

Legislative #

140203A

ORDINANCE NO. 140203

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3 **An ordinance amending the Zoning Map Atlas of the City of Gainesville,**
4 **Florida, by rezoning approximately 7.47 acres of property generally located**
5 **in the 3100-3300 block of SW Archer Road (south of Old Archer Road) and**
6 **west of the 2600-2900 block of SW 31st Terrace, as more specifically described**
7 **in this ordinance, from Multiple-Family Medium-Density Residential**
8 **District-8 (RMF-8) to Mixed-Use Low-Intensity District (MU-1); providing**
9 **directions to the City Manager; providing a severability clause; providing a**
10 **repealing clause; and providing an effective date.**

11
12 **WHEREAS,** notice was given as required by law that the Zoning Map Atlas of the City
13 of Gainesville, Florida, be amended by rezoning the property that is the subject of this ordinance
14 from Multiple-Family Medium-Density Residential District-8 (RMF-8) to Mixed-Use Low-
15 Intensity District (MU-1); and

16 **WHEREAS,** on July 24, 2014, a public hearing was held by the City Plan Board, which
17 acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, and makes
18 recommendations to the City Commission of the City of Gainesville; and

19 **WHEREAS,** at least ten (10) days' notice has been given once by publication in a
20 newspaper of general circulation notifying the public of this proposed ordinance and of public
21 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
22 Gainesville; and

23 **WHEREAS,** the public hearings were held pursuant to the notice described above at
24 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
25 heard; and

26 **WHEREAS,** the City Commission finds that the rezoning of the property described
27 herein will be consistent with the City of Gainesville Comprehensive Plan when City of
28 Gainesville Ordinance No. 140202 becomes effective as provided therein.

DRAFT ORDINANCE

09/5/2014

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

3 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
4 following property from Multiple-Family Medium-Density Residential District-8 (RMF-8) to
5 Mixed-Use Low-Intensity District (MU-1):

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

10 **Section 2.** The City Manager or designee is authorized and directed to make the
11 necessary changes to the Zoning Map Atlas to comply with this ordinance.

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

17 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
18 such conflict hereby repealed.

19 **Section 5.** This ordinance shall become effective immediately upon adoption; however,
20 the rezoning shall not become effective until the amendment to the City of Gainesville
21 Comprehensive Plan adopted by Ordinance No. 140202 becomes effective as provided therein.

22 **PASSED AND ADOPTED** this ____ day of _____, 2014.

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EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

DRAFT ORDINANCE

09/5/2014

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By: _____ By: _____
KURT LANNON NICOLLE M. SHALLEY
CLERK OF THE COMMISSION CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2014.

This ordinance passed on second reading this _____ day of _____, 2014.



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PARCEL NO.'S 6788-000-000 & 6788-001-000 LEGAL DESCRIPTION:

DESCRIPTION AS PER OFFICIAL RECORDS BOOK 1643, PAGE 1901 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA:

From the Northwest Corner of the Napier Grant, run North 86 degrees, 15 minutes East, 59.5 feet; thence run North 33 degrees, 30 minutes West, 198.40 feet to the Point of Beginning; thence continue North 33 degrees, 30 minutes West, 162.60 feet; thence run North 57 degrees, 45 minutes East, 300 feet; thence run South 15 degrees, 36 minutes East, 199 feet; thence run South 63 degrees, 55 minutes West, 242.94 feet to the Point of Beginning. Section 13, Township 10 South, Range 19 East, TOGETHER with road easement for ingress and egress to Old State Road No. 24 (Rocky Point Road) over easement area now designated as SW 31st Terrace. This easement area is 30 feet in width and 30 feet thereof is adjacent to the above-described property on the East side.

