

Legislative #

140368

ORDINANCE NO. 140368

1
2
3 **An ordinance amending the Future Land Use Map of the City of**
4 **Gainesville Comprehensive Plan by changing the land use category of**
5 **approximately 5.0 acres of property located on Newberry Road**
6 **generally south and west of NW 39th Road and east of NW 43rd Street,**
7 **as more specifically described in this ordinance, from Residential**
8 **Low-Density (RL) to Mixed-Use Low-Intensity (MUL); providing**
9 **directions to the City Manager; providing a severability clause;**
10 **providing a repealing clause; and providing an effective date.**

11
12 **WHEREAS**, by initiation of the subject property's owner(s) or a person having a legal or
13 equitable interest therein, this ordinance amends the Future Land Use Map of the City of
14 Gainesville Comprehensive Plan by changing the subject property's land use category from
15 Residential Low-Density (RL) to Mixed-Use Low-Intensity (MUL); and

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

19 **WHEREAS**, on September 25, 2014, a public hearing regarding the subject matter of this
20 ordinance was held by the City Plan Board, which acts as the local planning agency pursuant to
21 Section 163.3174, Florida Statutes; and

22 **WHEREAS**, on November 6, 2014, the City Commission held a public hearing
23 regarding the subject matter of this ordinance and voted to authorize the City Attorney to prepare
24 this ordinance in accordance with law; and

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

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

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

5 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
6 amended by changing the land use category of the following property from Residential Low-
7 Density (RL) to Mixed-Use Low-Intensity (MUL):

8 See legal description attached hereto as Exhibit "A" and made a
9 part hereof as if set forth in full. The location of the property is
10 shown on Exhibit "B" for visual reference. In the event of conflict
11 or inconsistency, Exhibit "A" shall prevail over Exhibit "B".
12

13 **Section 2.** The City Manager or designee is authorized and directed to make the
14 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in order
15 to comply with this ordinance.

16 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
17 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding shall not affect the other provisions or applications of this ordinance that can be given
19 effect without the invalid or unconstitutional provision or application, and to this end the
20 provisions of this ordinance are declared severable.

21 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
22 such conflict hereby repealed on the effective date of this plan amendment.

23 **Section 5.** This ordinance shall become effective immediately upon adoption; however,
24 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if not timely
25 challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, this

1 amendment shall become effective on the date the state land planning agency or the
 2 Administration Commission issues a final order determining this amendment to be in compliance
 3 with Chapter 163, Florida Statutes. No development orders, development permits, or land uses
 4 dependent on this amendment may be issued or commenced before this amendment has become
 5 effective.

6 **PASSED AND ADOPTED** this _____ day of _____, 2015.

7
 8
 9
 10
 11
 12

 EDWARD B. BRADDY
 MAYOR

13 Attest:

Approved as to form and legality:

14
 15
 16

17 _____
 KURT LANNON
 18 CLERK OF THE COMMISSION

 NICOLLE M. SHALLEY
 CITY ATTORNEY

19
 20
 21

This ordinance was passed on Adoption Reading on this _____ day of
 _____, 2015.

P.O.C.

NORTHWEST CORNER OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA P.K. NAIL & BRASS DISK FOUND "SUR. 130"

34 35

3 2

SECTION 3 SECTION 2

WEST LINE OF SECTION 2
S00°29'50"W 1155.90'



Sheet One of Two

MATCHLINE

P.O.B.

PARCEL "2A"

43rd STREET MEDICAL BUILDING CONDOMINIUM, CONDOMINIUM BOOK 3, PAGE 40 (PARCEL 06544-201-101)

S00°29'50"W 327.08'

36.8' ASPHALT

*Sketch of Legal Description Only
Lying in Section 2, Township 10 South,
Range 19 East, Alachua County, Florida
(not a boundary survey)*

Parcel "2A"
5.001 Acres ±

NEWBERRY ROAD
A.K.A. STATE ROAD NO. 26
100' RIGHT-OF-WAY
ASPHALT PAVED ROADWAY

REMAINDER OF PARCEL 06502
N66°53'37"W 727.05'

NORTH RIGHT-OF-WAY LINE OF NEWBERRY ROAD
S67°15'32"E 711.60'

S67°15'32"E 5.00'
N22°44'28"E 25.00'

EXCEPTION PARCEL FOR RIGHT-OF-WAY TAKEN PER O.R.B. 522, PG. 375 (NOT INCLUDED) SEE DETAIL SHEET TWO

EAST LINE OF THE WEST 1/4 OF THE NORTHWEST 1/4
N00°11'46"E 295.70'

