

Legislative #

190986

ORDINANCE NO. 190986

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2
3 **An ordinance of the City of Gainesville, Florida, amending the Future Land Use**
4 **Map of the Comprehensive Plan by changing the land use categories of certain**
5 **property from Alachua County Low-Density to City of Gainesville Residential**
6 **Low-Density with an overlay of Planned Use District (PUD), which property is**
7 **specifically described in this ordinance and is generally located north of SW**
8 **Archer Road between SW 50th Street and SW 47th Street; amending Ordinance**
9 **No. 090741 to include the subject property within that existing PUD and to**
10 **increase the allowance for assisted living facility beds; providing directions to**
11 **the City Manager; providing a severability clause; providing a repealing clause;**
12 **and providing an effective date.**
13
14

15 **WHEREAS**, Section 163.3167, Florida Statutes, requires the City of Gainesville to maintain a
16 Comprehensive Plan to guide the future development and growth of the city; and

17 **WHEREAS**, the City of Gainesville Comprehensive Plan, as required by Section 163.3177(1),
18 Florida Statutes, must provide the principles, guidelines, standards, and strategies for the orderly
19 and balanced future economic, social, physical, environmental, and fiscal development of the city
20 as reflected by the community's commitments to implement such plan; and

21 **WHEREAS**, Section 163.3177(6), Florida Statutes, requires the City of Gainesville Comprehensive
22 Plan to include a Future Land Use Element with a Future Land Use Map that designates the future
23 general distribution, location, and extent of the uses of land for residential, commercial, industry,
24 agriculture, recreation, conservation, education, public facilities, and other categories of the
25 public and private uses of land, with the goals of protecting natural and historic resources,
26 providing for the compatibility of adjacent land uses, and discouraging the proliferation of urban
27 sprawl; and

28 **WHEREAS**, the Planned Use District (PUD) land use category is an overlay land use district that
29 may be applied to any specific property in the City, and which allows the consideration of unique,

1 innovative, or narrowly-construed land use proposals that might otherwise not be allowed in the
2 underlying land use category; and

3 **WHEREAS**, on October 21, 2010, the City Commission adopted Ordinance No. 090741 and
4 changed the land use categories of certain property from Alachua County Low-Density
5 Residential to City of Gainesville Conservation and Residential Low-Density with an overlay of
6 Planned Use District; and

7 **WHEREAS**, on February 21, 2019, and on September 5, 2019, the City Commission adopted,
8 respectively, Ordinance No. 180538 and Ordinance No. 181065, and annexed certain parcels of
9 land into the City of Gainesville; and

10 **WHEREAS**, this ordinance, which was noticed as required by law, will amend the Future Land Use
11 Map of the Comprehensive Plan to add the annexed land into the Planned Use District described
12 above; and

13 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
14 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant
15 to Section 163.3174, Florida Statutes, held a public hearing on February 27, 2020, and voted to
16 recommend that the City Commission approve this Future Land Use Map amendment; and

17 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
18 newspaper of general circulation and provided the public with at least seven days' advance notice
19 of this ordinance's first public hearing (~~i.e., transmittal hearing~~) to be held by the City
20 Commission; and

21 ~~**WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this~~
22 ~~proposed amendment to the reviewing agencies and any other local government unit or state~~

1 ~~agency that requested same, and~~

2 **WHEREAS, at least five days' notice has been given once by publication in a newspaper of general**
3 **circulation notifying the public of this proposed ordinance and of an adoption hearing in the City**
4 **Hall Auditorium located on the first floor of City Hall in the City of Gainesville** ~~a second~~
5 ~~advertisement no less than two columns wide by ten inches long was placed in the aforesaid~~
6 ~~newspaper and provided the public with at least five days' advance notice of this ordinance's~~
7 ~~second public hearing (i.e., adoption hearing) to be held by the City Commission; and~~

8 **WHEREAS,** public hearings were held pursuant to the notice described above at which hearings
9 the parties in interest and all others had an opportunity to be and were, in fact, heard, ~~and~~

10 ~~**WHEREAS,** prior to adoption of this ordinance, the City Commission has considered any written~~
11 ~~comments received concerning this Future Land Use Map amendment.~~

12 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
13 **FLORIDA:**

14 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is amended
15 by changing the land use category for the following property from Alachua County Low-Density
16 to City of Gainesville Residential Low-Density with an overlay of Planned Use District (PUD):

17 See legal description attached as **Exhibit A** and made a part hereof as if set forth
18 in full. The location of the property is shown on **Exhibit B** for visual reference. In
19 the event of conflict or inconsistency, **Exhibit A** will prevail over **Exhibit B**.
20

21 **SECTION 2.** Ordinance No. 090741 is amended to add the property described in Section 1 of this
22 ordinance to the PUD established in Ordinance No. 090741, and the property will thereby be
23 subject to the conditions and regulations provided in Ordinance No. 090741. The entirety of the
24 PUD land area as amended by this ordinance is shown on **Exhibit B**.

