; Environmental impacts and constraints; Support for urban infill and redevelopment; Impacts on affordable housing; Impacts on the transportation system; An analysis of the availability of facilities and services; Need for the additional acreage in the proposed future land use category; Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a)9, F.S.; Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and, Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.

## 1. Consistency with the Comprehensive Plan

The proposed land use change from Alachua County Office/Medical to City of Gainesville Office (O) is consistent with Future Land Use Policy 4.4.1, Objective 4.4, and Policies 4.1.1. The proposed Office land use category for this location is also consistent with the Comprehensive Plan policy (Transportation Mobility Element, Policy 10.2.5) concerning development within one-quarter mile of transit hubs. The property is part of the existing NFRMC transit hub and is a major trip generator and attractor within the City. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies.

**Policy 4.1.1** Land Use Categories on the Future Land Use Map shall be defined as follows:

### Office

The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

The requested Office land use designation is consistent with the stated purpose of the Office land use category which is in part to accommodate appropriate areas for hospital and medical uses within a compact area. The Office land use designation will allow the continued use of the site for a pharmacy while accommodating future compatible development within the context of the established NFRMC medical complex.

The Office land use category will be implemented by the Medical Services (MD) zoning proposed by related Petition PB-16-143 ZON.

## 2. Compatibility and Surrounding Land Uses

The proposed Office land use is compatible with the adjacent properties and the surrounding area. As previously stated, this is an existing site currently developed with an operational CVS pharmacy within the NFRMC complex. This land use change was initiated in response to a recent voluntary annexation of the subject property into the City of Gainesville. The property abuts properties with Office land use (MD zoning) to the east and north, Alachua County Office/Medical land use to the west (Hospital and Medical district zoning), and Alachua County Tourist/Entertainment to the south (Highway Oriented Business zoning). Surrounding uses include a mix of medical and office uses to the north, east, and west and commercial uses to the south along Newberry Rd.

### **3. Environmental Impacts and Constraints**

This is an existing fully developed site. There are no wetlands or other environmental features that would limit the current use of the site or impact future redevelopment. As a result there are no anticipated environmental impacts from the proposed land use change.

### **4. Support for Urban Infill and/or Redevelopment**

This proposed small-scale land use amendment is consistent with the City's infill goals, which include discouragement of the proliferation of urban sprawl (Future Land Use Element Objectives 1.5). The proposed change in land use to Office will allow for the existing use of the property to continue under the City of Gainesville jurisdiction as well as providing opportunities for future redevelopment within an existing medical campus.

### **5. Impacts on Affordable Housing**

The proposed small-scale land use amendment is not anticipated to have an impact on affordable housing within the City. As previously stated, this is an existing developed site with an operational pharmacy. While the Office land use does allow residential development, staff anticipates that any future redevelopment of the site will likely facilitate the continued medical use of the property and surrounding area.

### **6. Impacts on the Transportation System**

There are no major transportation issues associated with the proposed small-scale land use change for this developed site that is located within Zone B of the Gainesville Transportation Mobility Program Area (TMPA) and is proximate to (within 500 feet) to the NFRMC campus. The Oaks Mall/NFRMC is an Existing Transit Hub (see Exhibit B-4 for map of Existing Transit Hubs & Transit-Supportive Areas, which is from the Transportation Mobility Map Series of the Comprehensive Plan).

The .91-acre property at the southwest corner of NW 10<sup>th</sup> Pl (local street) and NW 66<sup>th</sup> St (local street) is accessible by transit, bicycle and walking from W Newberry Road (four-lane arterial roadway with sidewalks on both sides) to the south. RTS transit service along W Newberry Rd is provided by RTS Routes 23, 77, and 75. The fall 2016 service intervals for the respective routes are: Route 23 (M-F: 18-44 minutes; Sat./Sun.: no service); Route 77 (M-F: 45 minutes; Sat./Sun.: no service); and Route 75 (M-F: 40-60 minutes; Sat./Sun.: 120 minutes).

The City rescinded transportation concurrency with the adoption of its updated Comprehensive Plan. Therefore, development within TMPA Zone B is not required to meet level of service (LOS) requirements for transportation concurrency, but is required to comply with the TMPA Zone B requirements of Policies 10.1.3, 10.1.4, and 10.1.6 of the Transportation Mobility Element (see Exhibit A-1, Comprehensive Plan GOPs).