PARCEL 06503

PARCEL 06503-006

MATCHLINE

JBrown
Professional Group Inc
CIVIL ENGINEERING • LAND SURVEYING • PLANNING

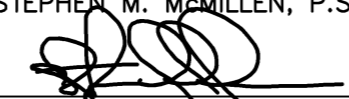
3530 NW 43rd Street • Gainesville, Florida 32606
PHONE: (352) 375-8999 • FAX: (352) 375-0833
E-MAIL: contact@jbrprougroup.com

THE MAP OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THIS MAP OF SURVEY FURTHER MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE STATE OF FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17.050, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THE MAP OF SURVEY SHOWN HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE, BEING SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

Florida Professional Surveyor and Mapper License No. LS5469
Florida Professional Surveyor and Mapper Business License No. LB8031

NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

STEPHEN M. McMILLEN, P.S.M.


Professional Surveyor & Mapper

CERTIFIED TO:

HOLY FAITH CATHOLIC CHURCH

Scale: 1"=100'

Proj. No. 2013-059c

Drawn: S.M.M.

Chk'd: S.M.M.

Dwg. Name: 2013-059c

Signing Date: 06/04/2014

LEGEND:

P.O.C. = POINT-OF-COMMENCEMENT
P.O.B. = POINT-OF-BEGINNING

Description: (by surveyor) - **Holy Faith Catholic Church Parcel 2a**

A part of lands described in O.R.B. 988, page 609, public records of Alachua County, Florida; lying in Section 2, Township 10 South, Range 19 East, Alachua County, Florida; lying Southwesterly of N.W. 39th Road (a.k.a. State Road No. 26a) and North of Newberry Road (a.k.a. State Road No. 26), being more particularly described as follows:

Commence at the Northwest corner of said Section 2 and run thence South 00°29'50"West, along the West line of said Section, a distance of 1155.90 feet to the Point-of-Beginning of the herein described parcel; thence continue South 00°29'50"West, along said West line, a distance of 327.08 feet to the North right-of-way line of said Newberry Road; thence South 67°15'32"East, along said North right-of-way line, a distance of 711.60 feet to the Southwest corner of lands described in O.R.B. 522, page 375, said public records; thence North 22°44'28"East, a distance of 25.00 feet to the Northwest corner of said O.R.B. 522, page 375; thence South 67°15'32"East, along the North line of said O.R.B. 522, page 375, a distance of 5.00 feet to the East line of the West ¼ of the Northwest ¼ of said Section 2; thence North 00°11'46"East, along said East line, a distance of 295.70 feet; thence North 66°53'37"West, a distance of 727.05 feet to the said Point-of-Beginning.

Containing 5.001 Acres, more or less.

*Sketch of Legal Description Only
Lying in Section 2, Township 10 South,
Range 19 East, Alachua County, Florida
(not a boundary survey)*