1 **SECTION 3.** Ordinance No. 090741, Section 4, Condition 4 is amended as follows, and the
2 remainder of Ordinance No. 090741 remains in full force and effect:

3 Condition 4. The maximum intensity of uses on the property described in Exhibit "B",
4 subject to rezoning the property to PD and development plan approval is as follows:

5 a) The skilled nursing facility shall have a maximum of 180 beds.

6 b) The assisted living facility shall have a maximum of ~~130~~ 235 beds, with 130 beds
7 allocated to the PUD area created by Ordinance No. 090741 and 105 beds allocated
8 to the PUD area added by Ordinance No. 190986.

9 c) The medical and general office uses shall have a maximum of 75,000 gross square
10 feet.

11
12 ~~**SECTION 4.** Within ten working days of the transmittal (first) hearing, the City Manager or designee~~
13 ~~is authorized and directed to transmit this Future Land Use Map amendment and appropriate~~
14 ~~supporting data and analyses to the reviewing agencies and to any other local government or~~
15 ~~governmental agency that has filed a written request for same with the City. Within ten working~~
16 ~~days of the adoption (second) hearing, the City Manager or designee is authorized and directed~~
17 ~~to transmit this amendment to the state land planning agency and any other agency or local~~
18 ~~government that provided comments to the City regarding the amendment.~~

19 **SECTION 45.** The City Manager or designee is authorized and directed to make the necessary
20 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to comply
21 with this ordinance.

1 **SECTION 56**. If any word, phrase, clause, paragraph, section, or provision of this ordinance or
2 the application hereof to any person or circumstance is held invalid or unconstitutional, such
3 finding will not affect the other provisions or applications of this ordinance that can be given
4 effect without the invalid or unconstitutional provision or application, and to this end the
5 provisions of this ordinance are declared severable.

6 **SECTION 67**. Ordinance No. 090741 is amended as provided in this ordinance, and all other
7 ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby
8 repealed on the effective date of this amendment to the Comprehensive Plan.

9 **SECTION 78**. This ordinance will become effective immediately upon adoption; however, the
10 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
11 amendment is not timely challenged, shall be 31 days after adoption ~~the state land planning~~
12 ~~agency notifies the City that the plan amendment package is complete in accordance with Section~~
13 ~~163.3184, Florida Statutes~~. If timely challenged, this Comprehensive Plan amendment will
14 become effective on the date the state land planning agency or the Administration Commission
15 enters a final order determining the amendment to be in compliance with Chapter 163, Florida
16 Statutes. No development orders, development permits, or land uses dependent on this
17 Comprehensive Plan amendment may be issued or commenced before this amendment has
18 become effective.

19 **PASSED AND ADOPTED** this _____ day of _____, 2020.

20
21
22
23
24

LAUREN POE
MAYOR

1 Attest:

Approved as to form and legality:

2

3

4

5 _____

6 OMICHELE D. GAINEY

NICOLLE M. SHALLEY

7

CITY ATTORNEY

8 This ordinance passed on transmittal (first) reading this _____ day of _____,
9 2020.

10

11 This ordinance passed on adoption (second) reading this _____ day of _____, 2020.

Legal Description

A portion of Sections 15 and 22, Township 10 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the lands described in Deed Book 370, Page 69 of the Public Records of Alachua County, Florida for the POINT OF BEGINNING and thence S.88°00'00"W., along the north line of said lands, a distance of 253.35 feet; thence departing said north line, N.09°30'52"W., a distance of 152.67 feet; thence N.70°37'52"W., a distance of 31.15 feet; thence S.27°21'47"W., a distance of 129.32'; thence S.88°00'00"W., a distance of 51.18 feet; thence N.17°47'37"W., a distance of 228.85 feet; thence N.00°00'00"E., a distance of 70.00 feet; thence N.08°36'05"E., a distance of 75.34 feet; thence N.27°05'29"E., a distance of 79.13 feet; thence N.45°43'41"E., a distance of 120.01 feet; thence N.00°50'14"W., a distance of 50.00 feet to the South line of the lands described in Official Records Book (ORB) 2468, Page 1211 of said Public Records; thence N.89°09'46"E., along said South line, a distance of 776.99 feet; thence N.85°26'21"E., continuing along said South line, a distance of 193.51 feet; thence S.05°00'40"E., along the West line of the lands described in ORB 2061, Page 1926 of said Public records, a distance of 658.90 feet to the beginning of a curve concave Northeasterly, said curve having a radius of 534.36 feet; thence Southeasterly and continuing along said West line, with said curve, through an arc angle of 26°16'23", an arc distance of 245.03 feet (chord bearing and distance of S.18°10'07"E., 242.89 feet respectively) to the end of said curve; thence S.31°18'38"E., continuing along said West line, a distance of 289.43 feet; thence S.32°04'50"E., a distance of 10.67 feet to the Northwesterly right of way line of State Road No. 24 (Archer Road); thence S.58°31'58"W., along said right of way line, a distance of 637.67 feet to the Southwest corner of the lands described in ORB 2171, Page 1587 of said Public Records; thence run N.05°00'44"W., along the West line of said lands described in ORB 2171, Page 1587, a distance of 459.44 feet; thence N.04°53'32"W., continuing along said West line, a distance of 245.75 feet to the Northwest corner of said lands described in ORB 2171, Page 1587; thence N.62°04'47"E., along the North line of said lands described in ORB 2171, Page 1587, a distance of 38.25 feet to the Northeast corner of the lands described in ORB 829, Page 737 of said Public Records; thence S.84°09'25"W., along the North line of said lands described in ORB 829, Page 737, a distance of 281.92 feet to the Southwest corner of said lands described in ORB 829, Page 737; thence N.04°57'40"W., along the West line of said lands as described in ORB 829, Page 737, a distance of 156.90 feet to the Northwest corner of said lands described in ORB 829, Page 737; thence S.89°16'31"W., a distance of 38.11 feet to the POINT OF BEGINNING.
Containing 23.27 acres more or less.

