

ORDINANCE NO. 150456

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

13  
14 **WHEREAS**, Section 163.3167, Florida Statutes, requires local governments to maintain  
15 a Comprehensive Plan to guide future development and growth; and

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

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

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25 categories are neither abandoned nor repealed, but are inapplicable as long as the subject property  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

28 **WHEREAS**, on August 5, 2010, the City Commission adopted Ordinance No. 090537  
29 (subsequently amended by Ordinance Nos. 121107 and 150441), which overlaid the PUD land  
30 use category on certain property known as the Butler Development PUD and established land use

1 regulations through the creation of Policy 4.3.6 of the Future Land Use Element of the City of  
2 Gainesville Comprehensive Plan; and

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

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

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

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

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

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

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

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

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

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

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

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

19           **Section 4.** A Planned Development (PD) zoning ordinance is required to implement the  
20 PUD land use overlay, and must be adopted by the City Commission within 18 months of the  
21 effective date of this amendment. The underlying Future Land Use Map category of Commercial  
22 (C) on the property described in Section 1 is neither abandoned nor repealed; such category is  
23 inapplicable as long as the property is developed and used in accordance with the implementing  
24 PD zoning ordinance. If the aforesaid time period expires without the adoption of an  
25 implementing PD zoning ordinance, this ordinance shall be void and have no further force and  
26

1 effect and the City may amend the Future Land Use Map accordingly upon proper notice and  
2 action.

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

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

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


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

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1 become effective.

2 **PASSED AND ADOPTED** this 17th day of March, 2016.

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\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

9 Attest:

Approved as to form and legality:

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

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

17 This ordinance passed on First Reading on this 17<sup>th</sup> day of March, 2016.

18

19 This ordinance passed on Second/Adoption Reading on this 7<sup>th</sup> day of April, 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:

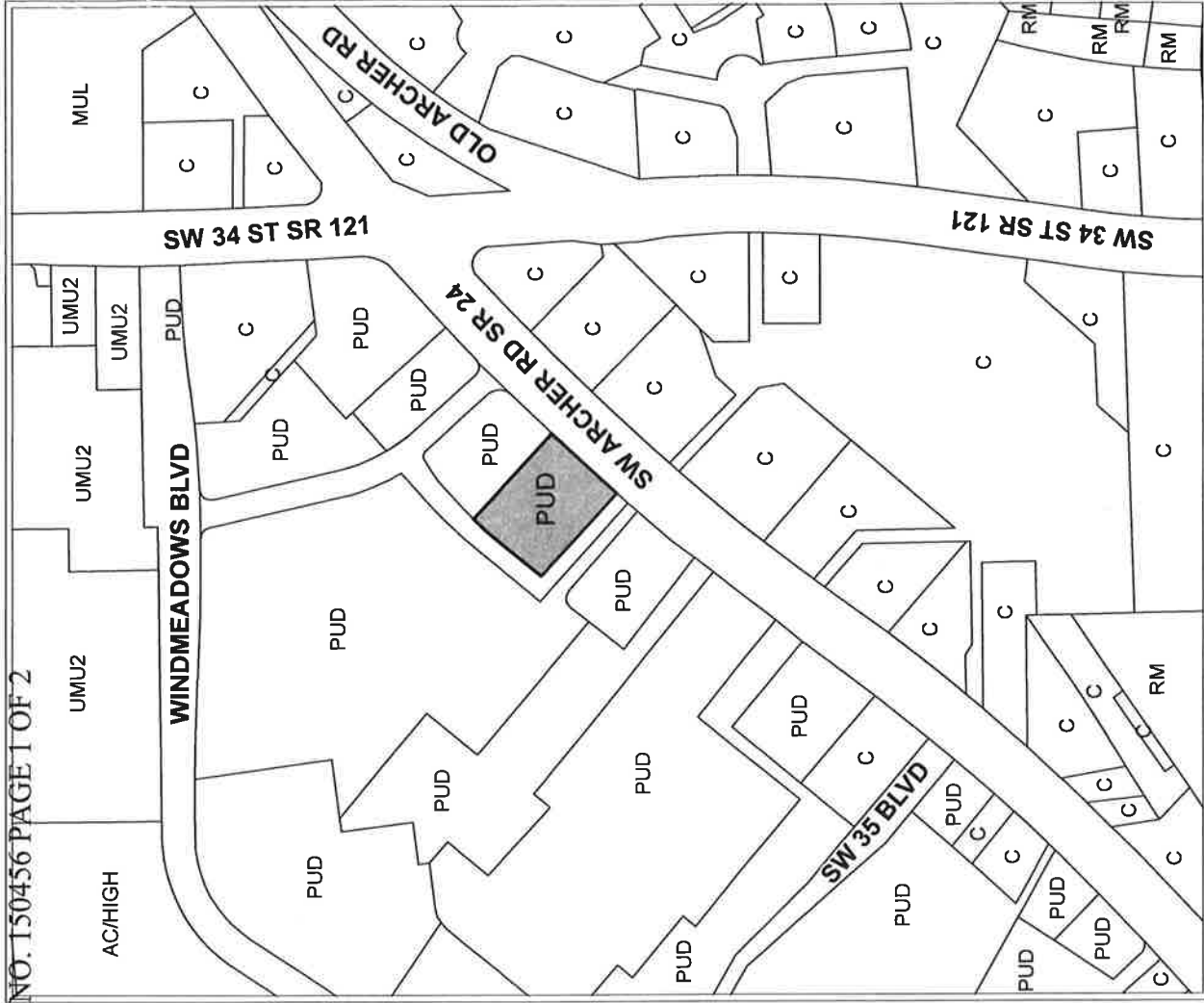
Commence at the Northeast corner of Section 14, Township 10 South, Range 19 East, and run South 00 deg. 02 min. 47 sec. West, along the East line of said Section 14, a distance of 1258.82 feet to the survey line of State Road No. 24; thence run along said survey line with a curve concave Southeasterly, 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

