

Legislative #

150457

## ORDINANCE NO. 150457

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3       **An ordinance of the City of Gainesville, Florida, amending the Zoning Map**  
4       **Atlas by rezoning approximately 1.1 acres of property that is generally**  
5       **located at 3440 SW Archer Road, as more specifically described in this**  
6       **ordinance, from General Business District (BUS) to Planned Development**  
7       **District (PD); adopting development terms and conditions by assigning the**  
8       **subject property to the Butler Development PD, as may be amended from time**  
9       **to time; providing directions to the City Manager; providing a severability**  
10       **clause; providing a repealing clause; and providing an effective date.**

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12       **WHEREAS, Planned Development District (PD) zoning is an entirely voluntary method**  
13       **for landowners or developers to submit unique proposals that are not provided for or otherwise**  
14       **allowed in the zoning districts established by the City of Gainesville Land Development Code;**  
15       **and**

16       **WHEREAS, on November 21, 2013, the City Commission adopted Ordinance No.**  
17       **121108 (subsequently amended by Ordinance No. 150440), which rezoned certain property**  
18       **known as the Butler Development to Planned Development District (PD) and provided**  
19       **associated land development regulations; and**

20       **WHEREAS, by initiation of a petition by the owners of the property that is the subject of**  
21       **this ordinance, notice was given as required by law that the Zoning Map Atlas of the City of**  
22       **Gainesville, Florida, be amended by rezoning the subject property from General Business District**  
23       **(BUS) to Planned Development District (PD); and**

24       **WHEREAS, the City Plan Board, which acts as the Local Planning Agency pursuant to**  
25       **Section 163.3174, Florida Statutes, held a public hearing on October 22, 2015, and voted to**  
26       **recommend that the City Commission approve this rezoning; and**

27       **WHEREAS, on December 3, 2015, the City Commission held a public hearing and voted**  
28       **to approve the petition (Petition No. PB-15-93 ZON) associated with this ordinance; and**

29       **WHEREAS, at least ten (10) days' notice has been given once by publication in a**

1 newspaper of general circulation notifying the public of this proposed ordinance and of public  
2 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of  
3 Gainesville; and

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

7         **WHEREAS**, the City Commission finds that the rezoning of the property described  
8 herein will be consistent with the City of Gainesville Comprehensive Plan when City of  
9 Gainesville Ordinance No. 150456 becomes effective as provided therein.

10         **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
11 **CITY OF GAINESVILLE, FLORIDA:**

12         **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
13 following described property from General Business District (BUS) to Planned Development  
14 District (PD):

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

19  
20         **Section 2.** The use and development of the property described in Section 1 shall be  
21 included in the Butler Development, and therefore shall be consistent with Policy 4.3.6 of the  
22 Future Land Use Element of the City of Gainesville Comprehensive Plan, as may be amended  
23 from time to time, and shall be regulated by Ordinance No. 121108, until repealed and  
24 superseded by Ordinance No. 150440, as may be further amended from time to time.

25         **Section 3.** The development terms and conditions in this ordinance shall remain effective  
26 until such time as, upon either the City or the property owner filing a rezoning petition, the City

1 adopts an ordinance rezoning the property described in Section 1 of this ordinance to another  
2 zoning district consistent with the Comprehensive Plan and Land Development Code.

3 **Section 4.** The City Manager or designee is authorized and directed to make the  
4 necessary changes to the Zoning Map Atlas to comply with this ordinance.

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

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

12 **Section 7.** This ordinance shall become effective immediately upon adoption; however,  
13 the rezoning shall not become effective until the amendment to the City of Gainesville  
14 Comprehensive Plan adopted by Ordinance No. 150456 becomes effective as provided therein.

