

LEGISLATIVE #

200886A

ORDINANCE NO. 200886

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 83.79 acres of property generally located on the 755-1100 block on the south side of NE 39th Boulevard, as more specifically described in this ordinance, from Planned Use District (PUD) to Commercial (C), Urban Mixed-Use (UMU), and Residential Low-Density (RL); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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

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

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

WHEREAS, this ordinance, which was noticed as required by law, will amend the Future Land Use Map of the Comprehensive Plan by changing the land use category of the property that is the subject of this ordinance; and

28 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
29 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
30 pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 25, 2021, and
31 voted to recommend that the City Commission approve this Future Land Use Map amendment;
32 and

33 **WHEREAS**, an advertisement no less than two columns wide by ten inches long was placed in a
34 newspaper of general circulation and provided the public with at least seven days' advance
35 notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City
36 Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of
37 Gainesville; and

38 **WHEREAS**, after the first public hearing, the City of Gainesville transmitted copies of this
39 proposed amendment to the reviewing agencies and any other local government unit or state
40 agency that requested same; and

41 **WHEREAS**, a second advertisement no less than two columns wide by ten inches long was
42 placed in the aforesaid newspaper and provided the public with at least five days' advance
43 notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the City
44 Commission; and

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

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

49 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

50 **FLORIDA:**

51 **SECTION 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
52 amended by changing the land use category of the following property from Planned Use
53 District (PUD) to Commercial (C), Urban Mixed-Use (UMU), and Residential Low-Density (RL):

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

57

58 **SECTION 2.** Within ten working days of the transmittal (first) hearing, the City Manager or
59 designee is authorized and directed to transmit this Future Land Use Map amendment and
60 appropriate supporting data and analyses to the reviewing agencies and to any other local
61 government or governmental agency that has filed a written request for same with the City.
62 Within ten working days of the adoption (second) hearing, the City Manager or designee is
63 authorized and directed to transmit this amendment to the state land planning agency and
64 any other agency or local government that provided comments to the City regarding the
65 amendment.

66 **SECTION 3.** The City Manager or designee is authorized and directed to make the necessary
67 changes to maps and other data in the City of Gainesville Comprehensive Plan in order to
68 comply with this ordinance.

69 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
70 the application hereof to any person or circumstance is held invalid or unconstitutional, such
71 finding will not affect the other provisions or applications of this ordinance that can be given

72 effect without the invalid or unconstitutional provision or application, and to this end the
73 provisions of this ordinance are declared severable.

74 **SECTION 5.** As of the effective date of this amendment to the Comprehensive Plan as
75 described in Section 6 of this ordinance, all ordinances or parts of ordinances in conflict
76 herewith are to the extent of such conflict hereby repealed, including specifically Ordinance
77 No. 960936 which is hereby repealed.

78 **SECTION 6.** This ordinance will become effective immediately upon adoption; however, the
79 effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
80 amendment is not timely challenged, will be 31 days after the state land planning agency
81 notifies the City that the plan amendment package is complete in accordance with Section
82 163.3184, Florida Statutes. If timely challenged, this Comprehensive Plan amendment will
83 become effective on the date the state land planning agency or the Administration Commission
84 enters a final order determining the amendment to be in compliance with Chapter 163, Florida
85 Statutes. No development orders, development permits, or land uses dependent on this
86 Comprehensive Plan amendment may be issued or commenced before this amendment has
87 become effective.

88 **PASSED AND ADOPTED** this _____ day of _____, 2021.