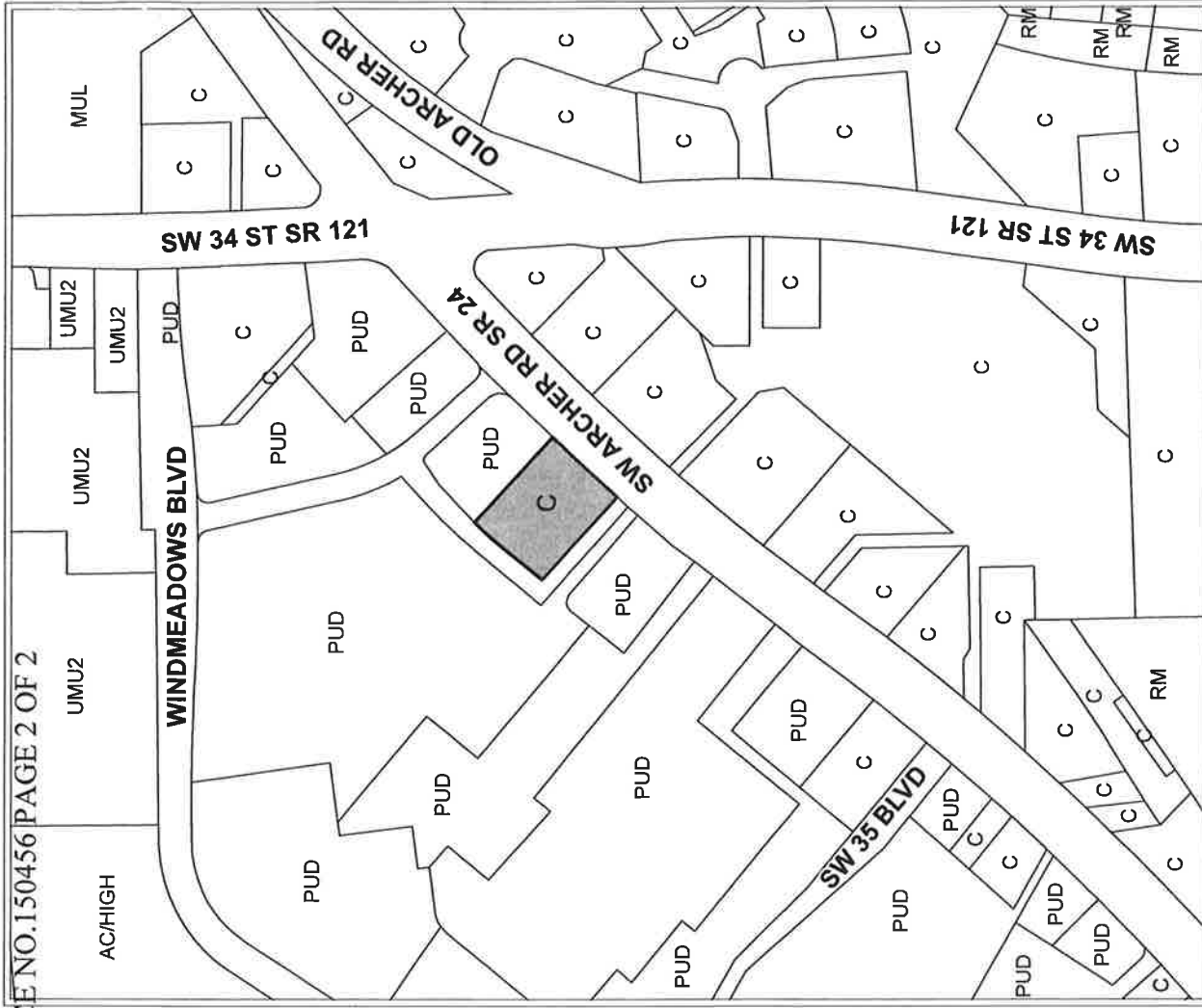


### PROPOSED LAND USE

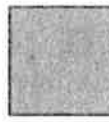
Name	Petition Request	Petition Number
Causseaux, Hewett & Walpole, Inc., agent for S. Clark Butler Properties Land Trust	Amend the City