

LEGISLATIVE #

121106A

ORDINANCE NO. 121106

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2
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 six properties totaling approximately 3.2 acres**
6 **that have underlying land use categories of Commercial (C) and Business**
7 **Industrial (BI) and that are generally located at 3654, 3730, and 3820 SW**
8 **Archer Road, and 3310 and 3318 SW 40th Terrace, as more specifically**
9 **described in this ordinance; assigning subject properties to the Butler**
10 **Development PUD as regulated by Policy 4.3.6 of the Future Land Use**
11 **Element of the Comprehensive Plan; providing directions to the City**
12 **Manager; providing a severability clause; providing a repealing clause; and**
13 **providing an effective date.**

14
15 **WHEREAS,** the Planned Use District (PUD) land use category is an overlay land use
16 district, which may be applied to any specific property in the City, that allows the consideration
17 of unique, innovative or narrowly construed land use proposals that might otherwise not be
18 allowed in the underlying land use category; and

19 **WHEREAS,** the property that is the subject of this ordinance has underlying land use
20 categories of Commercial (C) and Business Industrial (BI); and

21 **WHEREAS,** by initiation of a petition by the owners of the subject property, notice was
22 given as required by law that the Future Land Use Map of the City of Gainesville Comprehensive
23 Plan be amended by overlaying the PUD land use category on the subject property; and

24 **WHEREAS,** the amendment to the Future Land Use Map of the City of Gainesville
25 Comprehensive Plan proposed herein qualifies as a small-scale development amendment as
26 provided in Chapter 163, Florida Statutes; and

27 **WHEREAS,** notice was given as required by law and a public hearing regarding the
28 petition was held by the City Plan Board on February 19, 2013; and

29 **WHEREAS,** notice was given as required by law and a public hearing regarding the
30 petition was held by the City Commission on May 29, 2013; and

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

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

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

9 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
10 amended by overlaying the Planned Use District (PUD) land use category on the following
11 described properties:

12 The legal descriptions of the properties are attached as Exhibit "A"
13 and made a part hereof as if set forth in full. The properties are
14 depicted on the map attached as Exhibit "B" and made a part
15 hereof as if set forth in full. In the event of conflict or
16 inconsistency, Exhibit "A" shall prevail over Exhibit "B."

17
18 **Section 2.** The properties described in Section 1 shall be included in the Butler
19 Development PUD by virtue of Ordinance No. 121107 and shall thereafter be governed by Policy
20 4.3.6 of the Future Land Use Element of the City of Gainesville Comprehensive Plan, as may be
21 amended from time to time.

22 **Section 3.** A Planned Development (PD) zoning ordinance is required to implement
23 the PUD land use overlay, and must be adopted by the City Commission within 18 months of the
24 effective date of this amendment as provided in Section 7 of this ordinance. The underlying
25 Future Land Use Map categories of Commercial (C) and Business Industrial (BI) on the
26 properties as depicted on attached Exhibit "C" and made a part hereof are neither abandoned nor

1 repealed; such categories are inapplicable as long as the property is developed and used in
2 accordance with the implementing PD zoning ordinance. If the aforesaid time period expires
3 without the adoption of an implementing PD zoning ordinance, this ordinance shall be void and
4 have no further force and effect and the City may amend the Future Land Use Map accordingly
5 upon proper notice and action.

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

9 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance
10 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
11 finding shall not affect the other provisions or applications of this ordinance that can be given
12 effect without the invalid or unconstitutional provision or application, and to this end the
13 provisions of this ordinance are declared severable.

14 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
15 such conflict hereby repealed.

16 **Section 7.** This ordinance shall become effective immediately upon adoption; however, the
17 effective date of this amendment to the City of Gainesville Comprehensive Plan shall be whichever
18 date occurs later as described in the following two scenarios:

- 19 1. 31 days after adoption if this amendment is not timely challenged. If timely challenged,
20 the date the state land planning agency or the Administration Commission enters a final
21 order determining this adopted amendment to be in compliance with Chapter 163, Florida
22 Statutes; or

1 2. The date the amendment to the City of Gainesville Comprehensive Plan in Ordinance No.
2 121107 becomes effective as provided therein.

3 No development orders, development permits, or land uses dependent on this amendment may be
4 issued or commenced before this amendment has become effective.

5 **PASSED AND ADOPTED** this _____ day of _____, 2013.

