



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000153

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: December 11, 2000

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: **Ordinance No. 0-00-90, Petition 105LUC-00PB**
An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan; by changing the land use category of certain property from "Single Family (up to 8 units per acre)" to "Office"; located in the vicinity of the 6400 block of Northwest 9th Boulevard; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) receive the preliminary review of the Department of Community Affairs; and 2) adopt the proposed ordinance.

The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared and submitted by:


Marion J. Radson, City Attorney

MJR/afm
Attachments

Passed on first reading by a vote of 4-0.



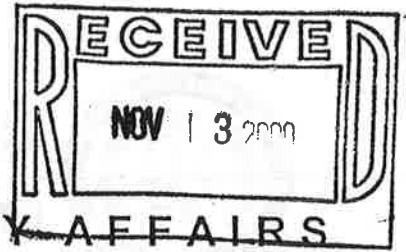
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary



November 9, 2000

The Honorable Paula M. DeLaney
Mayor, City of Gainesville
Post Office Box 490, Station 19
Gainesville, Florida 32602



Dear Mayor DeLaney:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendment received on October 12, 2000, DCA Reference No. 00-2.

The Department has determined that the proposed plan amendment need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, (F.A.C.). In addition, the Department has not received any recommendation for review from the North Central Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report **will be waived**. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

Also, pursuant to Chapter 163.3189(2)(a), F.S., the Department recommends that the City include the following language in the adoption ordinance regarding the effective date of the adopted amendment (if the local government plan has been determined to be In-Compliance):

"The effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission

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CRITICAL STATE CONCERN FIELD OFFICE
2798 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
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(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Paula M. DeLaney
November 9, 2000
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finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.” Further, the Department’s notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice pursuant to Chapter 163.3184(9), F.S.

This letter should be made available for public inspection. If you have any questions, please contact Walker Banning, Community Program Administrator, overseeing the review of the amendment, at (850) 487-4545.

Sincerely,



Michael F. Sherman, AICP
Growth Management Administrator

MFS/wbs

cc: Mr. Dean Mimms, Chief of Comprehensive Planning
Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council

D R A F T

08/14/00

ORDINANCE NO. _____
0-00-90

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2
3
4 **An Ordinance amending the City of Gainesville 1991-2001**
5 **Comprehensive Plan; by changing the land use category of**
6 **certain property from “Single Family (up to 8 units per acre)” to**
7 **“Office”; located in the vicinity of the 6400 block of Northwest**
8 **9th Boulevard; providing a severability clause; providing a**
9 **repealing clause; and providing an effective date.**

10
11
12 **WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing
13 that the land use category of certain lands within the City be changed from “Single Family (up to 8
14 units per acre) to “Office”; and

15 **WHEREAS**, notice by the Plan Board was given and publication made as required by law
16 and a Public Hearing was held by the City Plan Board on July 27, 2000; and

17 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
18 inches long was placed in a newspaper of general circulation notifying the public of this proposed
19 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,
20 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was
21 published; and

22 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of
23 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

24 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
25 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at

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08/14/00

1 the adoption stage at least five (5) days after the day the second advertisement was published; and

2 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
3 described above at which hearings the parties in interest and all others had an opportunity to be and
4 were, in fact, heard.

5 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the
6 comments, recommendations and objections, if any, of the State Land Planning Agency.

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

9 **Section 1.** The land use category of the following described properties are changed from
10 “Single Family (up to 8 units per acre)” to “Office”;

11 See legal description attached hereto as Exhibit "A", and made a part
12 hereof as if set forth in full.
13

14 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
15 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or element, or
16 portion thereof in order to comply with this ordinance.

17 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
18 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
19 the validity of the remaining portions of this ordinance.

20 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
21 such conflict hereby repealed.

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1 **Section 5.** This ordinance shall become effective immediately upon passage on second
2 reading; however, the effective date of this plan amendment shall be the date a final order is issued
3 by the Department of Community Affairs finding the amendment to be in compliance in accordance
4 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission
5 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

6 **PASSED AND ADOPTED** this ____ day of _____, 2000.

Paula M. DeLaney, Mayor

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11 **ATTEST:**

APPROVED AS TO FORM AND LEGALITY:

12
13
14
15
16 _____
17 Kurt Lannon,
18 Clerk of the Commission

Marion J. Radson, City Attorney

19 This ordinance passed on first reading this ____ day of
20 _____, 2000.

21
22 This ordinance passed on second reading this ____ day of
23 _____, 2000.