15 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

Attest:

Approved as to form and legality:

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

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

31 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

1  
2 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 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:

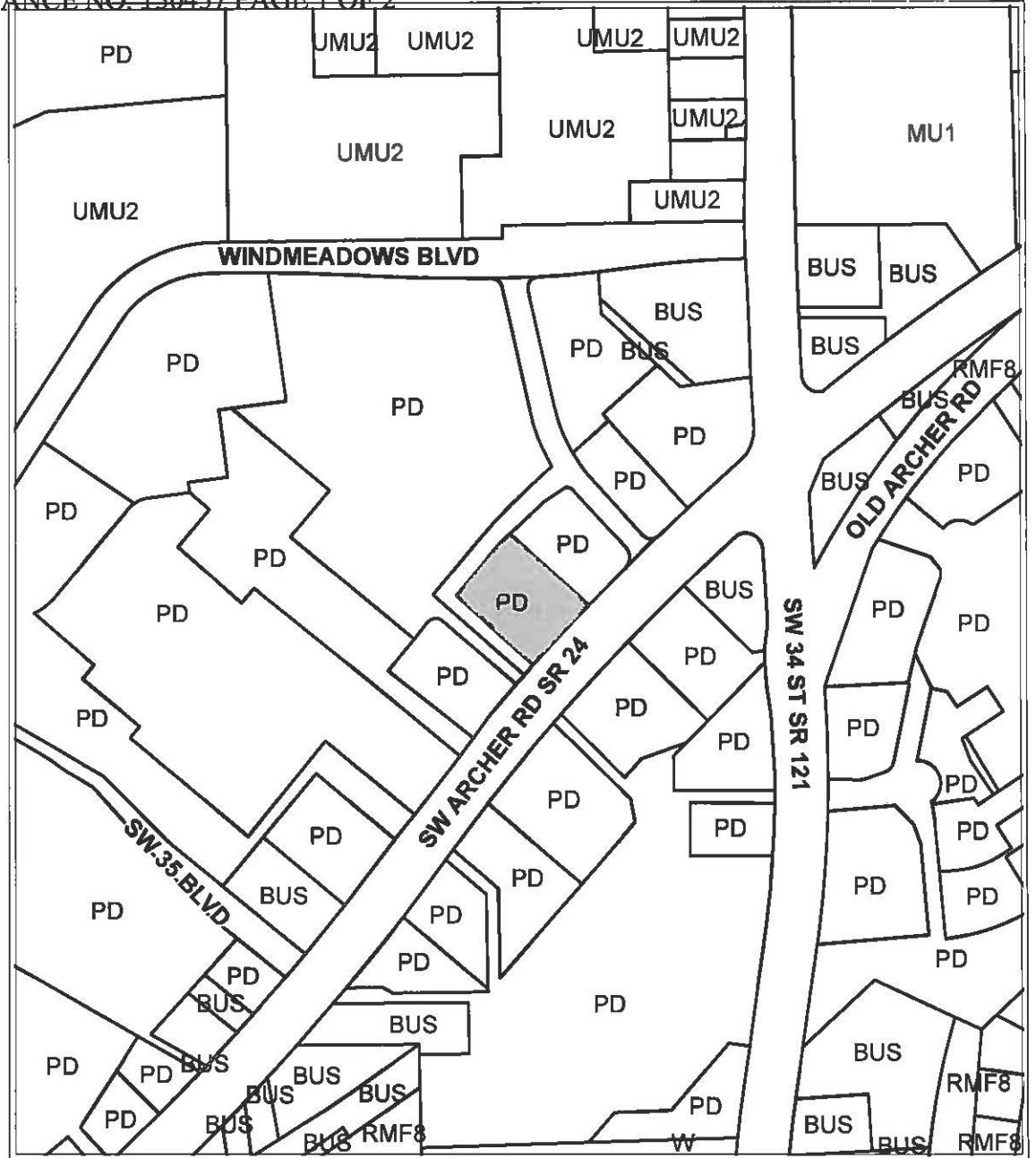
Commence at the Northeast corner of Section 14, Township 10 South, Range 19 East, and run South 00 deg. 02 min. 47 sec. West, along the East line of said Section 14, a distance of 1258.82 feet to the survey line of State Road No. 24; thence run along said survey line with a curve concave Southeasterly,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

- RMF8 8-30 units/acre Multiple-Family Medium Density Residential
- PD Planned Development
- BUS General Business
- MU1 8-30 units/acre Mixed Use Low Intensity
- UMU2 Up to 100 units/acre Urban Mixed Use District 2
- W Warehousing and Wholesaling