The proposed land use change is not anticipated to affect the current use of the site which includes the existing trip generation. Based on the ITE Trip Generation Manual, 9th ed. for a 10,016 square foot pharmacy without a drive-through, the total AM peak trips are estimated to be

29 and the PM peak trips are estimated to be 84. The total Average Daily Trips are estimated to be 902.

## **7. Availability of Facilities and Services**

This property is in an urbanized area that is served by public utilities and other public services. The proposed land use will not impact adopted levels of service for potable water, wastewater water supply, public school concurrency, recreation, or solid waste, all of which will be reviewed for concurrency at the time of development plan review. Stormwater level of service requirements will have to be met when a development plan for the site is submitted.

## **8. Need for the Additional Acreage in the Proposed Future Land Use Category.**

The proposed small-scale land use amendment will add .91 acres to the Office land use category. The City is required to designate City land use and zoning on this recently annexed property as directed by the Future Land Use Element Objective 4.4 and Policy 4.4.1. This proposed amendment of the Future Land Use Map will promote infill development and redevelopment within an existing medical campus.

## **9. Discouragement of urban sprawl as defined in Section 163.3164, F.S., and consistent with the requirements of Subsection 163.3177(6) (a) 9, F.S.**

Sub-section 163.3164 (51), F.S. states that “Urban sprawl” means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. Sub-section 163.3177(6) (a) 9 requires that the future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

This amendment to the future land use element discourages the proliferation of urban sprawl because it meets the following criteria of Sub-section 163.3177(6) (a) 9 b.:

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

*Yes. The subject property is currently developed with an existing operational pharmacy. The proposed land use amendment will allow for continued operation of the existing use and provide opportunities for future redevelopment within an urbanized area of the city.*

- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

*Yes. This developed property is in an urbanized area that is served by public utilities and other public services.*

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*The property is served by a network of local streets connecting the subject property with the nearby medical park, adjacent hospital, and commercial uses along W. Newberry Rd.*

- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

*Yes. The proposed land use amendment will encourage compact development within an existing medical and office campus. The site is connected to adjacent uses with an existing network of local streets. The property is served by three RTS routes along W. Newberry Rd, which has sidewalks on both sides.*

- (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

*Yes. The proposed Office land use category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. The subject property and surrounding medical complex contains a wide range of medical facilities and services to all of the City residents as well as also serving the medical needs of nearby residential areas.*

- 10. Need for job creation, capital investment, and economic development to strengthen and diversify the City's economy; and,**

*Yes. The proposed land use amendment will allow the existing use of the site for a pharmacy to continue while providing opportunities for the future redevelopment of the site as the NFRMC complex continues to expand in the future.*

- 11. Need to modify land use categories and developmental patterns within antiquated subdivisions as defined in Section 163.3164, F.S.**

*This is not applicable because the subject property is not within an antiquated subdivision.*

Respectfully submitted,



Andrew Persons, AICP  
Interim Principal Planner

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October 27, 2016

**Table 1**

**Adjacent Existing Uses**

<b>North</b>	NFRMC parking garage
<b>South</b>	ABC Wine and Spirits
<b>East</b>	NFRMC hospital
<b>West</b>	Medical office building

**Adjacent Zoning and Land Use and Zoning**

	<b>Land Use Category</b>	<b>Zoning Category</b>
<b>North</b>	Office	MD zoning
<b>South</b>	Alachua: Tourist/Entertainment	Alachua: Highway Oriented Business
<b>East</b>	Office	MD zoning
<b>West</b>	Alachua: Office/Medical	Alachua: Office and Medical

## List of Appendices

### Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

### Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Land Use

Exhibit B-3 Map: Proposed Land Use

Exhibit B-4 Map: Existing Transit Hubs & Transit-Supportive Areas

### Appendix C Application

Exhibit C-1 Application



## **Appendix A Comprehensive Plan GOPs**

### Exhibit A-1 Comprehensive Plan GOPs

#### **Future Land Use Element**

**GOAL 2** Redevelop areas within the City, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.

**Objective 2.1** Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

#### **Transportation Mobility Element**

**Policy 2.1.2** The City shall promote transportation choice, healthy residential and non-residential development, safety, and convenience.