89

90

91

92

93

94 Attest:

95

96

97 _____
98 OMICHELE D. GAINEY

CITY CLERK

LAUREN POE
MAYOR

Approved as to form and legality:

NICOLLE M. SHALLEY
CITY ATTORNEY

99

100 This ordinance passed on transmittal (first) reading this ____ day of _____, 2021.

101

102 This ordinance passed on adoption (second) reading this ____ day of _____, 2021.



LEGAL DESCRIPTIONS

PARCEL A (Proposed Commercial FLU)

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°04'46" EAST, ALONG THE WEST LINE OF SAID MINOR SUBDIVISION, ALONG THE EAST LINE OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 22, PAGE 23 OF SAID PUBLIC RECORDS, AND ALONG THE EAST LINE OF "NORTH MAIN STREET COMMERCIAL PARK", A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 96 OF SAID PUBLIC RECORDS, AND A SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 2442.08 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.E. 31st AVENUE; THENCE NORTH 89°24'01" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, 598.43 FEET; THENCE NORTH 00°54'24" WEST, 205.00 FEET; THENCE NORTH 89°24'01" EAST, 167.62 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID MINOR SUBDIVISION RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF SAID PUBLIC RECORDS; THENCE NORTH 01°04'46" WEST, ALONG SAID SOUTHERLY EXTENSION AND SAID EAST LINE OF SAID MINOR SUBDIVISION RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35, A DISTANCE OF 2240.60 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222; THENCE SOUTH 89°08'12" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, 766.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 42.22 ACRES (1,839,130 SQUARE FEET), MORE OR LESS.

Exhibit A to Ordinance 200886

PARCEL B (Proposed Urban Mixed Use FLU)

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 766.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 676.65 FEET; THENCE SOUTH 00°54'24" EAST, 1214.61 FEET; THENCE SOUTH 89°08'12" WEST, 672.99 FEET TO THE SOUTHEAST CORNER OF SAID MINOR SUBDIVISION; THENCE NORTH 01°04'46" WEST, ALONG THE EAST LINE OF SAID MINOR SUBDIVISION, 1214.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.82 ACRES (819,644 SQUARE FEET), MORE OR LESS.

Exhibit A to Ordinance 200886

PARCEL C (Proposed Residential Low FLU)

A PORTION OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE SOUTH 89°08'12" WEST, ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3410.84 FEET; THENCE SOUTH 01°04'46" EAST, 63.87 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 222, BEING THE NORTHWEST CORNER OF LOT 1 OF A MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 1443.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'12" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, 90.00 FEET TO THE NORTHWEST CORNER OF "HIGHLAND COURT MANOR UNIT NO. 5". A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 44 OF SAID PUBLIC RECORDS; THENCE SOUTH 00°54'24" EAST, 1808.54 FEET TO THE SOUTHWEST CORNER OF SAID "HIGHLAND COURT MANOR UNIT NO. 5" AND THE NORTHWEST CORNER OF "HIGHLAND COURT MANOR UNIT NO. 4", A SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK "F", PAGE 77 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 00°54'24" EAST, ALONG THE WEST LINE OF SAID "HIGHLAND COURT MANOR UNIT NO. 4" A DISTANCE OF 523.03 FEET TO A POINT ON THE NORTHERLY LINE OF SAID "HIGHLAND COURT MANOR UNIT NO. 4"; THENCE SOUTH 89°13'01" WEST, ALONG SAID NORTHERLY LINE OF "HIGHLAND COURT MANOR UNIT NO. 4" A DISTANCE OF 784.29 FEET TO THE NORTHWEST CORNER OF LOT 105 OF SAID "HIGHLAND COURT MANOR UNIT NO. 4"; THENCE SOUTH 00°54'24" EAST, 115.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 105 AND TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.E. 31st AVENUE; THENCE SOUTH 89°24'01" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 143.23 FEET; THENCE NORTH 00°54'24" WEST, 205.00 FEET; THENCE NORTH 89°24'01" EAST, 167.62 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID MINOR SUBDIVISION AS RECORDED IN MINOR SUBDIVISION BOOK 2, PAGE 35; THENCE NORTH 01°04'46" WEST, 1025.98 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID MINOR SUBDIVISION; THENCE NORTH 89°08'12" EAST, 672.99 FEET; THENCE NORTH 00°54'24" WEST, 1214.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 22.75 ACRES (990,825 SQUARE FEET), MORE OR LESS.