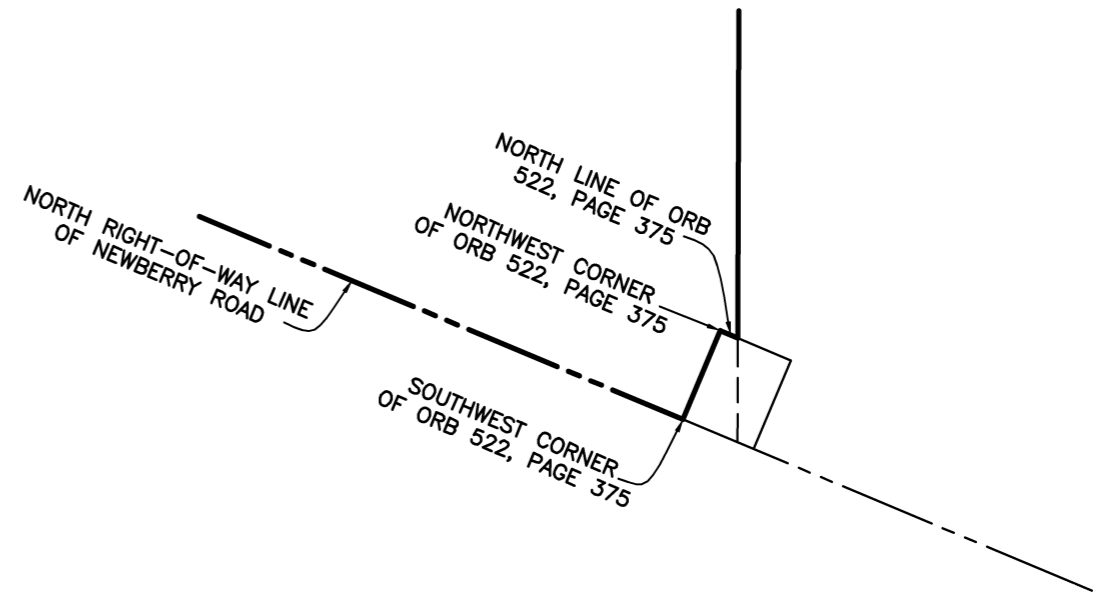


Exhibit B to Ordinance No. 140368

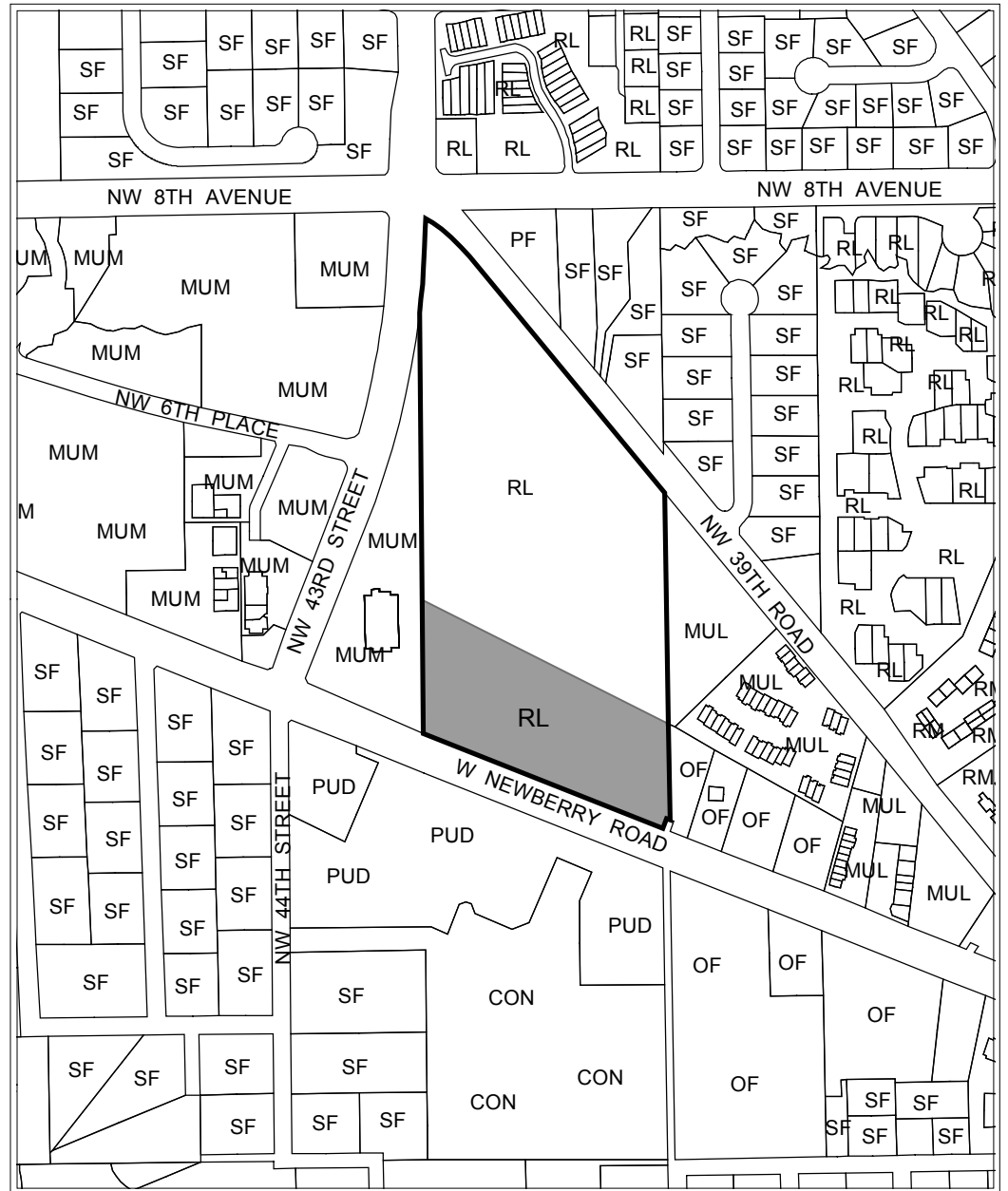
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City of Gainesville Land Use Designations