**Objective 7.1** Provide multi-modal opportunities and mixed-use development areas to reduce single-occupant automobile trips and reduce vehicle miles traveled.

**Policy 10.1.3** Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

**Policy 10.1.4** For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

- a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
- b. Cross-access connections/easements or joint driveways, where available and economically feasible;
- c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A

Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;

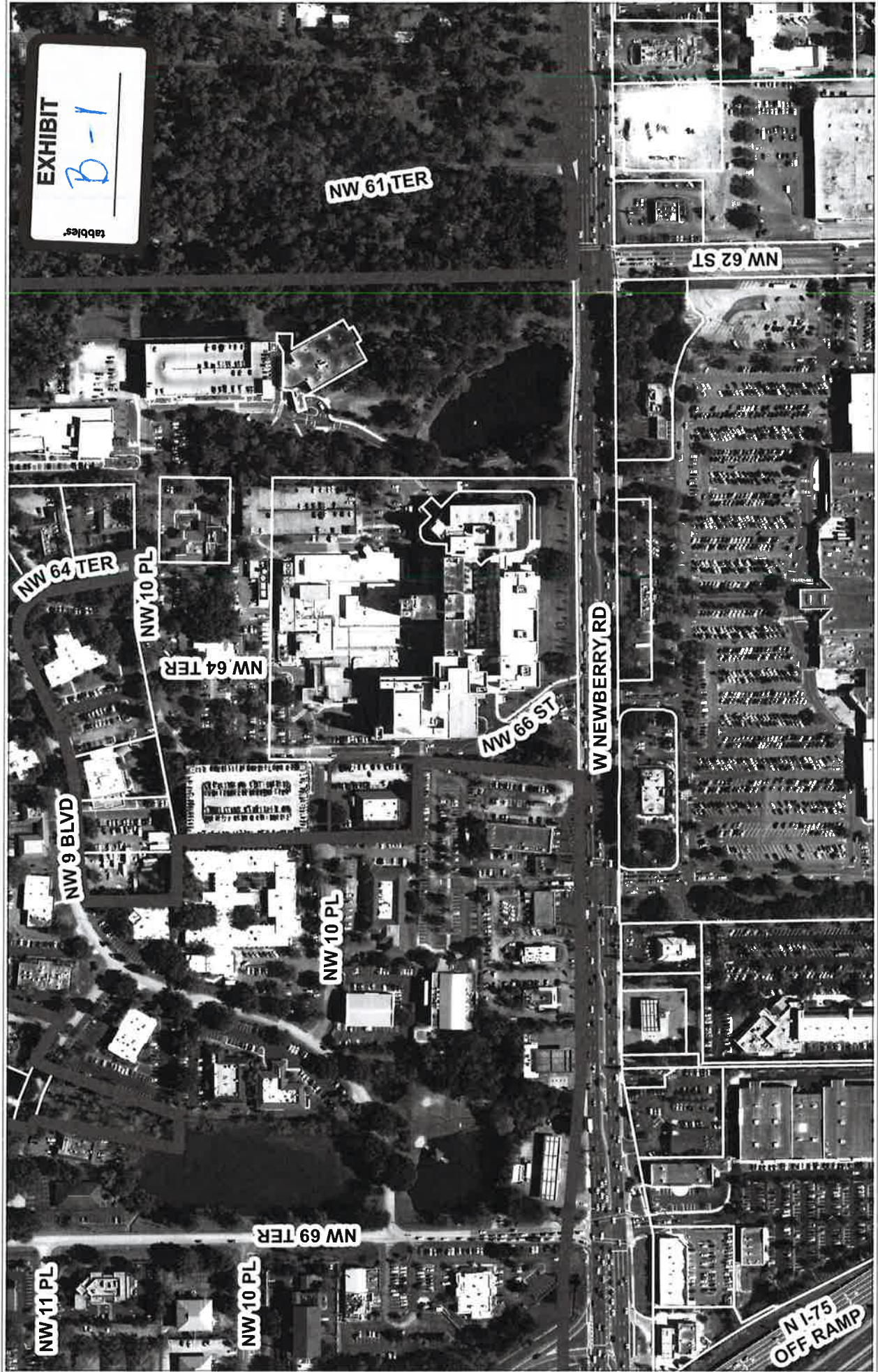
- d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in the Access Management portion of the Land Development Code; and
- e. Safe and convenient on-site pedestrian circulation, such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