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11

EDWARD B. BRADY
MAYOR

12 Attest:

Approved as to form and legality:

13
14
15

16 _____
KURT LANNON
17 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

18
19
20

21 This ordinance passed this _____ day of _____, 2013.

Butler Enterprises PUD Small-scale Comprehensive Plan Amendment

Legal Descriptions

Tax Parcel 06801-006-000

Commence at the Southeast corner of the Southwest quarter of the Northwest Quarter (SW ¼ of NW ¼) of Section 14, Township 10 South, Range 19 East, Alachua County, Florida; thence run West 270.57 feet; thence run North 166.65 feet; thence run East 270.46 feet; thence run South 166.65 feet to the point of beginning. The same being parcel number four (4) of an unrecorded survey made by the Perry C. McGriff Company, Inc., Surveyors of Gainesville, Florida, and dated January 6, 1965.

LESS AND EXCEPT a parcel of land situated in Section 14, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

For a Point of Reference commence at the Northwest corner of the Southwest quarter of said Section 14; thence run along the North line of the South half of said Section 14 North 89°11'20" East, a distance of 1,055.32 feet to the POINT OF BEGINNING; thence run North 01°16'40" West, a distance of 40.00 feet; then run North 89°11'20" East, a distance of 270.39 feet; thence run South 01°16'40" East, a distance of 40.00 feet to the aforesaid North line of the South half of said Section 14; thence run along said North line South 89°11'20" West, a distance of 270.39 feet to the POINT OF BEGINNING. Containing 0.248 acres, (or 10,802.21 square feet), more or less.
(Source: Official Records Book 4051 Page 1415)

Tax Parcel 06801-007-000

Commence at the Southeast corner of the Southeast One-Quarter of the Southwest One-Quarter (SE ¼ of the SW ¼) of the Northwest One-Quarter (NW ¼) of Section 14, Township 10 South, Range 19 East, and run North a distance of 166.65 feet to the Point of Beginning; thence run North 166.65 feet; thence run West 270.34 feet; then run South 166.65 feet; thence run East 270.46 feet to the Point of Beginning, said tract of land also known as Parcel #3 of unrecorded survey prepared by Perry C. McGriff on January 6, 1965.
(Source: Official Records Book 4079 Page 1520)

Tax Parcels 06803-001-000 and 06803-001-001

Commence at the Northwest corner of the Southeast Quarter of Section 14, Township 10 South, Range 19 East, and run South 305 feet; thence run East 427 feet to the Point of Beginning; thence run South 6 degrees 52 minutes East 381.2 feet to the North right-of-way line of State Highway Number 24; thence run Northeasterly along said Highway 185 feet; thence run North 24 degrees 35 minutes West 294.2 feet; thence run West 73 feet to the Point of Beginning, being more accurately described as follows:

Commence at the Northwest corner of the Southeast quarter of Section 14, Township 10 South, Range 19 East and run South 305 feet; thence East 427 feet to the Point of Beginning; thence run South 06° 52' 00" East, 381.20 feet to the North right-of-way line of State Road No. 24; thence run Northeasterly along said right-of-way line with a curve concave Northwesterly, said curve having central angle of 01° 52' 50", a radius of 5679.58 feet, an arc length of 186.42 feet and a chord bearing and distance of North 53° 28' 53" East 186.42 feet to the Southwest corner of that parcel as described in Deed Book 261, Page 469, at the Public Records of Alachua County, Florida, thence run North 24° 35' 00" West, along the West line of said parcel 294.20 feet to the Northwest corner thereof; thence run West 73.00 feet to the Point of Beginning.

ALSO DESCRIBED AS FOLLOWS:

PARCEL A:

A parcel of land lying in Section 14, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

For a point of reference commence at the Northwest corner of the Southeast Quarter (SE ¼) of said Section 14 and run South 305.00 feet; thence run East 427.00 feet, thence run South 06° 52' 00" East, a distance of 141.89 feet to the Point of Beginning; thence continue South 06° 52' 00" East, a distance of 240.00 feet to a point on the North right of way line of State Road No. 24 and lying on a curve concave Northwesterly and having a radius of 5679.58 feet; thence run Northeasterly, along said right of way line and along the arc of said curve, through a central angle of 01° 52' 50", an arc distance of 186.42 feet and a chord bearing and distance of North 53° 16' 13" East, 186.41 feet; thence run North 24° 32' 41" West, departing from said right of way line, a distance of 212.93 feet; thence run South 53° 16' 13" West, a distance of 111.85 feet to the Point of Beginning.

