

TO: City Plan Board

Item Number: 2

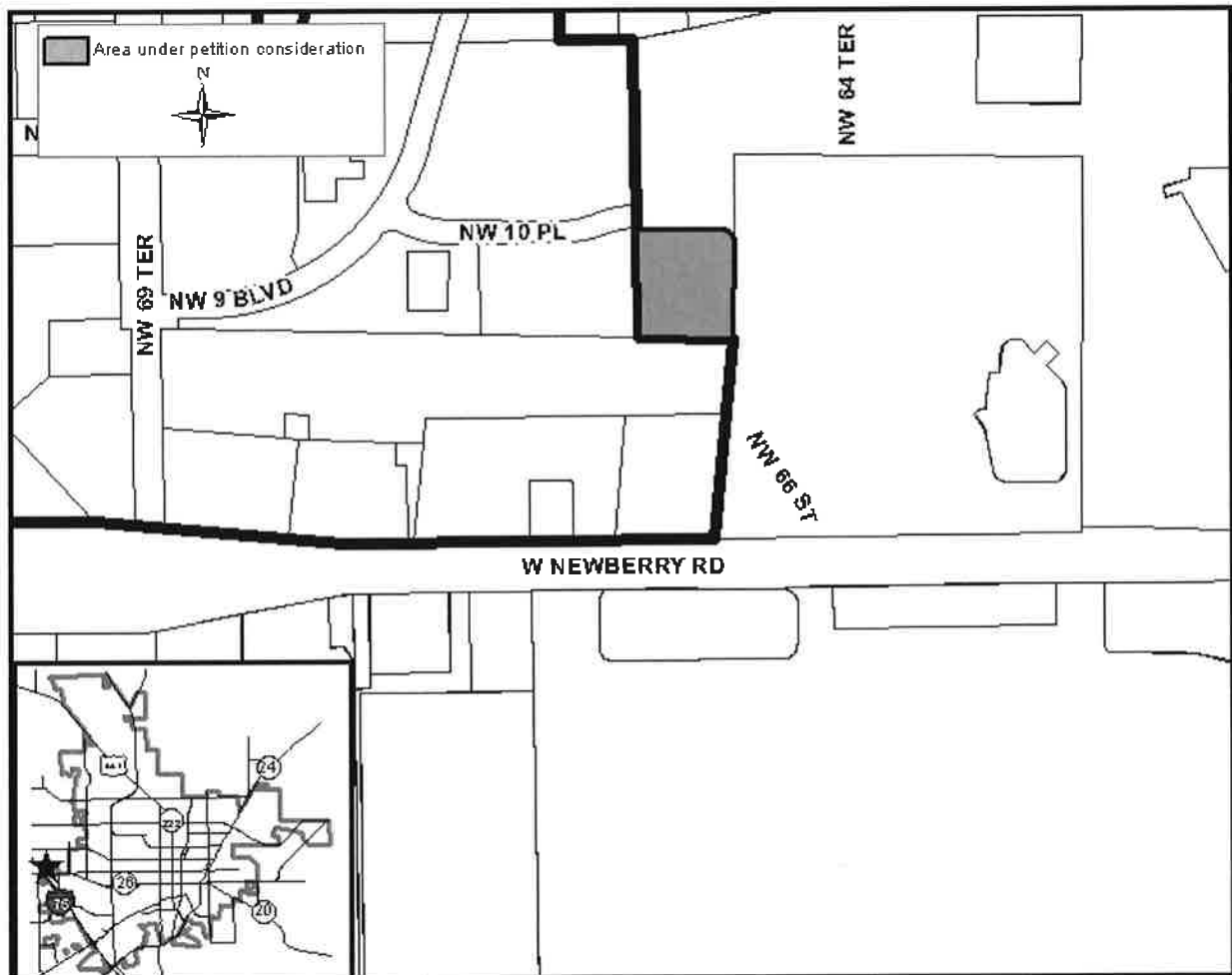
FROM: Planning & Development Services Department Staff

DATE: October 27, 2016

SUBJECT: Petition PB-16-142 ZON. City of Gainesville. Rezone property from Alachua County Hospital medical (HM) district to City of Gainesville Medical services district (MD). Located at 916 NW 66th Street. Related to PB-16-141 LUC.

Recommendation

Staff recommends approval of Petition PB-16-142 ZON.



Description

This rezoning petition pertains to a 0.91-acre property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. This property was voluntarily annexed into the City of Gainesville by Ordinance 160156 effective on September 15th, 2016. The property is currently developed with an existing 10,016 square foot CVS pharmacy and is surrounded by the North Florida Regional Medical Center (NFRMC) complex. The site also abuts existing commercial development along Newberry Road.