**Policy 10.1.5** For any development or redevelopment within Zones B, C, D, E, or M, the developer shall provide all of the items listed in Policy 10.1.4 and shall provide the transportation mobility requirements as specified in Policies 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.1.13, and 10.1.14, as applicable. The developer shall also provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

**Policy 10.1.6** For any development or redevelopment within Zone B, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

**Policy 10.2.5** In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any

redevelopment project or any project that expands or converts a building to a new use. The City shall reduce by 40% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.



AERIAL PHOTOGRAPH

Name	Petition Request	Petition Number
City of Gainesville, applicant	Amend the City of Gainesville Future Land Use map from Alachua County Office/Medical to City of Gainesville Office (O)	PB-16-141 LUC



**City of Gainesville  
Land Use Categories**

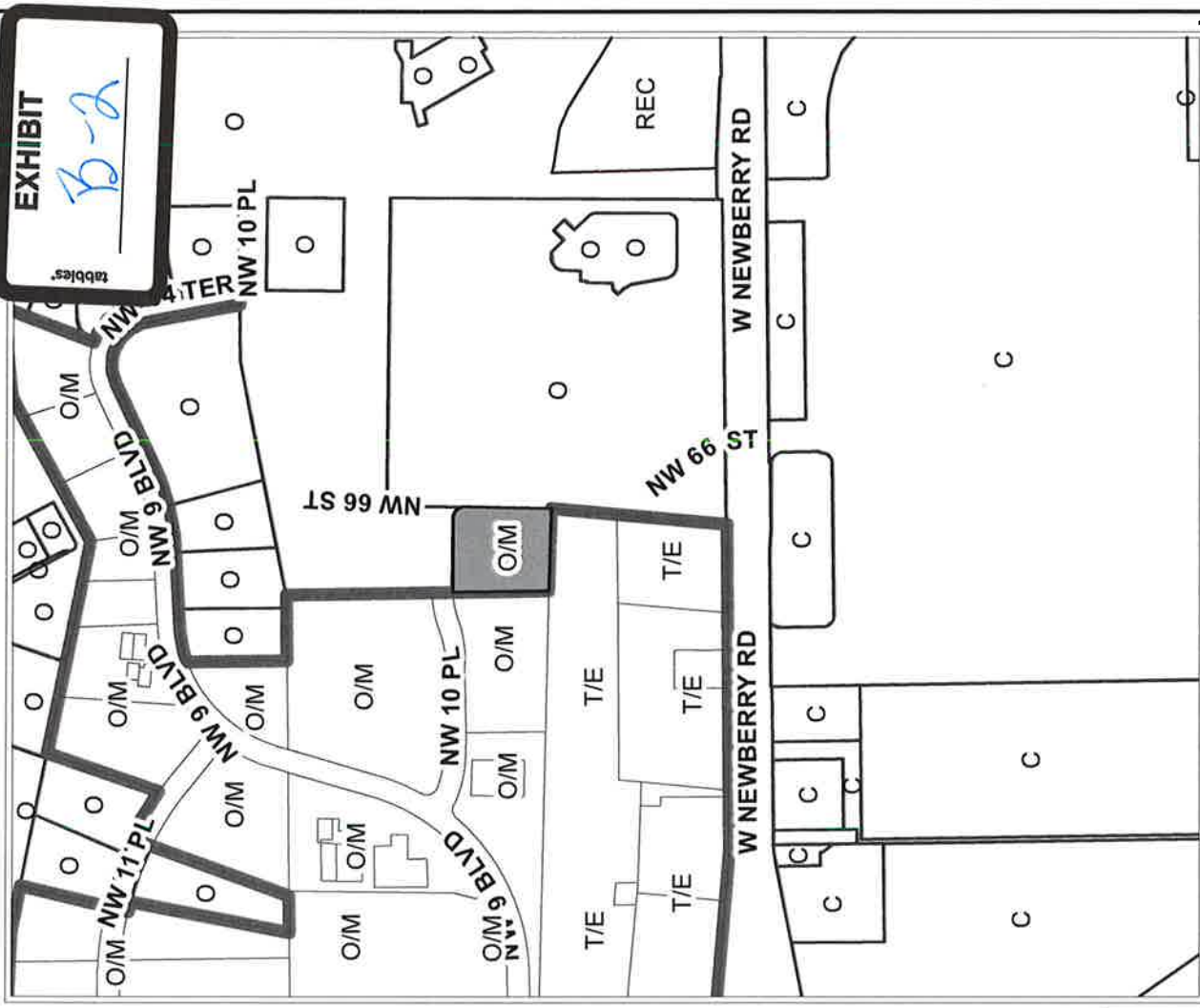
- O Office
- C Commercial
- REC Recreation