24
25 MJR/afm

• May 10, 2000

Legal Description

A portion of the South ½ of Section 33, Township 9 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the southwest corner of Lot 48 of 'West Hills', a subdivision as per plat thereof recorded in Plat Book "E", page 11 of the Public Records of Alachua County, Florida and run thence North 00° 14'09" East, along the west boundary of said 'West Hills', 2064.65 feet to the northwest corner of Lot 24 of said 'West Hills' and the southeast corner of that certain parcel of land as described in Official Records Book 1315, page 726 of the Public Records of Alachua County, Florida; thence North 46° 16'55" West, along the south boundary of said parcel (O.R. 1315, pg. 726), a distance of 137.82 feet to the POINT OF BEGINNING; thence continue North 46° 16'55" West, along said south boundary, 206.44 feet to a point on the southeasterly line of 'University Acres, Unit No. 1', a subdivision as per plat thereof recorded in Plat Book "F", page 88 of said Public Records; thence South 61° 27'02" West, along the southeasterly line of Lots 33 and 32 of said subdivision (Plat Book "F", pg. 88), a distance of 223.52 feet to the southwest corner of said Lot 32; thence South 78° 42'08" West, along the south boundary of Lots 31 and 30 of said subdivision (Plat Book "F", pg. 88), a distance of 235.72 feet to the southwest corner of said Lot 30 and the southeast corner of Lot 6 of 'University Acres, Unit No. 2', a subdivision as per plat thereof, recorded in Plat Book "H", page 10 of said Public Records; thence South 85° 02'54" West, along the south boundary of said subdivision (Plat Book "H", pg. 10), a distance of 396.54 feet to the southwest corner of Lot 8 of said subdivision (Plat Book "H", pg. 10); thence southwesterly, northwesterly and westerly, along the south boundary of said subdivision (Plat Book "H", pg. 10) through the following 20 courses and distances:

1) South 79° 29'21" West, 92.58 feet; 2) South 57° 51'07" West, 151.42 feet; 3) South 46° 02'06" West, 50.22 feet; 4) North 56° 28'12" West, 31.39 feet; 5) North 84° 12'45" West, 43.00 feet; 6) North 67° 03'18" West, 123.81 feet; 7) North 71° 34'51" West, 81.32 feet; 8) North 57° 42'56" West, 58.32 feet; 9) North 68° 13'49" West, 43.53 feet; 10) North 87° 15'15" West, 22.07 feet; 11) North 51° 19'59" West, 28.50 feet; 12) North 87° 30'36" West, 51.96 feet; 13) North 60° 40'56" West, 58.47 feet; 14) South 66° 36'56" West, 19.25 feet; 15) North 74° 53'36" West, 19.92 feet; 16) South 77° 24'50" West, 57.27 feet; 17) South 87° 38'30" West, 70.44 feet; 18) South 65° 31'23" West, 46.52 feet; 19) North 62° 28'30" West, 44.25 feet; 20) North 88° 46'10" West, 269.34 feet to the southwest corner of Lot 25 of said subdivision (Plat Book "H", pg. 10) and to a point on the easterly line of Parcel 23 of an unrecorded survey by Perry C. McGriff Co. dated June 3, 1965; thence South 00° 15'50" West, along said easterly line, 501.16 feet to the

northwest corner of 'North Florida Regional Doctors Office Park', a subdivision as per plat thereof recorded in Plat Book "H", page 81 of said Public Records; thence South 86°10'10" East, along the northerly line of said subdivision (Plat Book "H", page 81), a distance of 203.15 feet; thence South 77°32'13" East, along said northerly line, 902.18 feet; thence North 62°35'31" East, along said northerly line, 369.89 feet; thence North 85°01'54" East, along said northerly line, 428.70 feet to the northeast corner of said 'North Florida Regional Doctors Office Park'; thence South 00°14'09" West, along the east line of said 'North Florida Regional Doctors Office Park', 130.79 feet; thence South 87°09'14" East, 399.81 feet to a point lying 100.00 feet westerly of the west boundary of said 'West Hills'; thence North 00°14'09" East, 100.00 feet westerly of and parallel with said west boundary (measured perpendicular), 647.73 feet to the POINT OF BEGINNING.

Containing 29.199 acres (1,271,921 square feet), more or less.

C:\WPWIN60\WPDOCS\ROWEMEDPARK\LEGAL.WPD

A handwritten signature in black ink, appearing to read "Richard A. E.", located in the bottom right corner of the page.