TOGETHER WITH:

DESCRIPTION AS PER OFFICIAL RECORDS BOOK 1643, PAGE 1902 et seq. OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA:

That part of Section 13, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at an old existing concrete monument that marks the Northwest corner of the Thomas Napier Grant as depicted upon a survey by M.K. Flowers and Associates for Mr. T. Allen Crouch, Attorney, dated May 30, 1984, Project No. 129-84 for a point of reference; thence North 86 deg. 15 min. 00 sec. East along the North line of the said Thomas Napier Grant, a distance of 59.50 feet to the Southwest corner of a description recorded in Official Record Book 964 at page 883 of the public records of said Alachua County; thence North 33 deg. 30 min. 00 sec. West along the Southwesterly boundary line of the aforementioned description, a distance of 294.23 feet to the point of beginning; thence South 57 deg. 09 min. 50 sec. West, a distance of 116.72 feet to a placed 5/8 inch re-bar with a plastic cap stamped P.L.S. 2115; thence North 32 deg. 06 min. 57 sec. West, a distance of 600.22 feet to a placed 5/8 inch re-bar with a plastic cap stamped P.L.S. 2115 at an intersection with the southerly right of way lone of old State Road No. 24 (Rocky Point Road); thence North 46 deg. 33 min. 25 sec. East along the said Southerly right of way line, a distance of 115.99 feet to an existing pipe with a P.L.S. 1772 cap that marks the Northeast corner of a previous survey of the Anchor's property by W.D. Parrish, dated January 9, 1979, Work Order 875; thence South 32 deg. 06 min. 06 sec. East along the Northeasterly boundary line of the said Parrish survey, a distance of 20.02 feet to an existing pipe with a P.L.S. 1772 cap that marks the Northwesterly corner of the Syfrett tract, as per description recorded in Official Record Book 366, page 313 of the said public records; thence South 32 deg. 11 min. 21 sec. East along the Westerly boundary line of the said Syfrett tract, a distance of 530.13 feet to an old 1.0 inch pipe that marks the Southwesterly corner of the said Syfrett tract and the Northwesterly corner of the Grim tract, as per description recorded in Official Record Book 964, page 882 of the said public records; thence South 32 deg. 50 min. 10 sec. East along the Westerly line of the said Grim tract, a distance of 70.04 feet to a placed 5/8 inch re-bar with a P.L.S. 2115 cap; thence 57 deg. 09 min. 50 sec. West, a distance of 1.67 feet to the said point of beginning.

TOGETHER WITH:

DESCRIPTION AS PER OFFICIAL RECORDS BOOK 1655, PAGE 25 et seq. OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA:

The West Seventy-five (75') feet of the following described property; Commence at a point on the North line of the Napier Grant, at a point 59-1/2 feet East of the Northwest corner of the Napier Grant, thence run North 33°30' West 361 feet to the Point of Beginning; thence run North 57°45' East, 150 feet; thence run North 32°15' West, 537.4 feet thence run South 56°46' West, 150 feet to a point 100 feet South of the center line of the SAL Railroad, thence South 33°30' East, 530 feet to the Point of Beginning in Section 13, Township 10 South, Range 19 East, Alachua County, Florida.

The East Seventy-five (75') feet of the following described property; Commence at a point on the North Line of the Napier Grant, at a point 59-1/2 feet East of Northwest corner of the Napier Grant, thence run North 33 deg. 30 mins. West 361 feet to the point of beginning; thence run North 57 deg. 45 mins. East, 150 feet; thence run North 32 deg. 15 mins. West 537.4 feet, thence run South 56 deg. 46 mins. West 150 feet to a point 100 feet South of the center line of the SAL railroad, thence South 33 deg. 30 mins. East, 530 feet to the point of beginning in Section Thirteen (13), Township Ten (10) South Range Nineteen (19) East, Alachua County, Florida.



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PARCEL NO. 6789-000-000 LEGAL DESCRIPTION:

Commence at the Northwest corner of Napier Grant and thence run North $86^{\circ}15'$ East 59.5 feet; thence run North $33^{\circ}30'$ West 891 feet to a point 100 feet South of the Center line of the S.A.L. Railroad; thence run North $56^{\circ}46'$ East 150 feet to the Point of Beginning; thence run North $59^{\circ}36'$ East 75 feet; thence run South $32^{\circ}15'$ East 100 feet; thence run South $59^{\circ}36'$ West 75 feet; thence run North $32^{\circ}15'$ West 100 feet to the Point of Beginning, all lying and being in Section 13-10-19, Alachua County, Florida.