**Alachua County  
Land Use Categories**

- O/M Office and Medical
- T/E Tourist and Entertainment

— City Limits

Area  
under petition  
consideration



**EXHIBIT**  
B-2

160482B

**EXISTING LAND USE**

Name	Petition Request	Petition Number
City of Gainesville, applicant	Amend the City of Gainesville Future Land Use map from Alachua County Office/Medical to City of Gainesville Office (O)	PB-16-141 LUC



No Scale

**City of Gainesville  
Land Use Categories**

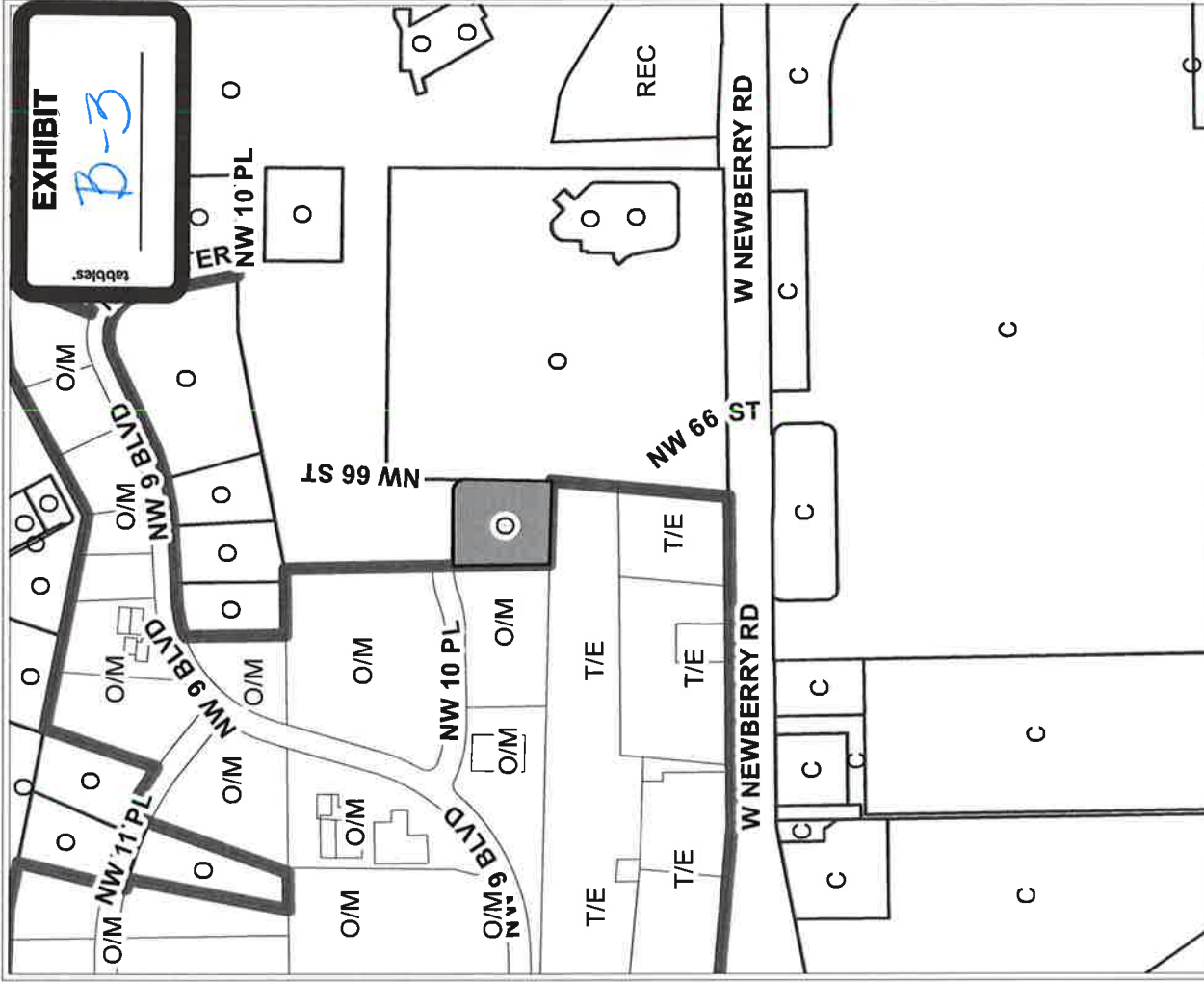
- O Office
- C Commercial
- REC Recreation