of Gainesville Future Land Use map from Commercial (C) to Planned Use District (PUD)	PB-15-91 LUC

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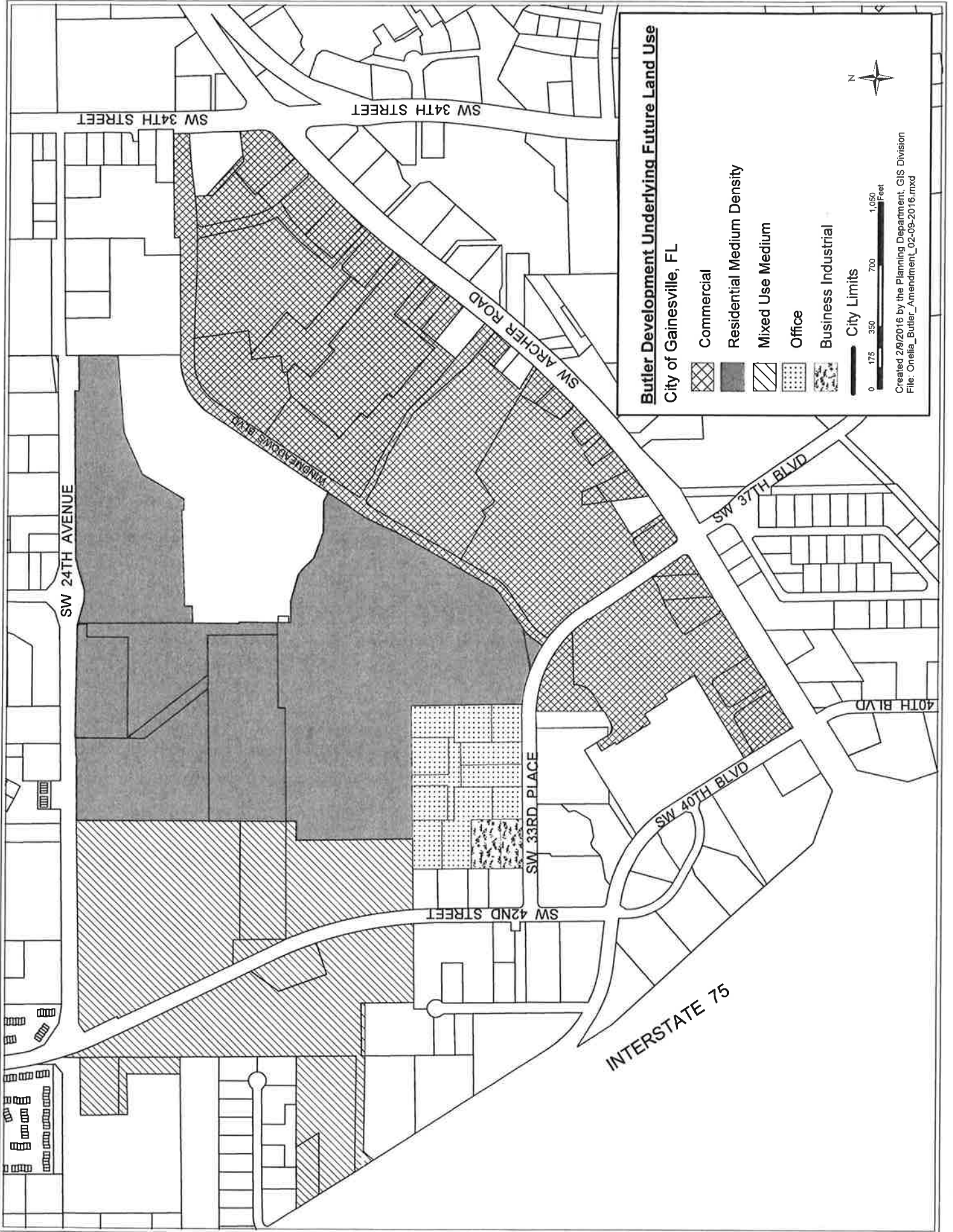
----- Division line between two zoning districts