The proposed zoning change from Alachua County Hospital and Medical district to City of Gainesville Medical Services zoning will allow a variety of medical uses along with a small selection of additional non-residential uses which are consistent with the allowable uses permitted within the existing Alachua County zoning.

This property abuts NFRMC properties with City of Gainesville Office land use to the north and the east, Alachua County Office/Medical land use to the west, and Alachua County Tourist/Entertainment to the south. The respective zoning designations for the adjacent properties are City of Gainesville Medical Services district (MD) to the north and east, Alachua County Hospital and Medical district to the west, and Alachua County Highway Oriented Business (BH) zoning to the south.

This petition is related to Petition PB-16-141 LUC, which proposes a small-scale land use amendment from Alachua County Office/Medical land use to City of Gainesville Office. The proposed rezoning to MD will implement the associated land use change.

Key Issues

- The City is required to place City land use (and zoning) on annexed property.
- The proposed rezoning to Medical Services (MD) is consistent with the City's Comprehensive Plan and supports appropriate areas for hospital and medical uses, professional uses, and appropriate ancillary uses.
- The subject property is currently developed with an existing CVS pharmacy.

Basis for Recommendation

The staff recommendation is based on the five following factors, which are discussed below: Conformance with the Comprehensive Plan; Conformance with the Land Development Code; Changed Conditions; Compatibility; and Impacts on Affordable Housing.

1. Conformance with the Comprehensive Plan

This zoning petition is consistent with Future Land Use Policy 4.4.1, Objective 4.4, and Policies 4.1.1. The proposed MD zoning district for this location is also consistent with the Comprehensive Plan policy (Transportation Mobility Element, Policy 10.2.5) concerning development within one-quarter mile of transit hubs. The property is part of the existing

NFRMC transit hub and is a major trip generator and attractor within the City. See Exhibit A-1 for other relevant Gainesville Comprehensive Plan policies.

Future Land Use Element

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Office

The Office land use category identifies areas appropriate for office and residential uses. This category is intended to identify appropriate areas for professional and service uses, hospital and medical uses, compound and residential uses, and appropriate ancillary uses. Office designations shall be applied to compact office development. Residential uses in office districts shall be designed as new in-town development, mixed-use, live-work, compound use or shall accommodate existing residential development within the district. Densities shall not exceed 20 units per acre. Land development regulations shall determine the appropriate scale of uses; and the specific criteria for the siting of private schools and churches. Intensity will be controlled by adopting land development regulations that establish height limits of 5 stories or less, that require buildings to face the street, and modest build-to lines, instead of a maximum floor area ratio; however, height may be increased to a maximum of 8 stories by special use permit.

Objective 4.4 Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

Policy 4.4.1 Land use amendments should be prepared for all annexed properties within one year of annexation.

Policy 4.4.2 Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.

2. Conformance with the Land Development Code

As previously stated, the subject property is currently developed with an existing CVS pharmacy constructed in 1975 while the property was within Alachua County jurisdiction. Pharmacies are an allowed use within the MD zoning district. Since the site was developed approximately forty-one years ago, there may be elements of the site or building design that do not conform to current City Code. However, any proposed new development or redevelopment of the site will be required to meet all applicable Land Development Code requirements, at the time of development plan review.

3. Changed Conditions

The major changed condition is that this developed property was annexed into the City of Gainesville on September 15, 2016.

4. Compatibility

The proposed MD zoning is compatible with the adjacent properties and the surrounding area. As previously stated, this is an existing site currently developed with an operational CVS pharmacy within the NFRMC complex. This zoning change was initiated in response to a recent voluntary annexation of the subject property into the City of Gainesville. The property abuts properties with Office land use (MD zoning) to the east and north, Alachua County Office/Medical land use to the west (Hospital and Medical district zoning), and Alachua County Tourist/Entertainment to the south (Highway Oriented Business zoning). Surrounding uses include a mix of medical and office uses to the north, east, and west and commercial uses to the south along Newberry Rd.

5. Impacts on Affordable Housing

The proposed zoning change is not anticipated to have an impact on affordable housing. The MD zoning district does not allow residential uses which precludes the construction of any affordable housing on this site.

Transportation

There are no major transportation issues associated with the proposed zoning change. This developed site is located within Zone B of the Gainesville Transportation Mobility Program Area (TMPA) and is proximate to (within 500 feet) to the NFRMC campus. The Oaks Mall/NFRMC is an Existing Transit Hub (see Exhibit B-4 for map of Existing Transit Hubs & Transit-Supportive Areas, which is from the Transportation Mobility Map Series of the Comprehensive Plan).