**Alachua County  
Land Use Categories**

- O/M Office/Medical
- T/E Tourist/Entertainment

— City Limits

Area  
under petition  
consideration



EXHIBIT

B-3

**PROPOSED LAND USE**

Name	Petition Request	Petition Number
City of Gainesville, applicant	Amend the City of Gainesville Future Land Use map from Alachua County Office/Medical to City of Gainesville Office (O)	PB-16-141 LUC



**TRANSPORTATION  
MOBILITY ELEMENT**

**Existing Transit Hubs &  
Transit-Supportive Areas**

**# Existing Hubs**

- 1. NW 13th Street Mixed Use Area
- 2. Oaks Mall/North Florida Regional Medical Center
- 3. University of Florida/Shands/VVA Hospital
- 4. Rosa Parks Downtown Transfer Station
- 5. Butler Plaza/Archer Road

**# Transit-Supportive Areas**

- 6. Northwood Shopping Area/Walmart/Senior Recreation Center
- 7. Exchange Center
- 8. Wynn Dixie/Big Lots/Greyhound Station
- 9. Millhopper/Thornbrook Village
- 10. Main Street Shopping Center
- 11. Waldo Road Walmart
- 12. Corporate Park
- 13. Westgate/Plaza Royale
- 14. Downtown MU-H area/Santa Fe College Downtown Campus
- 15. Five Points
- 16. Health Department/Tiger Bay/Mixed-Use Area
- 17. South Main Street & South 16th Avenue
- 18. Innovation Square
- 19. Urban Village
- 20. Magnolia Park
- 21. Shoppes of Williston Road
- 22. Airport/Plan East Gainesville Employment Center