- SF Single Family
- RL Residential Low Density
- MUL Mixed Use Low Intensity
- MUM Mixed Use Medium Intensity
- O Office
- CON Conservation
- PF Public and Institutional Facilities
- PUD Planned Use District

----- Division line between two land use categories

Area under petition consideration



EXISTING LAND USE

	Name	Petition Request	Petition Number
	Causseaux, Hewett & Walpole, Inc., agent for Bishop of Diocese of St Augustine	Amend the City of Gainesville Future Land Use map from Residential Low (RL) to Mixed-use Low Intensity (8-30 units/acre) (MUL)	PB-14-51 LUC

Exhibit B to Ordinance No. 140368

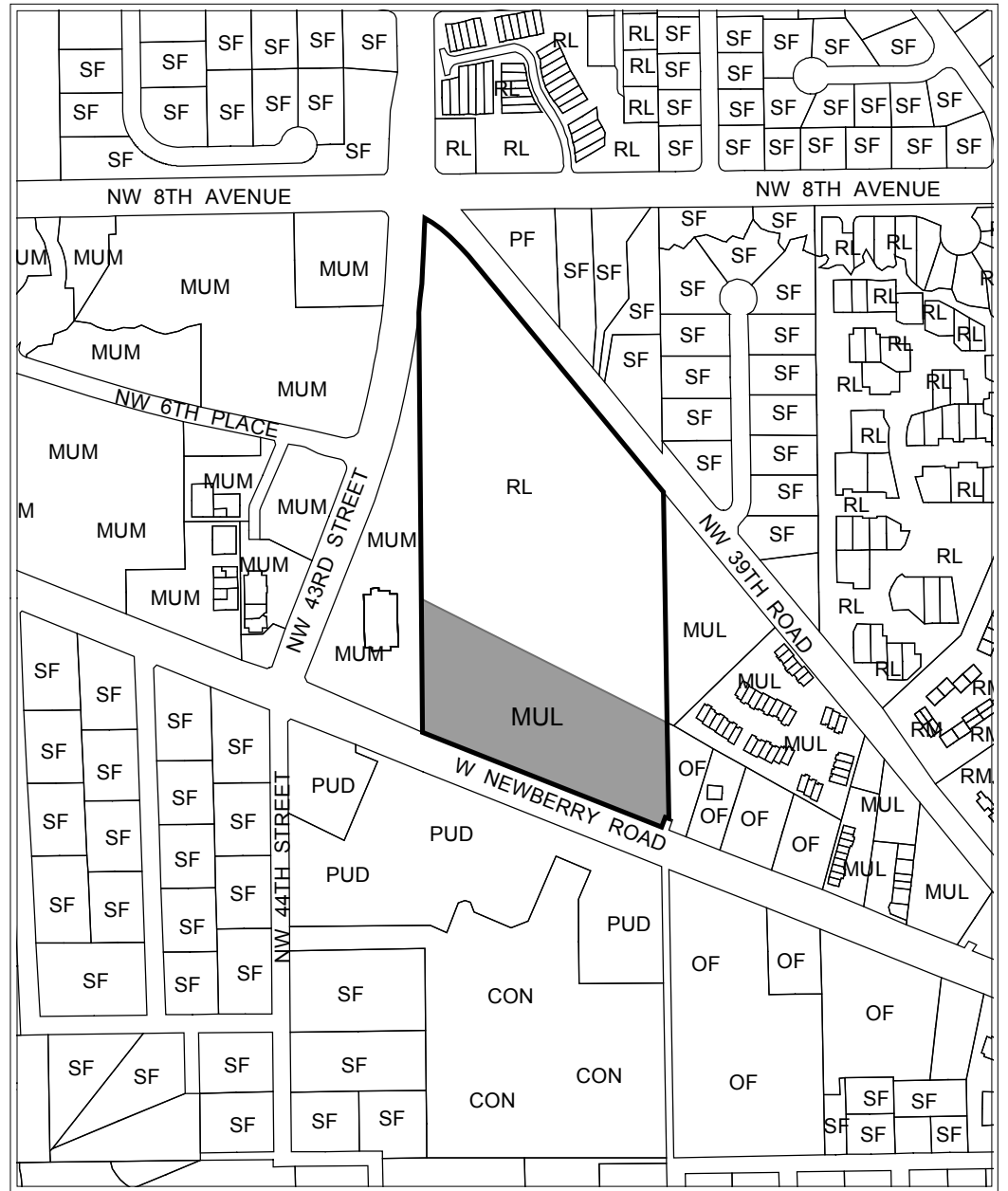
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under petition
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PROPOSED LAND USE

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