The .91-acre property at the southwest corner of NW 10th Pl (local street) and NW 66th St (local street) is accessible by transit, bicycle and walking from W Newberry Road (four-lane arterial roadway with sidewalks on both sides) to the south. RTS transit service along W Newberry Rd is provided by RTS Routes 23, 77, and 75. The fall 2016 service intervals for the respective routes are: Route 23 (M-F: 18-44 minutes; Sat./Sun.: no service); Route 77 (M-F: 45 minutes; Sat./Sun.: no service); and Route 75 (M-F: 40-60 minutes; Sat./Sun.: 120 minutes).

The City rescinded transportation concurrency with the adoption of its updated Comprehensive Plan. Therefore, development within TMPA Zone B is not required to meet level of service (LOS) requirements for transportation concurrency, but is required to comply with the TMPA Zone B requirements of Policies 10.1.3, 10.1.4, and 10.1.6 of the Transportation Mobility Element (see Exhibit A-1, Comprehensive Plan GOPs).

The proposed zoning change is not anticipated to affect the current use of the site which includes the existing trip generation. Based on the ITE Trip Generation Manual, 9th ed. for a 10,016 square foot pharmacy without a drive-through, the total AM peak trips are estimated to be 29 and the PM peak trips are estimated to be 84. The total Average Daily Trips are estimated to be 902.

Environmental Impacts and Constraints

This is an existing fully developed site. There are no wetlands or other environmental features that would limit the current use of the site or impact future redevelopment. As a result there are no anticipated environmental impacts from the proposed zoning change.

Respectfully submitted,



Andrew Persons, AICP
Interim Principal Planner

Table 1

Adjacent Existing Uses

North	NFRMC parking garage
South	ABC Wine and Spirits
East	NFRMC hospital
West	Medical office building

Adjacent Land Use and Zoning

	Land Use Category	Zoning Category
North	Office	MD zoning
South	Alachua: Tourist/Entertainment	Alachua: Highway Oriented Business
East	Office	MD zoning
West	Alachua: Office/Medical	Alachua: Office and Medical

List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Appendix B Supplemental Documents

Exhibit B-1 Aerial Photograph

Exhibit B-2 Map: Existing Zoning

Exhibit B-3 Map: Proposed Zoning

Exhibit B-4 Map: Existing Transit Hubs & Transit-Supportive Areas

Exhibit B-5 Sec. 30-74. - Medical services district (MD)

Appendix C Application Package

Exhibit C-1 Rezoning Application

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Exhibit A-1 Comprehensive Plan GOPs

Future Land Use Element

GOAL 2 Redevelop areas within the City, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.

Objective 2.1 Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

Transportation Mobility Element

Policy 2.1.2 The City shall promote transportation choice, healthy residential and non-residential development, safety, and convenience.

Objective 7.1 Provide multi-modal opportunities and mixed-use development areas to reduce single-occupant automobile trips and reduce vehicle miles traveled.

Policy 10.1.3 Zone A shall promote redevelopment and infill in the eastern portion of the City and the area near the University of Florida. Except as shown in Policy 10.1.4 and Policy 10.1.14, funding for multi-modal transportation in Zone A shall be provided to the maximum extent feasible by the City, Community Redevelopment Agency, federal or state governments, and other outside sources such as grant funds.

Policy 10.1.4 For any development or redevelopment within Zone A, the developer shall provide the following transportation mobility requirements. The developer shall provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

- a. Sidewalk connections from the development to existing and planned public sidewalk along the development frontage;
- b. Cross-access connections/easements or joint driveways, where available and economically feasible;
- c. Deeding of land or conveyance of required easements along the property frontage to the City, as needed, for the construction of public sidewalks, bus turn-out facilities, and/or transit shelters. Such deeding

or conveyance of required easements, or a portion of same, shall not be required if it would render the property unusable for development. A Transit Facility License Agreement between the property owner and the City for the placement of a bus shelter and related facilities on private property may be used in lieu of deeding of land or conveyance of easements. The License Agreement term shall be for a minimum of 10 years;

