



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 070544

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

**TO:** Mayor and City Commission

**DATE:** January 14, 2008

**FROM:** City Attorney

**CITY ATTORNEY  
ADOPTION READING**

**SUBJECT:** Ordinance No. 0-07-90, Petition No. 85ZON-07PB  
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "Planned Development District" to "PS: Public services and operations district"; by permitting a fire rescue station, with approval of a preliminary development plan; located in the vicinity of 3223 Northwest 42nd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is the site of A Child's Place child care facility. The City adopted the zoning designation on the subject property by ordinance (Ordinance No. 2604) in 1981. Lots zoned RSF-2 (single-family residential district) and occupied by single-family dwellings abut on the north and east. A 6-foot wide strip of land zoned PD abuts on the south and separates the subject property from additional lots that are zoned RSF-2 and occupied by single-family dwellings. Northwest 34th Street abuts on the west. The land use designation is PUD (Planned Use District).

The subject property consists of 4.04 (MOL) acres. Applications have been filed to reduce the total acreage of the subject property zoned PD to 1.97 (MOL) acres, so that 2.07 (MOL) acres can be used for the construction of a City fire station and associated right-of-way. This petition involves rezoning 1.27 (MOL) acres of subject property to PS (Public services and operations district) for the construction of the City fire station. The remaining .80 (MOL) acres is proposed for the construction of associated right-of-way.

The 1.27 (MOL) acres proposed for the City fire station is located on the east (rear) side of the child care facility. Lots zoned RSF-2 and occupied by single-family dwellings abut the property on the north and east. The 6-foot wide strip of land zoned PD abuts on the south and separates the subject property from additional lots zoned RSF-2 and occupied by single-family dwellings. The .80 (MOL) acres of land proposed for right-of-way abut on the west and north.

The PS zoning district is established for public and private activities that serve and are used by the public. The following criteria, included in Section 30-75 of the City Land Development Code, was used to determine the compatibility of this petition with the surrounding area: Purpose; Objectives; Uses permitted by right; Dimensional requirements; General conditions; Development plan approval (site suitability; site design; external compatibility); Parking;

Landscaping; Street signs; Flood Control, and Preliminary development plan in conjunction with rezoning.

The City Plan Board considered the above-referenced petition at a public hearing held September 20, 2007. By a vote of 7 - 0, the City Plan Board approved Petition 85ZON-07PB with staff conditions and the condition that the City Plan Board review the associated development plan for preliminary approval.

#### CITY ATTORNEY MEMORANDUM

Florida Statutes provides that the City Commission may adopt the ordinance at the conclusion of one public hearing.

Prepared and Submitted by:

  
Marion J. Radson, City Attorney

Attachment

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ORDINANCE NO. \_\_\_\_\_  
0-07-90

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "Planned Development District" to "PS: Public services and operations district"; by permitting a fire rescue station, with approval of a preliminary development plan; located in the vicinity of 3223 Northwest 42nd Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, by initiation of a petition by the City of Gainesville, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain property within the City from the zoning category of "Planned Development District" to "PS: Public services and operations district"; and

**WHEREAS**, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on September 20, 2007; 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; 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

**WHEREAS**, pursuant to law, notice has also been given by mail to the owners whose properties will be regulated by the adoption of this Ordinance, thirty days prior to the adoption of this ordinance; and

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

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

6           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
7 following described property from the zoning category of "Planned Development District" to  
8 "PS: Public services and operations district":

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

12           **Section 2.** These portions of the preliminary development plan as shown on the map  
13 attached to this Ordinance as Exhibit "B" and made a part hereof as if set forth in full, are  
14 approved in accordance with Sec. 30-75 of the Land Development Code. The conditions that  
15 apply to this development are attached to this Ordinance as Exhibit "C" and made a part hereof  
16 as if set forth in full.

17           **Section 3.** The uses permitted on the property is a Fire Rescue Station and customary  
18 related services, and an existing ingress/egress easement as recorded in O.R. Book 1120, Page  
19 372, O.R. Book 1447, Page 260 and O.R. Book 1503, Page 807, public records of Alachua  
20 County, Florida.

21           **Section 4.** The City Manager is authorized and directed to make the necessary changes in  
22 the Zoning Map to comply with this Ordinance.



PARCEL 1 (BY THIS SURVEYOR)

A PORTION OF THE NORTH 288 FEET OF THE WEST 660 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4 OF SW 1/4) OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED SECTION 24 AND RUN N.00°19'33"E., ALONG THE WEST LINE OF SAID SECTION 24, A DISTANCE OF 1325.74 FEET TO THE NORTHWEST CORNER OF SAID SW 1/4 OF SW 1/4; THENCE RUN S.89°42'03"E., ALONG THE NORTH LINE OF SAID SW 1/4 OF SW 1/4, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF N. W. 34TH STREET (STATE ROAD NO. 121- 100' RIGHT OF WAY); THENCE, DEPARTING SAID RIGHT OF WAY LINE, CONTINUE S.89°42'03"E., ALONG SAID NORTH LINE OF THE SW 1/4 OF SW 1/4, A DISTANCE OF 522.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°42'03"E., ALONG SAID NORTH LINE OF THE SW 1/4 OF SW 1/4, A DISTANCE OF 87.36 FEET; THENCE RUN S.00°19'33"W., ALONG THE EAST LINE OF THE WEST 660 FEET OF SAID SW 1/4 OF SW 1/4, A DISTANCE OF 288.00 FEET; THENCE RUN N.89°42'03"W., PARALLEL WITH SAID NORTH LINE OF SW 1/4 OF SW 1/4, A DISTANCE OF 250.00 FEET; THENCE RUN N.00°19'33"E., PARALLEL WITH SAID WEST LINE OF SECTION 24, A DISTANCE OF 185.00 FEET; THENCE RUN S.89°42'03"E., PARALLEL WITH SAID NORTH LINE OF SW 1/4 OF SW 1/4, A DISTANCE OF 162.64 FEET; THENCE RUN N.00°19'33"E., PARALLEL WITH SAID WEST LINE OF SECTION 24, A DISTANCE OF 103.00 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "A"**

## **EXHIBIT “B”**

(Due to bulk and size, Exhibit “B” is not attached, but is on file in the Office of the Clerk of the Commission.)

### **Conditions for Petition 85ZON-07PB**

1. The fire station shall have a vehicular connection to Northwest 34<sup>th</sup> Street that meets City standards for a public right-of-way.
2. The fire station shall comply with the requirements of the Design Guidelines Manual for City buildings, dated January 11, 1999, with the exception of having to provide a covered stoop or porch and place service bays and service doors to the rear of the building.
3. Automated electronic warning beacons shall be required along Northwest 34<sup>th</sup> Street. These devices shall be activated when an emergency apparatus is leaving the fire station under emergency response conditions.
4. Aboveground or underground fuel storage tank systems shall meet the requirements of the Alachua County Hazardous Materials Management Code.
5. The development plan review for the fire station shall be performed by the City Plan Board, where board review is required by the City's Land Development Code.