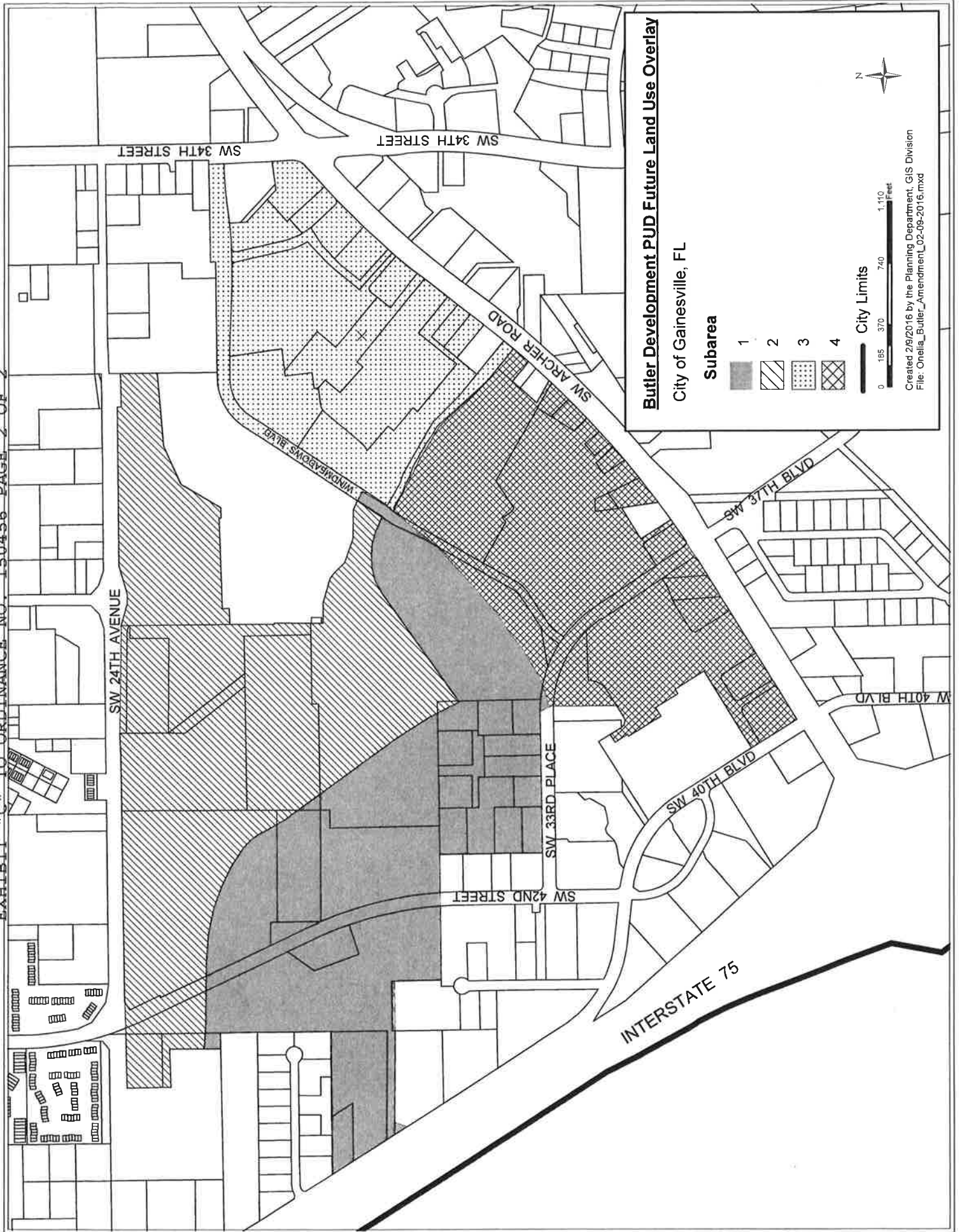
### EXISTING LAND USE

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**Butler Development PUD Future Land Use Overlay**

City of Gainesville, FL

**Subarea**

- 1 [Solid Grey Box]
- 2 [Diagonal Hatching Box]
- 3 [Dotted Box]
- 4 [Cross-hatched Box]

**City Limits**



Created 2/9/2016 by the Planning Department, GIS Division  
File: Onella\_Butler\_Amendment\_02-09-2016.mxd