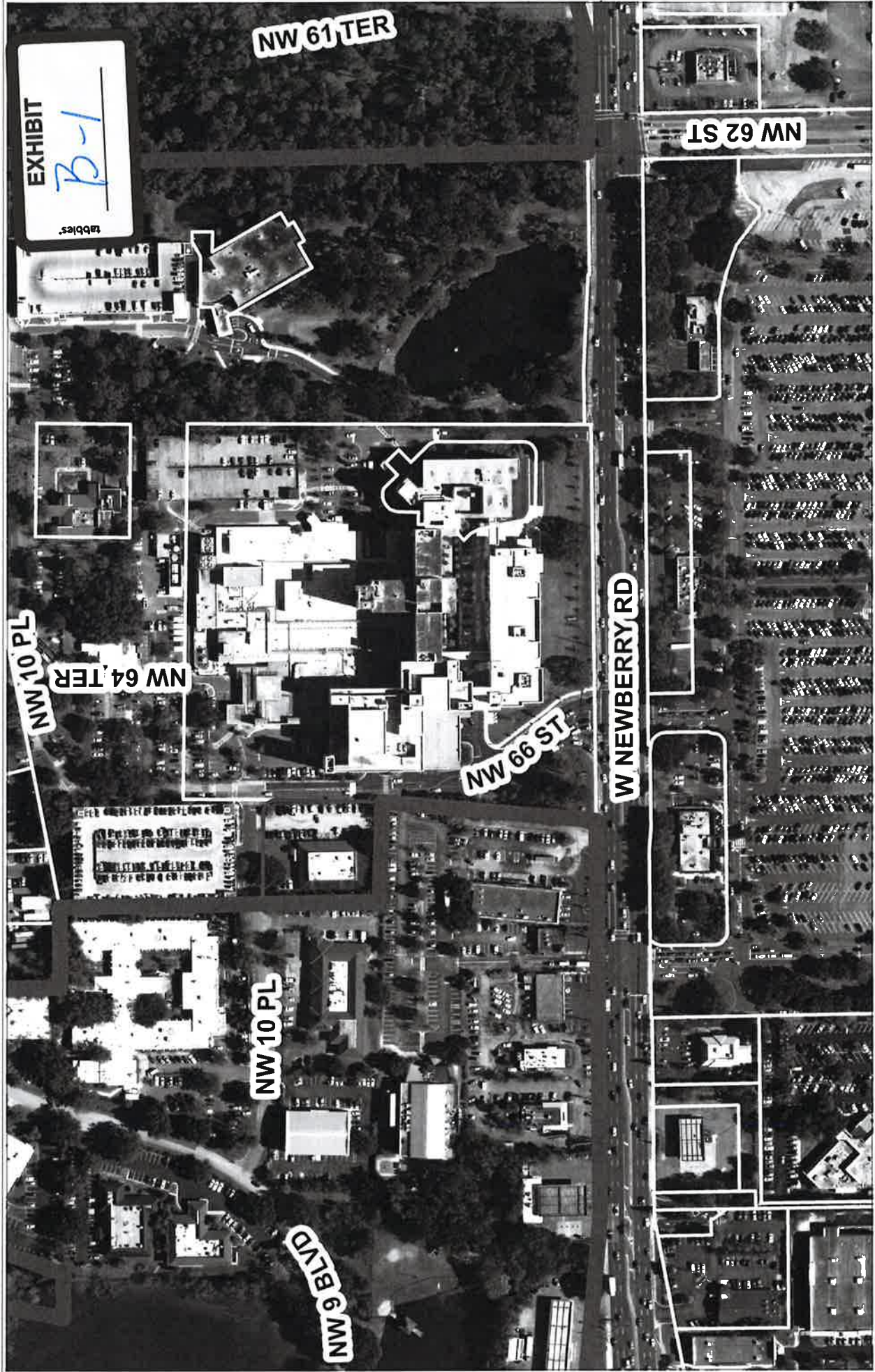
- d. Closure of existing excessive, duplicative, or unsafe curb cuts or narrowing of overly wide curb cuts at the development site, as defined in the Access Management portion of the Land Development Code; and
- e. Safe and convenient on-site pedestrian circulation, such as sidewalks and crosswalks connecting buildings and parking areas at the development site.

Policy 10.1.5 For any development or redevelopment within Zones B, C, D, E, or M, the developer shall provide all of the items listed in Policy 10.1.4 and shall provide the transportation mobility requirements as specified in Policies 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.1.13, and 10.1.14, as applicable. The developer shall also provide any transportation modifications that are site related and required for operational or safety reasons, such as, but not limited to, new turn lanes into the development, driveway modifications, or new traffic signals, and such operational and safety modifications shall be unrelated to the Transportation Mobility Program requirements.

Policy 10.1.6 For any development or redevelopment within Zone B, the developer shall, at the developer's expense, meet the following transportation mobility criteria based on the development's (including all phases) trip generation and proportional impact on transportation mobility needs. The criteria chosen shall relate to the particular development site and the transportation mobility conditions and priorities in the zone, adjacent zones, and/or citywide for criteria that benefit the overall transportation system. Based on cost estimates provided by the developer and verified by the City, the City shall have the discretion to count individual criteria as equivalent to two or more criteria for purposes of satisfying transportation mobility requirements. Provision of the required transportation mobility criteria shall be subject to final approval by the City during the development review process and shall be memorialized in a TMPA agreement between the City and the developer.