AND

Commence at the Northwest corner of the Napier Grant and run North $86^{\circ}15'$ East $59 \frac{1}{2}$ feet; thence North $33^{\circ}30'$ West 891 feet to a point 100 feet from the centerline of the S.A.L. Railroad; thence North $56^{\circ}46'$ East 150 feet; thence North $59^{\circ}36'$ East 75 feet to the Point of Beginning; thence North $59^{\circ}36'$ East 75 feet; thence South $32^{\circ}25'$ East 100 feet; thence Westerly parallel to the North line 75 feet; thence North to the Point of Beginning, in Section 13, Township 10 South, Range 19 East.

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PARCEL NO. 6789-001-000 LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE NAPIER GRANT AND RUN NORTH 86 DEG. 15 MIN. EAST 59.5 FEET, THENCE NORTH 33 DEG. 30 MIN. WEST 891 FEET TO A POINT 100 FEET FROM THE CENTER LINE OF THE S.A.L. RAILROAD, THENCE NORTH 56 DEG. 46 MIN. EAST 150 FEET; THENCE NORTH 59 DEG. 36 MIN. EAST 150 FEET; THENCE SOUTH 32 DEG. 25 MIN. EAST 100 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 32 DEG. 25 MIN. EAST 100 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 32 DEG. 25 MIN. EAST 100 FEET; THENCE SOUTH 59 DEG. 36 MIN. WEST 150 FEET; THENCE NORTH 32 DEG. 15 MIN. WEST 100 FEET; THENCE NORTHEASTERLY 150 FEET TO THE POINT OF BEGINNING, IN SECTION THIRTEEN (13), TOWNSHIP TEN (10) SOUTH, RANGE NINETEEN (19) EAST, ALACHUA COUNTY, FLORIDA.

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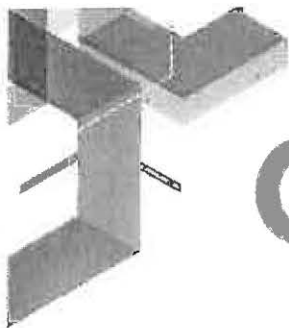


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PARCEL NO. 6789-003-000 LEGAL DESCRIPTION:

Commence at the NW corner of the Napier Grant and run N 86°15' E 59.5 feet, thence N 33°30' W 891 feet to a point 100 feet from the center line of the S.A.L. Railroad, thence N 56°46' E 150 feet; thence N 59°36' E 150 feet; thence S 32°25' E 200 feet to the place of beginning; thence S 32°25' East 334.8 feet; thence S 57°45' W 150 feet; thence N 32°15' W 337.4 feet; thence N 59°36' E 150 feet to the point of beginning, in Section 13, Township 10 South, Range 19 East, Alachua County.

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PARCEL NO. 6779-001-000 LEGAL DESCRIPTION:

Commence at the Northwest corner of Napier Grant and run North $86^{\circ}15'$ East 59.5 feet, thence run North $33^{\circ}30'$ West 82.35 feet to the Point of Beginning; thence run North $33^{\circ}30'$ West 115.15 feet, thence run North $63^{\circ}55'$ East 242.94 feet; thence run South $15^{\circ}36'$ East 115 feet, thence run South $63^{\circ}37'$ West 207.3 feet to the Point of Beginning. All being and lying in Fractional Section 13, Township 10 South, Range 19 East, Alachua County, Florida.