NE 39th Ave Henderson Project (PB-20-00152)

Existing Land Use

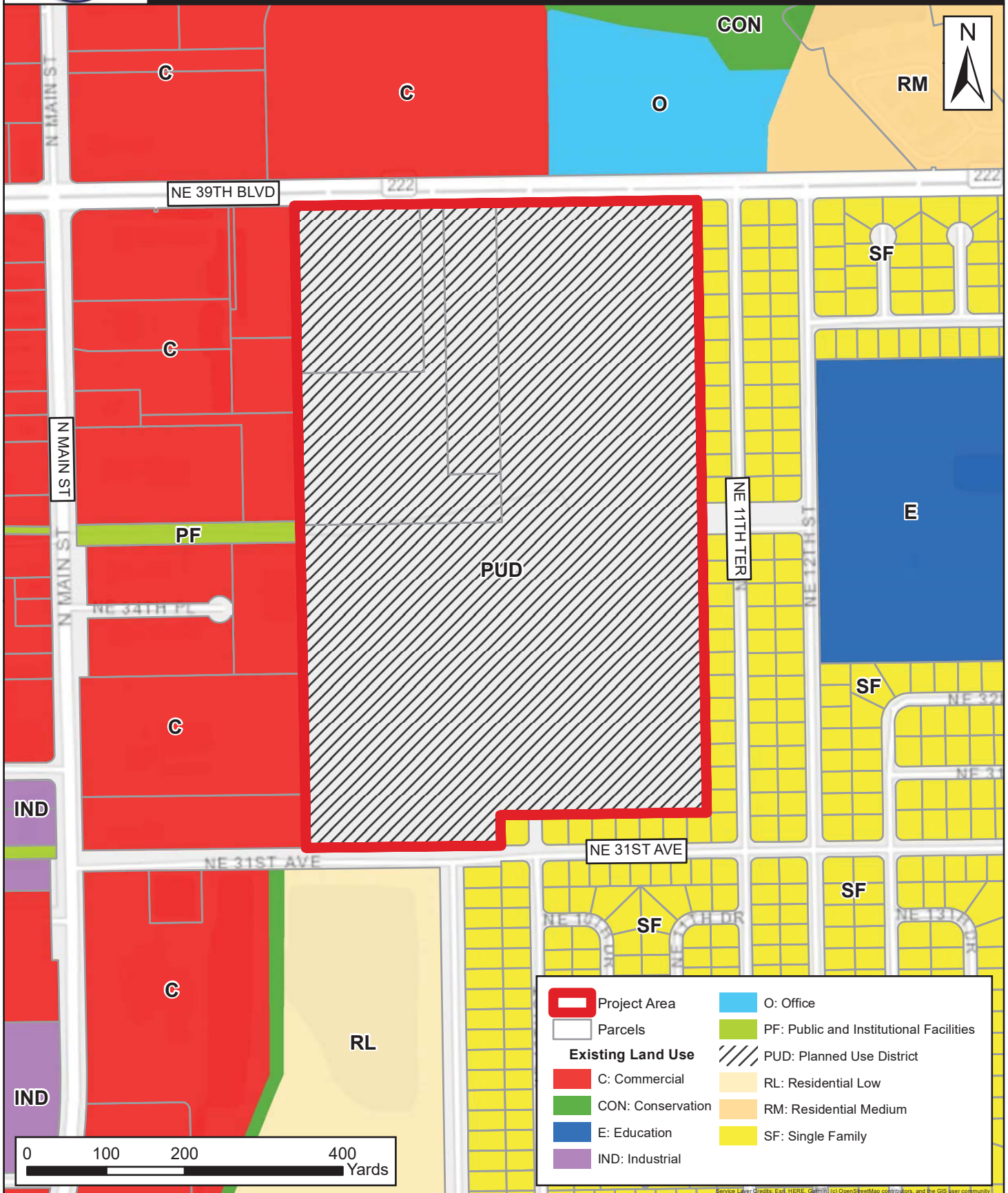


Exhibit B to Ordinance 200886