Policy 10.2.5 In order to encourage the redevelopment of properties within the TMPA, reduce or prevent blight, and encourage development in close proximity to transit, the following redevelopment trip credits shall apply to projects that are located within ¼ mile of the property lines of an existing transit hub or projects that are located in transit-supportive areas (as shown in the Existing

Transit Hubs and Transit-Supportive Areas Map adopted in the Transportation Mobility Element) and are within ¼ mile of an existing transit route. The City shall reduce by 25% the net, new average daily trip generation for any redevelopment project or any project that expands or converts a building to a new use. The City shall reduce by 40% the net, new average daily trip generation for any mixed-use project that includes both a residential and non-residential component where residential dwelling units equal at least 10% of the floor area of commercial/office uses.



AERIAL PHOTOGRAPH

Name	Petition Request	Petition Number
<p>City of Gainesville, applicant</p>	<p>Rezone property from Alachua County Hospital medical (HM) district to City of Gainesville Medical services district (MD)</p>	<p>PB-16-142 ZON</p>



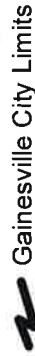
Zoning Districts

City of Gainesville

- BUS: General Business
- BT: Tourist-oriented Business
- CON: Conservation
- MD: Medical
- PD: Planned Development

Alachua County

- AP: Administrative and Professional
- HM: Hospital and Medical
- BH: Highway-oriented business



Area under petition consideration

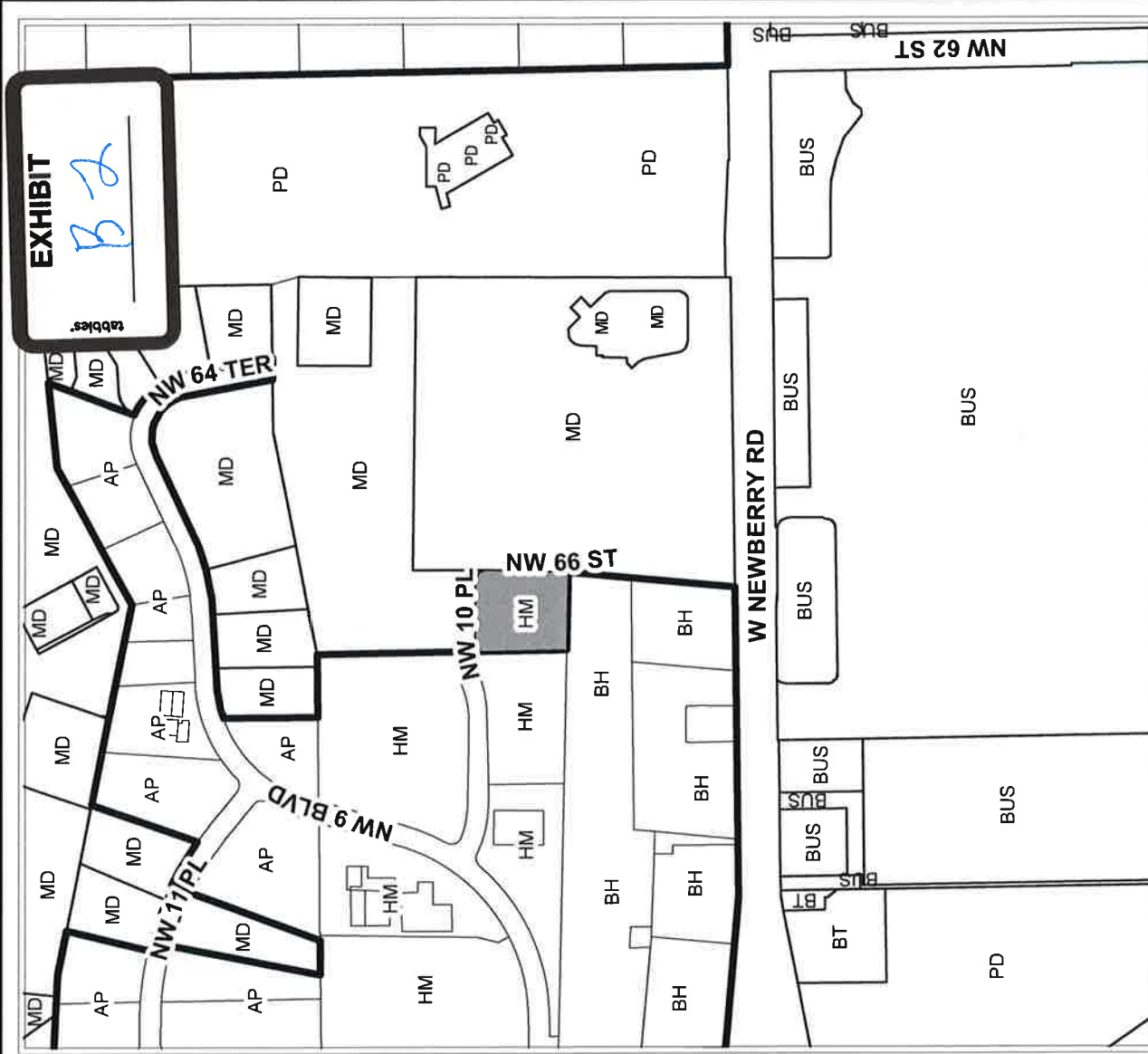


EXHIBIT
B-2

EXISTING ZONING

Name	Petition Request	Petition Number
City of Gainesville, applicant	Rezone property from Alachua County Hospital medical (HM) district to City of Gainesville Medical services district (MD)	PB-16-142 ZON