TOGETHER WITH:

DESCRIPTION FOR PROPOSED ANNEXATION OF TAX PARCEL #s 069031-000-000, 06931-001-000, 06932-000-000 A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3490, PAGE 1078 (HEREAFTER ABBREVIATED ORB __, P__), OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (ALL RECORDS CITED HEREIN ARE RECORDED IN ALACHUA COUNTY) ALSO BEING THE SOUTHWEST MOST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4267, PAGE 1797 AND BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 080605 AT STATION 235 +63.70 ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 24 AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAYMAP SECTION 26090 AS SHOWN ON SHEET 6 OF 6 ALSO KNOWN AS SOUTHWEST ARCHER ROAD; THENCE LEAVING SAID CITY OF




GAINESVILLE LIMIT LINE S 57° 58' 54" W ALONG SAID NORTH RIGHT-OF-WAY LINE OF ARCHER ROAD AND ALONG THE SOUTH LINE OF THOSE CERTAIN PARCELS OF LAND AS DESCRIBED IN ORB 981, P. 948 AND ORB 3862, P. 1267 A DISTANCE OF 275.51 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN ORB 3862, P. 1267 ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 50TH STREET; THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAID ARCHER ROAD RUN N 05°28'06" W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SW 50TH STREET AND THE WEST LINES OF SAID PARCELS DESCRIBED IN ORB 3862, P. 1267 AND ORB 981, P. 948 AND THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 1168, P 523 A DISTANCE OF 704.38 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 2168, P 1678; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE OF SW 50TH STREET N 58°21'53" EAST ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN ORB 2168, P 1678 ALSO BEING THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 1168, P 523 A DISTANCE OF 275.67 FEET TO THE NORTHEAST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE WESTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 4267, P 1797 AND A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 080605; THENCE S 05°23'23" W ALONG SAID CITY LIMIT LINE AND WEST LINE OF SAID PARCEL ALSO BEING THE EAST LINE OF THOSE PARCELS OF LAND AS DESCRIBED IN ORB 1168, P. 563 AND ORB 981, P. 948 A DISTANCE OF 702.80 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID ARCHER ROAD AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 3.987 ACRES MORE OR LESS.

TOGETHER WITH:



LEGAL DESCRIPTION (BASED UPON O.R.B. 4679 P. 2201 AS PROVIDED):
A TRACT OF LAND LYING IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4679, PAGE 2201 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF SOUTHWEST 50TH STREET (A PRIVATE ROAD) AND ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 080605 AND THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE RUN ALONG SAID CITY LIMIT LINE NORTH 59 DEGREES 43 MINUTES EAST A DISTANCE OF 312.80 FEET; THENCE RUN ALONG SAID CITY LIMIT LINE SOUTH 85 DEGREES 33 MINUTES WEST A DISTANCE OF 281.40 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID SOUTHWEST 50TH STREET; THENCE LEAVING SAID CITY LIMIT LINE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 04 DEGREES 27 MINUTES EAST A DISTANCE OF 137.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 0.44 ACRES, MORE OR LESS.

Petition PB-19-152 LUC Planned Use Development Land Area







Exhibit B to Ordinance No. 190986

-  Area Under Petition Consideration
-  PD Area
-  Parcels

City of Gainesville Land Use

-  T/E: Tourist/Entertainment
-  BI: Business Industrial
-  CON: Conservation
-  PUD: Planned Use District
-  RL: Residential Low
-  SF: Single Family

Alachua County Land Use

-  Institutional (INST)
-  Low Density Residential (LOW)
-  Medium Density Residential (MED)
-  Medium High Density Residential (MED-HI)
-  Mixed Use (MU)
-  Recreation (REC)
-  Tourist/Entertainment (T/E)