----- Division line between two zoning districts

Area under petition consideration

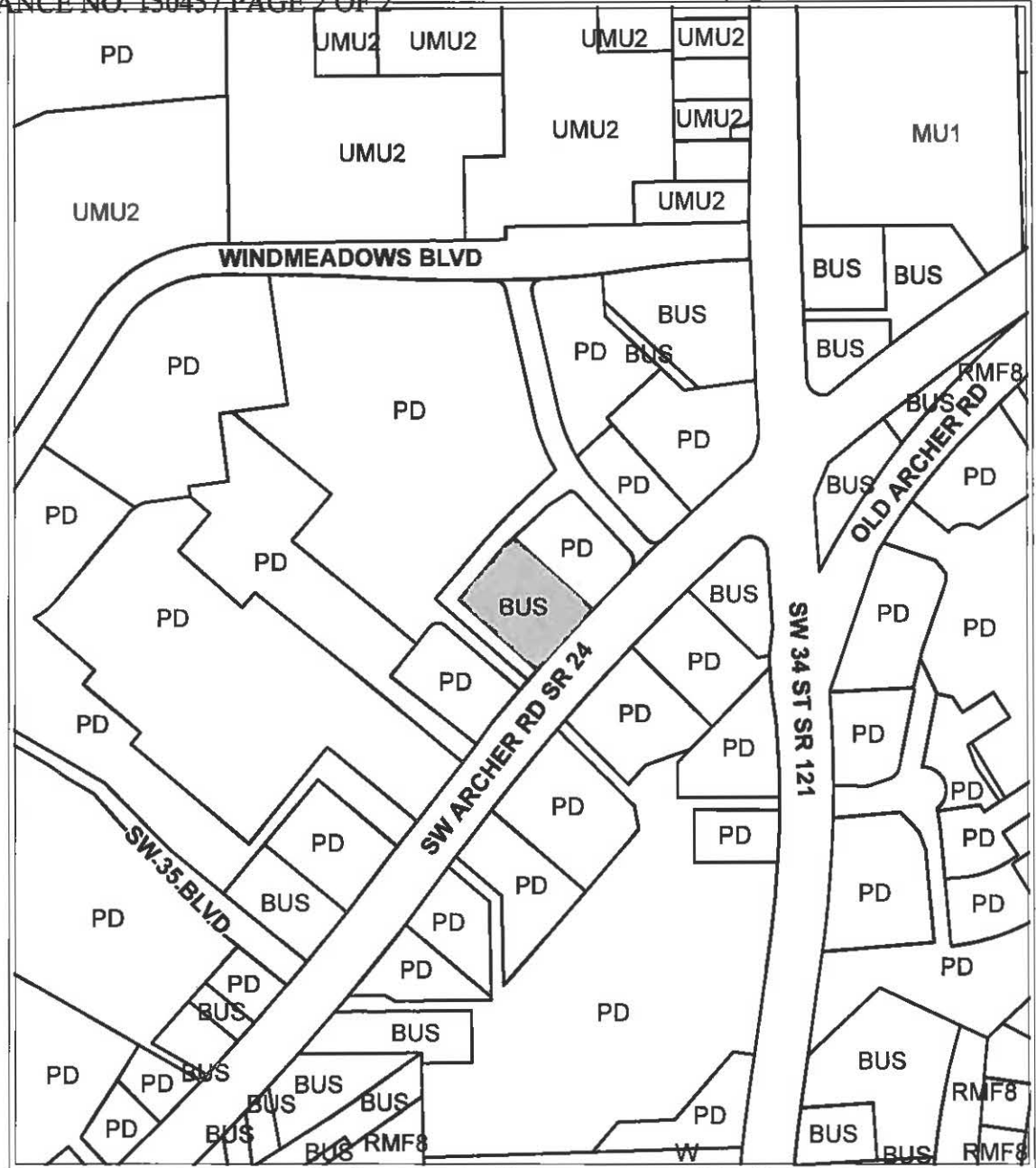


### PROPOSED ZONING

	Name	Petition Request	Petition Number
	Cousseaux, Hewett & Walpole, Inc., agent for S. Clark Butler Properties Land Trust	Rezone property from General business district (BUS) to Planned Development district (PD)	PB-15-93 ZON

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----- Division line between two zoning districts

Area under petition consideration



**EXISTING ZONING**

Name	Petition Request	Petition Number
 No Scale	Causseaux, Hewett & Walpole, Inc., agent for S. Clark Butler Properties Land Trust  Rezone property from General business district (BUS) to Planned Development district (PD)	PB-15-93 ZON