No Scale

EXHIBIT
B-3

Zoning Districts

City of Gainesville

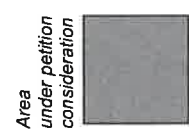
- BUS: General Business
- BT: Tourist-oriented Business
- CON: Conservation
- MD: Medical
- PD: Planned Development

Alachua County

- AP: Administrative and Professional
- HM: Hospital and Medical
- BH: Highway-oriented business

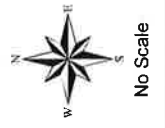


Gainesville City Limits



PROPOSED ZONING

Name	Petition Request	Petition Number
City of Gainesville, applicant	Rezone property from Alachua County Hospital medical (HM) district to City of Gainesville Medical services district (MD)	PB-16-142 ZON



No Scale

EXHIBIT
B-4

**TRANSPORTATION
MOBILITY ELEMENT**

**Existing Transit Hubs &
Transit-Supportive Areas**

Existing Hubs

1. NW 13th Street Mixed Use Area
2. Oaks Mall/North Florida Regional Medical Center
3. University of Florida/Shands/VA Hospital
4. Rosa Parks Downtown Transfer Station
5. Butler Plaza/Archer Road

Transit-Supportive Areas

6. Northwood Shopping Area/Walmart/Senior Recreation Center
7. Exchange Center
8. Winn Dixie/Big Lots/Greyhound Station
9. Millhopper/Thornbrook Village
10. Main Street Shopping Center
11. Waldo Road Walmart
12. Corporate Park
13. Westgate/Plaza Royale
14. Downtown MU-H area/Santa Fe College Downtown Campus
15. Five Points
16. Health Department/Tiger Bay/Mixed-Use Area
17. South Main Street & South 16th Avenue
18. Innovation Square
19. Urban Village
20. Magnolia Park
21. Shoppes of Williston Road
22. Airport/Plan East Gainesville Employment Center