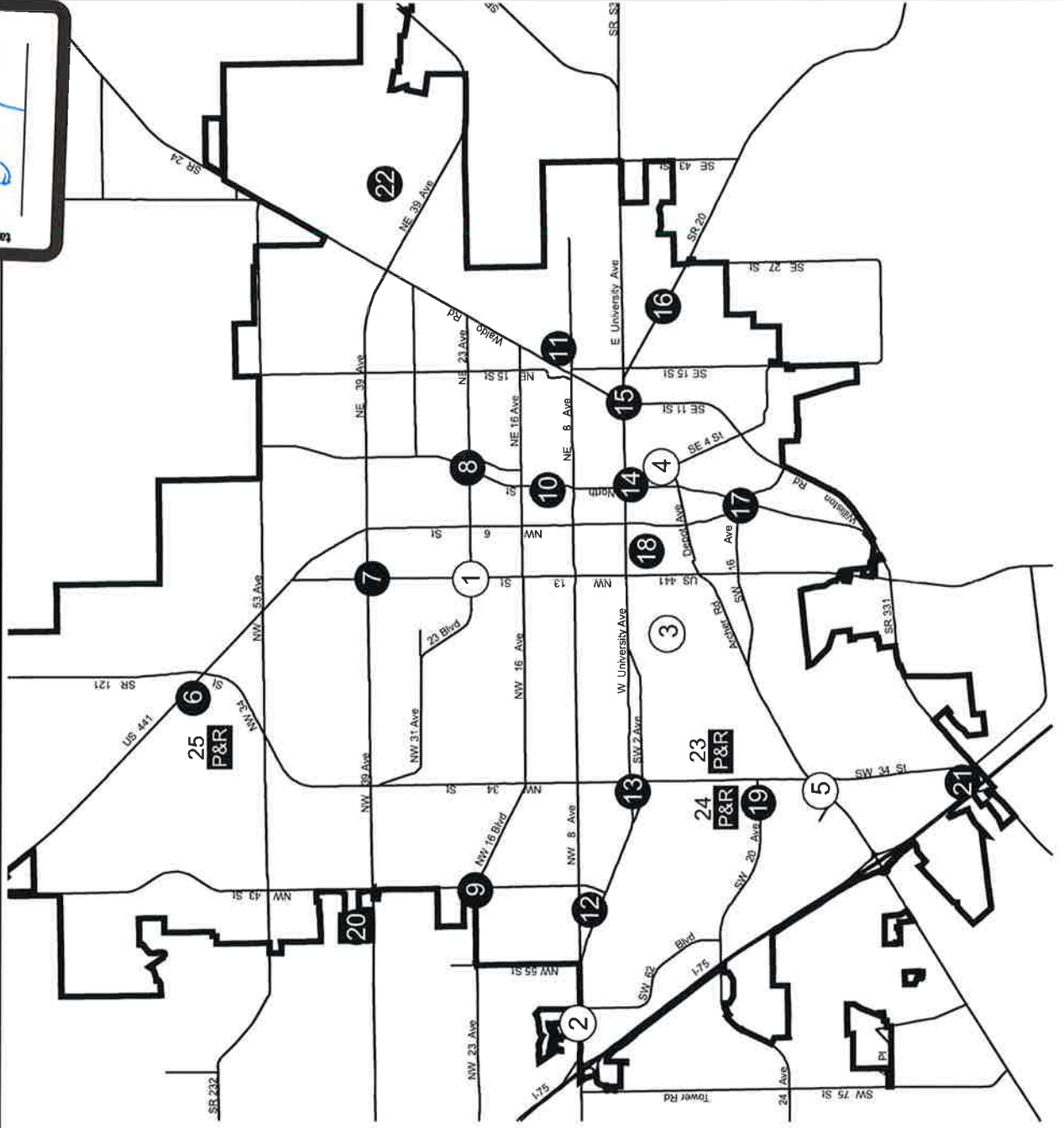
**P&R Park & Ride Facility**

- 23. Ham Museum
- 24. UF Conference Center
- 25. Walmart Northwood



**City of Gainesville  
Gainesville, Florida**

Prepared by Planning  
& Development Services  
November 2012





**APPLICATION—CITY PLAN BOARD**  
**Planning & Development Services**



<b>OFFICE USE ONLY</b>	
Petition No. <u>PB 16-141 KUC</u>	Fee: \$ <u>Gov't N/A</u>
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-660-6680-3401 [ ]	
Account No. 001-660-6680-1124 (Enterprise Zone) [ ]	
Account No. 001-660-6680-1125 (Enterprise Zone Credit) [ ]	

Owner(s) of Record (please print)	
Name: <u>North Central Florida Regional Medical Center</u>	
Address: _____	
_____	
Phone: _____	Fax: _____
(Additional owners may be listed at end of applic.)	

Applicant(s)/Agent(s), if different	
Name: <u>City of Gainesville</u>	
Address: _____	
_____	
Phone: _____	Fax: _____

*Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.*

**REQUEST**

Check applicable request(s) below:

<b>Future Land Use Map</b> <input checked="" type="checkbox"/>	<b>Zoning Map</b> [ ]	<b>Master Flood Control Map</b> [ ]
Present designation: <u>Abuse of land</u>	Present designation:	<b>Other</b> [ ] Specify:
Requested designation: <u>Office</u>	Requested designation:	

**INFORMATION ON PROPERTY**

1. Street address: <u>916 NW 66th St</u>
2. Map no(s): <u>3841</u>
3. Tax parcel no(s): <u>06340-007-000</u>
4. Size of property: <u>.91</u> acre(s)

*All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more **must** be accompanied by a market analysis report.*

**Certified Cashier's Receipt:**



5. Legal description (attach as separate document, using the following guidelines):
- a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
  - b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser’s Office, etc.
  - c. Must correctly describe the property being submitted for the petition.
  - d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340’); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. **INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES** (NOTE: *All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.*)

A. What are the existing surrounding land uses?

North  
Medical

South  
Retail

East  
Medical

West  
Retail

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO X

YES \_\_\_\_ If yes, please explain why the other properties cannot accommodate the proposed use?