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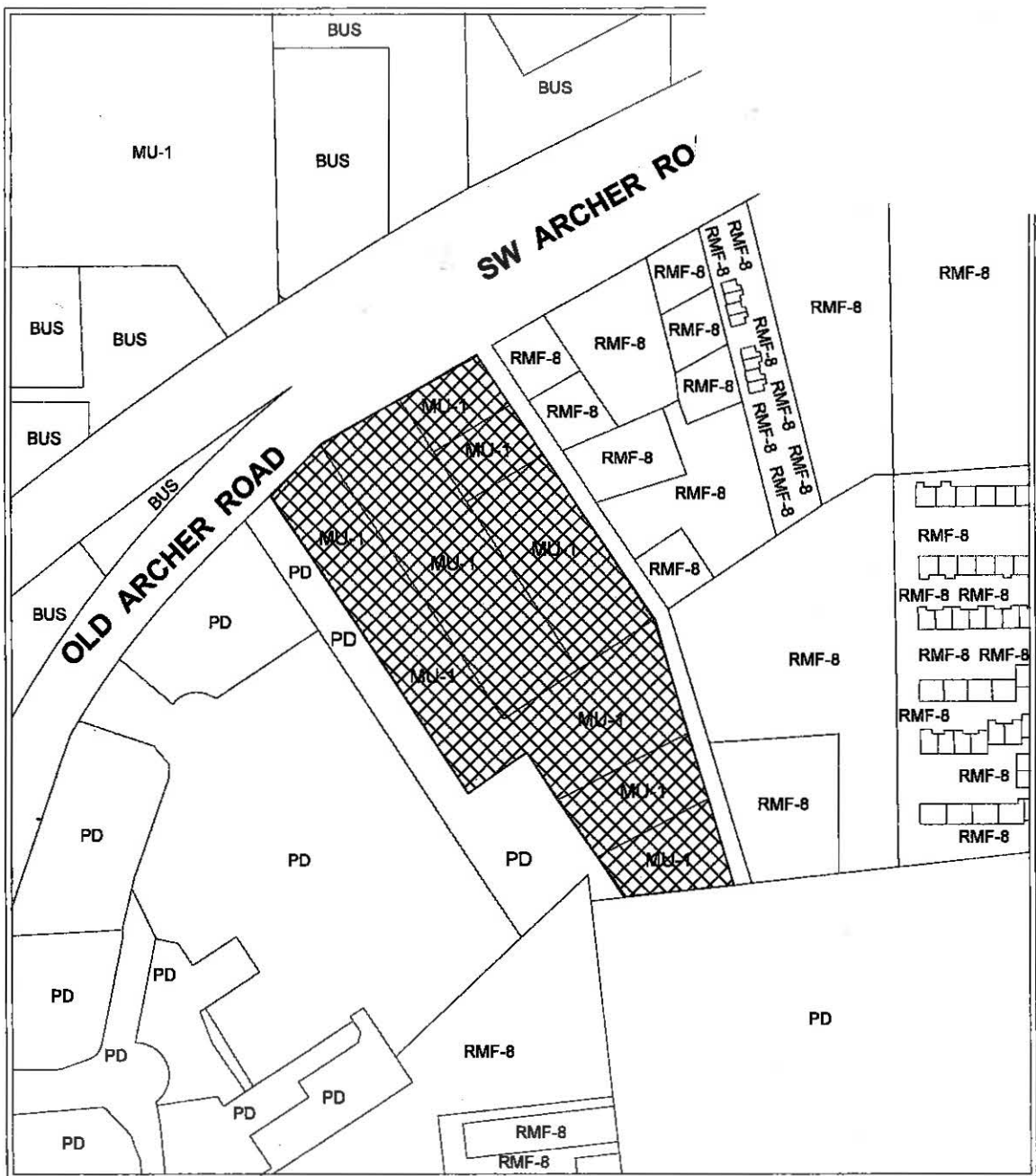
PARCEL NO. 6779-002-000 LEGAL DESCRIPTION:

Commence at the Northwest corner of Napier Grant and run North 86 degrees 15 minutes East 59.5 feet to the Point of Beginning, thence run North 33 degrees 30 minutes West 83.25 feet, thence run North 63 degrees 37 minutes East 207.3 feet, thence run South 15 degrees 36 minutes East 155.2 feet, thence run South 86 degrees 15 minutes West 182 feet to the Point of Beginning. All being and lying in Fractional Section 13, Township 10 South, Range 19 East, Alachua County, Florida.

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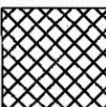
City of Gainesville Zoning Districts

- RMF-8 8-30 units/acre Multiple-Family Residential
- BUS General Business
- MU-1 8-30 units/acre Mixed Use Low Intensity
- PD Planned Development




----- Division line between two zoning districts

Area under petition consideration



PROPOSED ZONING

Name	Petition Request	Petition Number
 No Scale	eda engineers-surveyors-planners, inc., agent for H.I. Resorts, Inc.	Rezone property from RMF-8 Multiple-family residential district to MU-1 Mixed-Use Low-Intensity district PB-14-72 ZON