PARCEL B:

A parcel of land lying in Section 14, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

For a point of reference commence at the Northwest corner of the Southeast Quarter (SE ¼) of said Section 14 and run South 305.00 feet; thence run East 427.00 feet to the Point of Beginning; thence run South 06° 52' 00" East, a distance of 141.89 feet; thence run North 53° 16' 13" East, a distance of 111.85 feet; thence run North 24° 32' 41" West, a distance of 80.90 feet; thence run North 89° 41' 27" West, a distance of 73.00 feet to the Point of Beginning.
(Source: Official Records Book 4023 Page 1231)

Tax Parcel 06803-004-000

A parcel of land situated in Section 14, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

For a point of reference commence at the Northwest corner of the Southwest ¼ of said Section 14; thence run along the North line of the South ½ of said Section 14, North 89° 11' 20" East, a distance of 2231.17 feet; thence run South 03° 05' 27" East, a distance of 309.08 feet; thence run North 89° 01' 23" East, a distance of 430.87 feet; thence run South 03° 35' 46" East, a distance of 397.97 feet to the Point of Beginning; thence run South 34° 00' 00" East, a distance of 216.99 feet to a Point of Curvature of a curve concave Northwesterly having a radius of 25 feet; thence run Southwesterly along the arc of said curve through a central angle of 91° 22' 02", an arc distance of 39.87 feet and a chord bearing and distance of South 11° 41' 01" West, 35.77 feet to a point of a compound curvature of a curve concave Northwesterly and having a radius of 5,679.58 feet, said point being situated on the Northwesterly right of way line of Archer Road (State Road No. 24); thence run Southwest along said right of way line along the arc of said curve through a central angle of 00° 36' 52", an arc distance of 60.90 feet and a chord bearing and distance of South 57° 40' 28" West, 60.90 feet; thence continue along said right of way South 57° 58' 54" West, a distance of 53.45 feet; thence run North 03° 35' 46" West, a distance of 276.37 feet to the Point of Beginning.
(Source: Official Records Book 4127 Page 596)

Exhibit "A" to Ordinance No.121106

(page 2 of 3)

Tax Parcel 06810-002-002

A parcel of land situated in Section 14, Township 10 South, Range 19 East, Alachua County, Florida being more particularly described as follows:

For a point of reference commence at the Northwest corner of the south half (1/2) of said Section 14;

thence run North 89°11'20" East along the North line of said South half (1/2) and the centerline of Southwest 37th street, a distance of 1907.66 feet to the point of curvature of said centerline;

thence continue North 89°11'20" East along the said North line of the South half (1/2), a distance of 323.50 feet to an iron pipe;

thence run North 80°19'37" East, a distance of 306.23 feet;

thence run North 56°00'00" East, a distance of 110.76 feet to the point of curvature of a curve concave Northwesterly and having a radius of 195.00 feet;

thence run Northeasterly along the arc of said curve through a central angle of 26°26'17", an arc distance of 89.98 feet and a chord bearing and distance of North 42°46'52" East, 89.18 feet;

thence run North 29°33'43" East, a distance of 233.35 feet;

thence run South 60°28'21" East, a distance of 279.60 feet;

thence run North 56°00'00" East, a distance of 33.90 feet;

thence run South 34°00'00" East, a distance of 68.08 feet;

thence run south 60°28'21" East, a distance of 22.33 feet;

thence run North 56°30'07" East, a distance of 194.00 feet;

thence run South 60°05'24" East, a distance of 677.48 feet to the Northwest right-of-way line of State Road No. 24 (Archer Road), and a point on a curve concave Northwesterly, and having a radius of 5679.58 feet;

thence run southwesterly, along said Northwest right-of-way line, and along the arc of said curve, through a central angle of 03°29'56", an arc distance of 346.84 feet, and a chord bearing and distance of South 45°09'45" West, 346.77 feet to the Point of Beginning;

thence continue along said Northwest right-of-way line and said arc, through a central angle of 00°09'43", and arc distance of 16.07 feet and a chord bearing and distance of South 46°59'35" West, 16.07 feet to the Northeast corner of that certain parcel as recorded in official records book 1257, Page 664, of the Public Records of Alachua County, Florida;

thence run south 89°14'28" West along the north line of said certain parcel, a distance of 107.41 feet;

thence run North 43°28'20" West, a distance of 47.82 feet;

thence run North 46°31'40" East, a distance of 30.86 feet;

thence run North 55°55'38" East, a distance of 65.00 feet;

thence run South 43°28'20" East, a distance of 110.20 feet to the Point of Beginning. Containing 8,248.92 square feet, more or less.

