



# MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 041054

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

**TO:** Mayor and City Commission

**DATE:** June 27, 2005

**FROM:** City Attorney

**CITY ATTORNEY  
SECOND READING**

**SUBJECT:** Ordinance No. 0-05-45, Petition No. 28ZON-05PB

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from "PS: Public services and operations district" to "RSF-3: 5.8 units/acre single-family residential district"; located in the vicinity of the 800 block of Southeast 11<sup>th</sup> Street, east side, consisting of approximately 4.8 acres; providing a severability clause; providing a repealing clause; and providing an effective date.**

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF MEMORANDUM

The subject property is 4.8 acres. It was formerly owned by Alachua County School Board as part of Lincoln Middle School. The property was sold by the School Board and purchased by the petitioner approximately 4 years ago. Since the property was purchased by the petitioner, the only facility on the property—a swimming pool—has been demolished and removed.

The petitioner intends to build single-family homes on this property, which would add new housing to southeast Gainesville.

The property currently has a Public Facilities (PS) zoning designation.

Education (ED) zoning owned by the School Board is east and south of the property. Residential Single-Family (RSF-1, 3.5 du/ac) zoning is also south of the property. The property to the west is RSF-3 (single-family residential, 5.8 du/ac) zoning. To the north, the property is RSF-4 (single-family residential, 8 du/ac) and ED (Education) zoning.

Nearby property is currently in lower-density residential and public school (middle and elementary) use. Because the character of nearby properties is compatible, an RSF-3 (residential single-family, 5.8 du/ac) zoning designation for this property would be suitable.

The Plan Board heard the petition and recommended that it be approved, with the amendment that the entire affected property be rezoned to RSF-3.

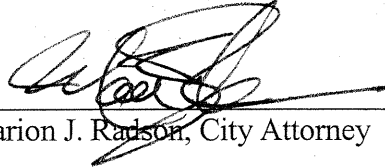
Public notice was published in the Gainesville Sun on March 1, 2005. Letters were mailed to surrounding property owners on March 2, 2005. The Plan Board held a public hearing March 17,

2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 28ZON-05 PB. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

The petition and ordinance are simultaneously submitted to the City Commission for approval and adoption because city staff and the plan board both recommend approval.

Prepared and Submitted by:

  
\_\_\_\_\_  
Marion J. Radson, City Attorney

MJR/afm

Attachment

Passed on first reading by a vote of 6-0.

ORDINANCE NO. \_\_\_\_\_  
0-05-45

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property within the City from “PS: Public services and operations district” to “RSF-3: 5.8 units/acre single-family residential district”; located in the vicinity of the 800 block of Southeast 11<sup>th</sup> Street, east side, consisting of approximately 4.8 acres; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain properties from the zoning category of “PS: Public services and operations district” to “RSF-3: 5.8 units/acre single-family residential district” and

**WHEREAS**, notice was given and publication made as required by law and a Public Hearing was held by the City Plan Board on March 17, 2005; and

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

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

**WHEREAS**, the Public Hearing was held pursuant to the published notice, at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

1 CITY OF GAINESVILLE, FLORIDA:

2 Section 1. The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
3 following described property from the zoning category of "PS: Public services and operations  
4 district" to "RSF-3: 5.8 units/acre single-family residential district":

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

7 Section 2. The City Manager is authorized and directed to make the necessary changes in  
8 the Zoning Map to comply with this Ordinance.

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

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

14 Section 5. This ordinance shall become effective immediately upon final adoption ;  
15 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
16 2000-2010 Comprehensive Plan adopted by Ordinance No. 041053 becomes effective as  
17 provided therein.

18 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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22 ATTEST:

\_\_\_\_\_  
PEGEEN HANRAHAN, MAYOR  
Approved as to form and legality:

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25 \_\_\_\_\_  
26 KURT LANNON,  
27 CLERK OF THE COMMISSION

By: \_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY

**D R A F T**

**5/19/2005**

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

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

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Petition 27LUC-05 PB, Legislative Matter No. 041053  
Petition 28ZON-05 PB, Legislative Matter No. 041054

## Exhibit A

### LEGAL DESCRIPTION

LOTS 1 AND 4, BLOCK 1, RANGE 4 EAST OF STATE ROAD 331 OF GOSS 1ST ADDITION AS PER PLAT BOOK A, PAGE 34 AND LOT 1, BLOCK 2, RANGE 4 EAST OF STATE ROAD 331 AND THE WEST THREE QUARTERS OF BLOCK 1, RANGE 5 AND CLOSED STREETS OF EASTSIDE CITY POOL AS DESCRIBED IN OR BOOK 965, PAGES 156-158; CONTAINING 4.8 ACRES, MORE OR LESS.