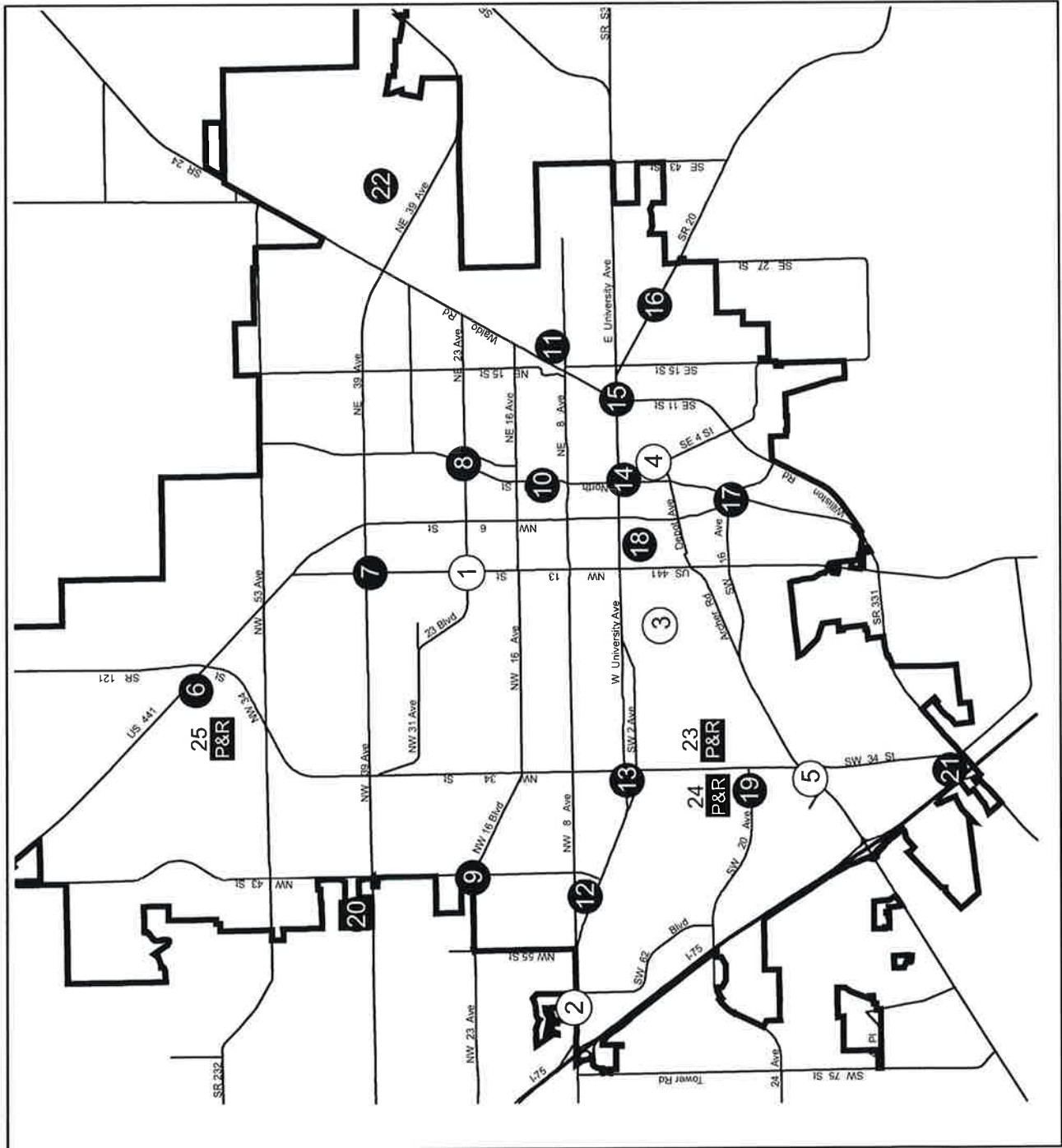
P&R Park & Ride Facility

23. Ham Museum
24. UF Conference Center
25. Walmart Northwood



**City of Gainesville
Gainesville, Florida**

Prepared by Planning
& Development Services
November 2012





Sec. 30-74. - Medical services district (MD).

- (a) *Purpose.* The MD district is established to provide adequate space in appropriate locations suitable for accommodating the health and related medical needs of the community.
- (b) *Objectives.* The provisions of this district are intended to:
 - (1) Encourage such development to locate in close proximity to the community's major transportation arteries so as to provide maximum accessibility for emergency vehicles and the general public;
 - (2) Discourage encroachment by unrelated retail and office activities and other incompatible uses; and
 - (3) Ensure through development plan review that development is undertaken in a manner compatible with less intense uses of land or buildings in the area.

(c) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Day care centers	In accordance with article VI
	Emergency shelters	
	Medical marijuana dispensaries	
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Social service homes or halfway houses	In accordance with article VI
IN-5047	Medical, dental and hospital equipment and supplies	
IN-5048	Ophthalmic goods	

IN-5049	Professional equipment and supplies, not elsewhere classified	
GN-591	Drugstores and proprietary stores	
MG-80	Health services	Including nursing and personal care facilities (GN-805) in accordance with article VI
	USES BY SPECIAL USE PERMIT:	
	Residences for destitute people	In accordance with article VI
	Food distribution centers for the needy	In accordance with article VI
GN-701	Hotels and motels	In accordance with article VI
GN-726	Funeral service and crematories	In accordance with article VI

(d) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Minimum lot area: 6,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 60 feet.
- (3) Minimum yard setbacks:

a. Angle of light obstruction for principal and accessory structures: 45 degrees.

Where the development intensity exceeds a floor area ratio of 1.0 or the building height is greater than 35 feet, the setback distance related to the angle of light obstruction may be varied by the appropriate reviewing board during development plan review. In adjusting the setbacks, the appropriate reviewing board shall ensure that there shall be a minimum of a 20 foot setback along a collector or arterial and minimum of a 15 foot setback along a local street. In considering the petition, the appropriate reviewing board shall consider:

1. The existing pattern of development in the general area, particularly along adjacent rights-of-way.
2. Site constraints that limit the potential to fully develop the subject property in the same manner as other neighboring properties.
3. The need to provide adequate landscaping while protecting existing or unique natural features and vegetation occurring on the site.

4. The need to provide sidewalks and bike routes, planting or maintaining adequate landscaping and future road widening.
- b. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 25 feet or the distance created by the angle of light obstruction, whichever is greater.
- (4) Maximum lot coverage: 40 percent except when a minimum of 75 percent of parking is accommodated within a parking structure, the maximum lot coverage is 50 percent.
 - (5) Maximum floor area ratio of principal structures: 2.00.
- (e) *Additional requirements.*
- (1) *General conditions.* All structures and uses within this district shall also comply with the applicable requirements and conditions of article IX.
 - (2) *Development plan approval.* Prior to the issuance of a building permit for development in any MD district, development plan approval shall be obtained in accordance with the provisions of article VII.
 - (3) *Parking.* In order to receive and maintain a valid certificate of occupancy within any MD district, the parking requirements shall be complied with as set forth in article IX.
 - (4) *Landscaping.* In order to receive and maintain a valid certificate of occupancy within any MD district, the landscaping requirements shall be complied with as set forth in article VIII.
 - (5) *Signs.* In order to receive and maintain a valid certificate of occupancy within any MD district, the signs requirements shall be complied with as set forth in article IX.
 - (6) *Flood control.* Prior to the issuance of a building permit in any MD district, the provisions of the flood control district, article VIII, shall be complied with where applicable.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 951420, § 7, 7-8-96; Ord. No. 970683, § 1, 3-9-98; Ord. No. 150395, § 10, 11-19-15)

