

D R A F T

7/27/2009

ORDINANCE NO. _____
0-09-41

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4 **An ordinance amending the City of Gainesville 2000-2010**
5 **Comprehensive Plan, Future Land Use Map; by changing the**
6 **land use category of certain property, as more specifically**
7 **described in this ordinance, from the City of Gainesville land use**
8 **category of “Residential Low-Density (up to 12 units per acre)”**
9 **to the City of Gainesville land use category of “Commercial”;**
10 **consisting of approximately 7.5 acres, located in the vicinity of**
11 **the Southwest corner of Northeast 2nd Street and 39th Avenue,**
12 **a/k/a 39 N.W. 39th Avenue; providing a severability clause;**
13 **providing a repealing clause; and providing an immediate**
14 **effective date.**

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17 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
18 public hearing was given that the Future Land Use Map be amended by changing the land use
19 category of certain property, as more specifically described in this Ordinance, from the City of
20 Gainesville land use category of “Residential Low-Density (up to 12 units per acre)” to the City of
21 Gainesville land use category of “Commercial”; and

22 **WHEREAS**, notice was given and publication made as required by law and a public
23 hearing was held by the City Plan Board on May 28, 2009; and

24 **WHEREAS**, the amendment to the land use category of the City of Gainesville 2000-2010
25 Comprehensive Plan proposed herein directly relates to a small scale development activity as
26 provided in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public
27 notice and this proposed change to the State Land Planning Agency, the regional planning council,

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1 and any other person or entity who has requested a copy for their comments subsequent to the
2 passage of this ordinance; and

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

7 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose
8 property will be regulated by the adoption of this Ordinance, at least ten (10) days prior to the date
9 set for a public hearing on this ordinance; and

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

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

15 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
16 Plan is amended by changing the land use category of the following described property from the
17 City of Gainesville land use category of “Residential Low-Density (up to 12 units per acre)” to the
18 City of Gainesville land use category of “Commercial”:

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

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Section 2. The City Manager is authorized and directed to make the necessary changes in maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion thereof in order to comply with this ordinance.

Section 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

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

Section 5. This ordinance shall become effective immediately upon passage; however, the amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this plan amendment shall not become effective until the state land planning agency issues a final order determining the adopted amendment to be in compliance in accordance with § 163.3187, or until

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1 the Administration Commission issues a final order determining the adopted amendment to be in
2 compliance in accordance with § 163.3187, F.S.

3 **PASSED AND ADOPTED** this _____ day of _____, 2009.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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This ordinance passed this _____ day of _____, 2009.

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Exhibit A

[Legal Description]

PARCEL II

A TRACT OF LAND SITUATED WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE AFOREMENTIONED SECTION 29 FOR A POINT OF REFERENCE AND RUN S04°07'45"E, ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 57.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 222 (ALSO KNOWN AS NW 39TH AVENUE) (RIGHT OF WAY WIDTH VARIES) (RIGHT OF WAY WIDTH VARIES) FOR THE POINT OF BEGINNING BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 297, PAGE 275 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID TRACT BEING HEREINAFTER REFERRED TO AS THE "PARENT TRACT", THENCE CONTINUE

S04°07'45"E, ALONG SAID EAST LINE AND THE EAST LINE OF SAID PARENT TRACT, BEING THE WESTERLY RIGHT OF WAY LINE OF NORTHEAST 21ST STREET (60 FOOT RIGHT OF WAY), A DISTANCE OF 536.47 FEET; THENCE RUN S85°57'55"W, A DISTANCE OF 223.13 FEET; THENCE RUN N02°55'09"W, A DISTANCE OF 226.81 FEET; THENCE RUN S87°45'28"W, A DISTANCE OF 610.91 FEET TO A POINT ON A CURVE ON THE WEST LINE OF SAID PARENT TRACT BEING THE EASTERLY RIGHT OF WAY LINE OF CSX SYSTEMS RAILROAD FORMERLY KNOWN AS ATLANTIC COASTLINE RAILROAD (60 FOOT RIGHT OF WAY); THENCE RUN NORTHWESTERLY ALONG SAID WEST LINE AND SAID EASTERLY RIGHT OF WAY LINE WITH A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1939.86 FEET THROUGH A CENTRAL ANGLE OF 10°17'50", AN ARC DISTANCE OF 348.63 FEET (CHORD BEARING AND DISTANCE BEING N34°44'32"W, 348.16 FEET RESPECTIVELY) TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF STATE ROAD 222 BEING THE NORTHWEST CORNER OF SAID PARENT TRACT; THENCE RUN ALONG THE NORTH LINE OF SAID PARENT TRACT AND SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TEN CALLS, N86°27'49"E, A DISTANCE OF 188.91 FEET; THENCE S03°32'11"E, A DISTANCE OF 17.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 46.00 FEET, THENCE N03°32'11"W, A DISTANCE OF 17.00 FEET, THENCE N86°27'49"E, A DISTANCE OF 593.83 FEET; THENCE S03°32'11"E, A DISTANCE OF 20.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 12.00 FEET; THENCE N03°32'11"W, A DISTANCE OF 7.50 FEET; THENCE N53°43'43"E, A DISTANCE OF 16.64 FEET; THENCE N03°32'11"W, A DISTANCE OF 3.50 FEET; THENCE N86°27'49"E, A DISTANCE OF 151.53 FEET TO THE POINT OF BEGINNING CONTAINING 7.515 ACRES MORE OR LESS.