TOGETHER WITH,

THE SOUTH HALF OF THAT PART OF SOUTHEAST 8TH AVENUE (A VACATED 20' RIGHT-OF-WAY) LYING EAST OF STATE ROAD 331 AND LYING WEST OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 965, PAGE 157 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TOGETHER WITH,

THAT PART OF SOUTHEAST 12TH STREET (A VACATED 60' RIGHT-OF-WAY) LYING SOUTH OF SOUTHEAST 8TH AVENUE (A VACATED 20' RIGHT-OF-WAY) AND LYING NORTH OF SOUTHEAST 9TH AVENUE (A 40' RIGHT-OF-WAY).

TOGETHER WITH,

THE WEST HALF OF THAT PART OF SOUTHEAST 12TH STREET (A VACATED 60' RIGHT-OF-WAY) LYING SOUTH OF SOUTHEAST 9TH AVENUE (A 40' RIGHT-OF-WAY) AND NORTH OF EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK 2, RANGE 4 OF GOSS 1ST ADDITION AS PER PLAT BOOK A, PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TOGETHER WITH,

PARCEL B:

A PARCEL OF LAND BEING A PORTION OF S.E. 9TH AVENUE LYING SOUTH OF LOTS 3 & 4, OF BLOCK 1, RANGE 5, AND NORTH OF LOTS 1 & 2 OF BLOCK 2, RANGE 5 OF GROSS 1ST ADDITION TO GAINESVILLE AS PER PLAT BOOK "A", PAGE 34 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4"x4" CONCRETE MONUMENT (#509) MARKING THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 331 (WALDO ROAD) AND THE SOUTH LINE OF LOT 1, BLOCK 2, RANGE 4, OF GOSS 1ST ADDITION, PLAT BOOK "A", PAGE 34; THENCE NORTH 00°00'09" WEST, ALONG THE SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 331, A DISTANCE OF 240.38 FEET TO A POINT MARKING THE INTERSECTION WITH NORTH RIGHT-OF-WAY LINE OF S.E. 9TH AVENUE (CLOSED); THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 89°44'21" EAST A DISTANCE OF 150.22 FEET TO A FOUND 1/2" OPEN PIPE MARKING THE S.W. CORNER OF LOT 3, BLOCK 1, RANGE 5 OF GOSS 1ST ADDITION; THENCE CONTINUE SOUTH 89°44'04" EAST A DISTANCE OF 110.00 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE POINT OF BEGINNING; THENCE SOUTH 89°44'33" EAST A DISTANCE OF 190.01 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE SOUTH 00°15'56" WEST A DISTANCE OF 55.00 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE NORTH 89°44'25" WEST A DISTANCE OF 190.00 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE NORTH 00°15'40" EAST A DISTANCE OF 54.99 FEET TO THE POINT OF BEGINNING. CONTAINING 0.24 ACRES, MORE OR LESS.

LESS AND EXCEPT,

PARCEL A:

A PARCEL OF LAND BEING A PORTION OF LOTS 1 & 2, BLOCK 1, RANGE 5, OF GOSS 1ST ADDITION TO GAINESVILLE AS PER PLAT BOOK "A", PAGE 34 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND 4"x4" CONCRETE MONUMENT (#509) MARKING THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 331 (WALDO ROAD) AND THE SOUTH LINE OF LOT 1, BLOCK 2, RANGE 4, OF GOSS 1ST ADDITION, PLAT BOOK "A", PAGE 34; THENCE NORTH 00°00'09" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE OF STATE ROAD 331, A DISTANCE OF 660.19 FEET TO A FOUND NAIL & DISK (#2047) MARKING THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF S.E. 8TH AVENUE (CLOSED); THENCE SOUTH 89°50'07" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF S.E. 8TH AVENUE, A DISTANCE OF 292.07 FEET TO A FOUND 5/8" REBAR & CAP (#6792) MARKING THE POINT OF BEGINNING; THENCE SOUTH 89°50'07" EAST A DISTANCE OF 10.08 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE, LEAVING SAID NORTH RIGHT-OF-WAY LINE, SOUTH 00°16'01" WEST A DISTANCE OF 20.00 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE SOUTH 89°44'23" EAST A DISTANCE OF 150.00 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE SOUTH 00°16'58" WEST A DISTANCE OF 63.84 FEET TO A FOUND 5/8" REBAR & CAP (#6792); THENCE NORTH 89°49'00" WEST A DISTANCE OF 160.03 FEET TO A FOUND 5/8" REBAR & CAP (#6792); THENCE NORTH 00°14'41" EAST A DISTANCE OF 84.03 FEET TO THE POINT OF BEGINNING. CONTAINING 0.24 ACRES, MORE OR LESS.