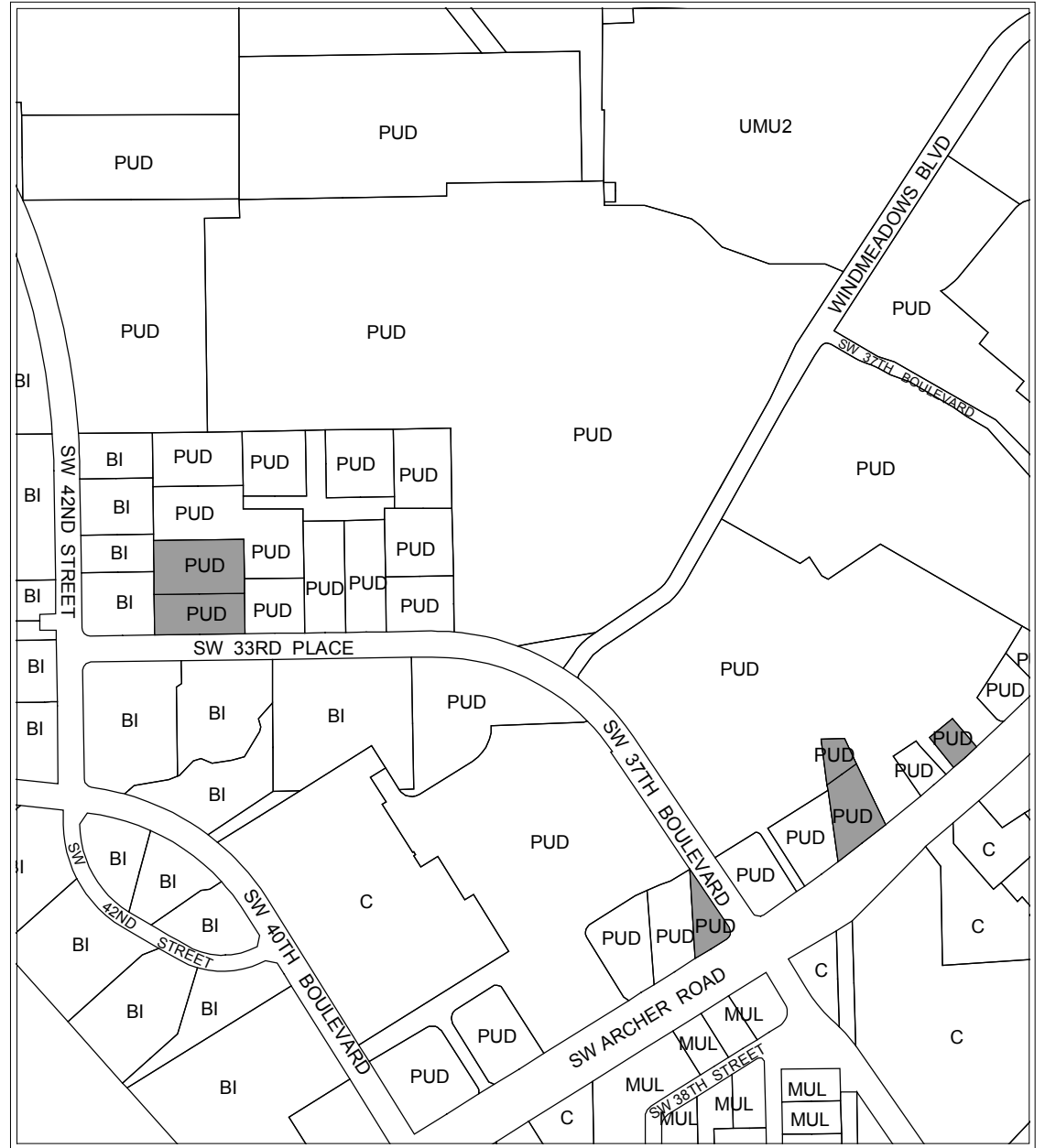
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City of Gainesville Land Use Designations

- MUL Mixed Use Low Intensity (8-30 du/acre)
- UMU2 Urban Mixed Use 2 (UMU-2: 10 to 100 du/acre; & up to 25 additional du/acre by special use permit)
- C Commercial
- BI Business Industrial
- PUD Planned Use District

— City Limits

Area
under petition
consideration



PROPOSED LAND USE

	Name	Petition Request	Map(s)	Petition Number
 No Scale	Causseaux, Hewett & Walpole, Inc agent for Clark Butler Properties Corp and Regency Windmeadows Limited Partnership	Amend the Future Land Use Map from Commercial (C) and Business Industrial (BI) to Planned Use District (PUD)	4344, 4445	PB-12-149 LUC Related to PB-12-148 CPA and PB-12-150 PDV