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets

N/A

Noise and lighting

N/A

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO  YES \_\_\_\_\_ (If yes, please explain below)

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO  YES \_\_\_\_\_

b. Property with archaeological resources deemed significant by the State?

NO  YES \_\_\_\_\_

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment

Activity Center \_\_\_\_\_

Strip Commercial \_\_\_\_\_

Urban Infill \_\_\_\_\_

Urban Fringe \_\_\_\_\_

Traditional Neighborhood \_\_\_\_\_

Explanation of how the proposed development will contribute to the community.

*This is a recently annexed property with existing development.*

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

*See above*

H. What impact will the proposed change have on level of service standards?

Roadways

*See above.*

Recreation

Water and Wastewater

Solid Waste

Mass Transit

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO

YES  (please explain)

**CERTIFICATION**

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	


Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

  
\_\_\_\_\_  
Owner/Agent Signature

10-7-16  
\_\_\_\_\_  
Date

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (Name)  
\_\_\_\_\_.

\_\_\_\_\_  
Signature – Notary Public

Personally Known \_\_\_\_ OR Produced Identification \_\_\_\_ (Type) \_\_\_\_\_



**ORDINANCE NO. 160156**

**An ordinance of the City of Gainesville, Florida, annexing approximately 0.91 acres of property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10<sup>th</sup> Place, east of NW 69<sup>th</sup> Terrace and Interstate 75, and west of NW 66<sup>th</sup> Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the "Act"), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

**WHEREAS**, on July 7, 2016, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

**WHEREAS**, the subject property meets the criteria for annexation under the Act; and

**WHEREAS**, the City has provided all notices required pursuant to the Act, including notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading that notified the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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

**Section 1.** The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property.

**Section 2.** The following described property is annexed and incorporated within the corporate limits of the City of Gainesville, Florida:

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

**Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I, Charter Laws of the City of Gainesville, are amended and revised to include the property described in Section 2 of this ordinance.

**Section 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

**Section 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in

Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2016, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2016.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property area described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective date of this ordinance.

**Section 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

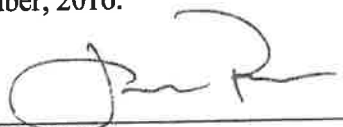
**Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

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



**Section 9.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 15<sup>th</sup> day of September, 2016.



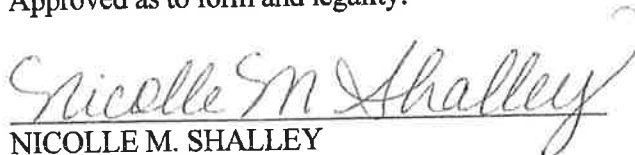
\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:



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

Approved as to form and legality:



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

This ordinance passed on first reading this 18<sup>th</sup> day of August, 2016.

This ordinance passed on second reading this 15<sup>th</sup> day of September, 2016.

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 9 SOUTH, RANGE 19 EAST IN ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH 89°23'10" EAST ALONG THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 362.15 FEET; THENCE RUN NORTH 06°20'54" EAST A DISTANCE OF 450.25 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 798, PAGE 534 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 3979 AND BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4056, PAGE 927 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN NORTH 87°28'18" WEST ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 185.14 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE RUN NORTH 00°14'09" EAST ALONG THE WEST LINE OF SAID LANDS A DISTANCE OF 215.00 FEET TO THE NORTHWEST CORNER OF SAID LANDS ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 3979 AND BEING THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1636, PAGE 787; THENCE EASTERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID LANDS AND EXISTING CITY OF GAINESVILLE LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 0.91 ACRES MORE OR LESS.

