



# MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 070907

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

**TO:** Mayor and City Commission **DATE:** April 14, 2008

**FROM:** City Attorney **FIRST READING**

**SUBJECT:** Ordinance No. 0-08-11, Petition No. 88ZON-07PB  
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City, as more specifically described in this Ordinance, from "Planned Development" to "UMU-1: Urban mixed use district 1"; located in the vicinity of 1331 SW 13th Street; retaining the Special Area Plan for Southwest 13th Street Overlay District classification; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF MEMORANDUM

This request is to change the zoning on a parcel that is part of the Oakbrook Walk planned development to Urban Mixed-Use-1 (UMU-1). A related petition (132PDA-07PB) has been submitted to remove the subject property which is located at 1331 SW 13<sup>th</sup> Street from the planned development. Approval of Petition 88ZON-07PB is contingent upon approval of Petition 132PDA-07PB.

The current zoning on the subject property is PD (Planned Development). The current land use category is Urban Mixed-Use 1 (UMU-1: up to 75 units per acre). The proposed zoning of UMU-1 is fully consistent with the existing future land use category. The subject property is approximately 1.1 acre in size and it is located in the SW 13<sup>th</sup> Street Special Area Plan. A large portion of the parcel falls within the 10-year flood channel and some lies within the 100-year floodplain. This will severely limit future development potential for the parcel.

The subject property is currently improved with a structure containing three units. One unit serves as an office for Oakbrook Walk, and the other two units are apartments. This use is consistent with both the existing PD zoning and the proposed zoning.

In 2005 (Ordinance 041061), the City amended the Future Land Use Map and zoning of 550 acres of land located in the College Park/University Heights area and an area bounded by Archer Road and Depot Avenue to the north, SW 6<sup>th</sup> Street to the east and SW 16<sup>th</sup> Avenue to the south to the new Urban Mixed Use categories. The area was designated for high intensity use or high

residential densities to spur redevelopment efforts. The subject property fell within this area for land use and zoning change.

Properties surrounding the subject parcel received land use categories of either UMU-1 or UMU-2 and zonings of UMU-1 or UMU-2. The subject property did receive the UMU-1 land use category designation at that time (November 2005), but the zoning on the property remained PD because it was part of the Oakbrook Walk PD.

The original Oakbrook Walk PD was established in September 1986 (Ordinance 3248). The PD was amended in October 1987 to add additional acreage to the planned development (Ordinance 3378).

The Oakbrook Walk PD was further amended in May 2001 (Ordinance 000618) to add the subject property and to allow one of the units to serve as an on-site management office for Oakbrook Walk. This is consistent with the existing use at the site.

Planning staff finds that rezoning the subject parcel to UMU-1 is consistent with the future land use category and the character and surrounding zoning in the area. This is an area targeted for redevelopment.

The Plan Board discussed the petition and recommended that the requested zoning change be approved.

Public notice was published in the Gainesville Sun on December 31, 2007. The Plan Board held a public hearing on January 17, 2008.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 25, 2008, authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance rezoning the property.

Prepared and Submitted by:

  
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Marion J. Radson, City Attorney

MJR/afm

Attachment

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3/27/2008

ORDINANCE NO. \_\_\_\_\_  
0-08-11

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**  
5 **Map Atlas and rezoning certain property within the City, as more**  
6 **specifically described in this Ordinance, from “Planned Development”**  
7 **to “UMU-1: Urban mixed use district 1”; located in the vicinity of**  
8 **1331 SW 13th Street; retaining the Special Area Plan for Southwest**  
9 **13th Street Overlay District classification; providing a severability**  
10 **clause; providing a repealing clause; and providing an immediate**  
11 **effective date.**

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14 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a  
15 public hearing was given that the Zoning Map Atlas be amended by rezoning certain property  
16 within the City from the zoning category of “Planned Development” to “UMU-1: Urban mixed  
17 use district 1”; and

18 **WHEREAS**, notice was given and publication made as required by law and a public  
19 hearing was held by the City Plan Board on January 17, 2008; and

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

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

27 **WHEREAS**, notice has also been given by mail to the owner whose property will be

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1 regulated by the adoption of this Ordinance, at least ten days prior to the adoption of this  
2 ordinance; and

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

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

8 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
9 following described property from the zoning category of "Planned Development" to "UMU-1:  
10 Urban mixed use district 1":

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

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14 **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
15 the Zoning Map to comply with this Ordinance.

16 **Section 3.** The Special Area Plan for Southwest 13th Street Overlay District  
17 classification shall be retained and shall remain in full force and effect.

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

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1 Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
2 such conflict hereby repealed.

3 Section 6. This ordinance shall become effective immediately upon final adoption.

4 PASSED AND ADOPTED this \_\_\_\_ day of , 2008.

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PEGEEN HANRAHAN, MAYOR

9 ATTEST:

Approved as to form and legality:

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14 KURT LANNON,  
15 CLERK OF THE COMMISSION

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MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this day of , 2008.

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This ordinance passed on second reading this day of , 2008.

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MJR/afm

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Exhibit A

That part of the D. L. Clinch Grant in Township 10 South, Range 20 East, Gainesville, Alachua County, Florida, being more particularly described as follows: Commence at the Northwest corner of Section 8, Township 10 South, Range 20 East, for a point of reference; thence run South, a distance of 2463.50 feet to a point on the East right of way line of U. S. Highway No. 441, Section 2601-107 (SW 13th Street), for a point of beginning; from the said point of beginning, thence run East perpendicular to the said East right of way line, a distance of 325 feet, more or less, to an intersection with a creek centerline; thence run Southwesterly along the said creek centerline, a distance of 152 feet, more or less, to an intersection with a line that runs South, a distance of 144.80 feet and East perpendicular to the said East right of way line; from the said point of beginning, thence run West perpendicular to the said East right of way line, a distance of 280 feet, more or less, to an intersection with the said East right of way line; thence run North along the said East right of way line, a distance of 144.80 feet to the point of beginning.