

MEMORANDUM
Office of the City Attorney

041185

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TO: Mayor and City Commission

DATE: June 27, 2005

FROM: City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: Ordinance No. 0-05-53, Petition No. 47ZON-05PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and changing the zoning of certain property with the category of "PS: Public services and operations district" to permit the use of a charter school, in addition to the current permitted uses of after school and summer day camp recreational programs and accessory community activities; without the requirement of a minor development plan; located in the vicinity of 2101 N.W. 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

The subject property is located at 2101 Northwest 39th Avenue and is currently developed as the Girls Club of Alachua County. The proposed rezoning is 5.3 acres. The property lies between Green Tree Park on the east and a place of religious assembly on the west. The current Future Land Use category designation on the subject property is Recreation, pending an amendment to the Public Facilities land use category. The existing zoning is Public Service. The surrounding land use designations are Single-Family to the north and west, Recreation to the south and east. Surrounding Zoning is RSF-1 to the north, Public Service to the east and south, and RSF-1 to the west. The present use is an after-school and summer Girls Club of Alachua County recreation program and facility.


The current Recreation land use designation was given to this property because it was acquired by the City for recreation use and subsequently deeded to the Girls Club. There are no restrictions to the use of the property in the deed. The Public Service zoning category is used to identify suitable locations for public and private utility and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. The Public Service district may be isolated and surrounded by other zoning districts compatible with the intended use of the facility.

The Girls Club wishes to utilize the existing recreation facilities for a charter school during regular school hours when the after-school recreation program does not use the facility. The proposed use would not encroach upon the existing recreation area, as the buildings and parking are existing. The Girls Club serves up to 120 children in the after-school program and operates a summer day camp program. The proposed charter school will be limited to 54 students. The Charter School will be developed on the theme of health education and physical fitness for Kindergarten to 2nd Grade. The property will continue to be used in the evening as a meeting place for community groups and events.

The Plan Board heard the petition and recommended that it be approved with the condition that the Girls Club be allowed to operate an after-school and summer day camp recreational program as existing, a charter school, and accessory community activities.

Public notice was published in the Gainesville Sun on April 5, 2005. Letters were mailed to surrounding property owners on April 6, 2005. The Plan Board held a public hearing April 21, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 47ZON-05 PB. Plan Board vote 4-0.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

Passed on first reading by a vote of 7-0.

D R A F T

5/20/2005

ORDINANCE NO. _____
0-05-53

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3
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and changing the zoning of certain property with the**
6 **category of "PS: Public services and operations district" to permit the**
7 **use of a charter school, in addition to the current permitted uses of**
8 **after school and summer day camp recreational programs and**
9 **accessory community activities; without the requirement of a minor**
10 **development plan; located in the vicinity of 2101 N.W. 39th Avenue;**
11 **providing a severability clause; providing a repealing clause; and**
12 **providing an immediate effective date.**
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15 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
16 public hearing was given that the Zoning Map Atlas be amended by changing the zoning of
17 certain property within the City with the zoning category of "PS: Public services and operations
18 district" to permit the use of a charter school in addition to the current permitted uses of after
19 school and summer day camp recreational programs and accessory community activities; and

20 **WHEREAS**, notice was given and publication made as required by law and a public
21 hearing was held by the City Plan Board on April 21, 2005; and

22 **WHEREAS**, the City Commission finds that the rezoning of the property described
23 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

24 **WHEREAS**, at least ten (10) days notice has been given of the public hearings once by
25 publication in a newspaper of general circulation notifying the public of this proposed ordinance
26 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City
27 of Gainesville; and

D R A F T

5/20/2005

1 **WHEREAS**, the public hearing was held pursuant to the published and notice described
2 above at which hearing the parties in interest and all others had an opportunity to be and were, in
3 fact, heard.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
5 **CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** The Zoning Map Atlas of the City of Gainesville is changing the zoning of the
7 following described property with the zoning category of "PS: Public services and operations
8 district" to allow the use of a charter school as a permitted use in addition to the current
9 permitted uses of after school and summer day camp recreational programs, and accessory
10 community activities:

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

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14 **Section 2.** The City Commission finds that a preliminary development plan is not
15 required in connection with this rezoning.

16 **Section 3.** The City Manager is authorized and directed to make the necessary changes in
17 the Zoning Map to comply with this Ordinance.

18 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
19 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
20 affect the validity of the remaining portions of this ordinance.

21 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
22 such conflict hereby repealed.

D R A F T

5/20/2005

1 **Section 6.** This ordinance shall become effective immediately upon final adoption.

2 **PASSED AND ADOPTED** this day of , 2005.

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4 _____
5 PEGEEN HANRAHAN, MAYOR

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7 ATTEST: Approved as to form and legality:

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12 _____
13 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
14 CLERK OF THE COMMISSION

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16 This ordinance passed on first reading this day of , 2005.

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18 This ordinance passed on second reading this day of , 2005.

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20 MJR/afm

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23 H:\Marion Radson\Planning\47ZON pet.DOC

EXHIBIT "A" LEGAL DESCRIPTION

That part of the NE 1/4 of the NW 1/4 of Section 30, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the NW corner of said Section 30 for a point of reference; thence run S 89 deg. 49 min. 41 sec. E along the N line of said Section 30 a distance of 1196.17 feet; thence run S 00 deg. 18 min. 17 sec. W a distance of 68.64 feet to a concrete monument on the S. Right-of-way line of State Road No. S-232 (N.W. 39th Avenue) and the Point of Beginning; from the said Point of Beginning continue S 00 deg. 18 min. 17 sec. W a distance of 938.56 feet to a concrete monument; thence S 89 deg. 35 min. 29 sec. E a distance of 100.00 feet to a concrete monument on the Northerly extension of the Right-of-way line of N.W. 21 St.; thence run S 00 deg. 11 min. 01 sec. W along the said Northerly extension a distance of 4.21 feet to a concrete monument at the intersection of the said W Right-of-way line of N.W. 21 St. with the Right-of-way line of N.W. 36 Avenue.; thence run S 89 deg. 28 min. 59 sec. E along the said N Right-of-way line a distance of 381.28 feet to a concrete monument; thence run N 00 deg. 19 min. 40 sec. E a distance of 1014.14 feet to a concrete monument on the said Right-of-way line of said State Road No. S-232; thence run S 89 deg. 50 min. 41 sec. W along the said S Right-of-Way line a distance of 483.78 feet to the said concrete monument and the Point of Beginning.

EXHIBIT "A"