EXHIBIT
C-1



APPLICATION—CITY PLAN BOARD
Planning & Development Services

OFFICE USE ONLY

Petition No. PB-16-142 ZON Fee: \$ _____
 1st Step Mtg Date: _____ EZ Fee: \$ _____
 Tax Map No. _____ Receipt No. _____

Account No. 001-660-6680-3401 []
 Account No. 001-660-6680-1124 (Enterprise Zone) []
 Account No. 001-660-6680-1125 (Enterprise Zone Credit) []

Owner(s) of Record (please print)

Name: North Central Florida Regional Medical Center, Inc.
 Address: _____

 Phone: _____ Fax: _____
 (Additional owners may be listed at end of applic.)

Applicant(s)/Agent(s), if different

Name: City of Gainesville
 Address: _____

 Phone: _____ Fax: _____

Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.

REQUEST

Check applicable request(s) below:

Future Land Use Map []	Zoning Map <input checked="" type="checkbox"/>	Master Flood Control Map []
Present designation:	Present designation: <u>Arterial Hospital Medical</u>	Other [] Specify:
Requested designation:	Requested designation: <u>Medical District Services</u>	

INFORMATION ON PROPERTY

1. Street address: 916 NW 66th St
 2. Map no(s): 3841
 3. Tax parcel no(s): 06340-007-400
 4. Size of property: 91 acre(s)

All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more must be accompanied by a market analysis report.

Certified Cashier's Receipt:

5. Legal description (attach as separate document, using the following guidelines):

- a. Submit on 8 1/2 x 11 in. sheet of paper, separate from any other information.
- b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
- c. Must correctly describe the property being submitted for the petition.
- d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES (NOTE: All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.)

A. What are the existing surrounding land uses?

North

Medical

South

retail

East

medical

West

retail

B. Are there other properties or vacant buildings within 1/2 mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO X

YES ____ If yes, please explain why the other properties cannot accommodate the proposed use?

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets

N/A

Noise and lighting

N/A

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO YES ____ (If yes, please explain below)

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO YES ____

b. Property with archaeological resources deemed significant by the State?

NO YES ____

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment
Activity Center ____
Strip Commercial ____

Urban Infill ____
Urban Fringe ____
Traditional Neighborhood ____

Explanation of how the proposed development will contribute to the community.

This is recently annexed property with existing development.

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

See above.

H. What impact will the proposed change have on level of service standards?

Roadways

See above

Recreation

Water and Wastewater

Solid Waste

Mass Transit

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO

YES (please explain)

CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	


Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	Fax:
Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.



 Owner/Agent Signature

10-3-16

 Date

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____ 20____, by (Name)
_____.

Signature – Notary Public

Personally Known ____ OR Produced Identification ____ (Type) _____

ORDINANCE NO. 160156

An ordinance of the City of Gainesville, Florida, annexing approximately 0.91 acres of property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the "Act"), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

WHEREAS, on July 7, 2016, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

WHEREAS, the subject property meets the criteria for annexation under the Act; and

WHEREAS, the City has provided all notices required pursuant to the Act, including notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading that notified the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above during which 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 CITY OF GAINESVILLE, FLORIDA:

Section 1. The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property.

Section 2. The following described property is annexed and incorporated within the corporate limits of the City of Gainesville, Florida:

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

Section 3. The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I, Charter Laws of the City of Gainesville, are amended and revised to include the property described in Section 2 of this ordinance.

Section 4. In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

Section 5. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in

Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2016, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2016.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property area described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective date of this ordinance.

Section 6. The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

Section 7. 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 this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this 15th day of September, 2016.



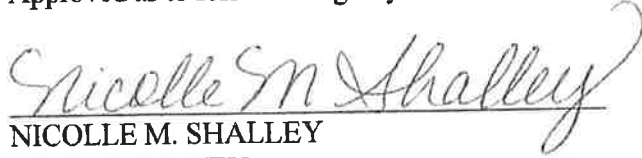
LAUREN POE
MAYOR

Attest:



KURT LANNON
CLERK OF THE COMMISSION

Approved as to form and legality:



NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this 18th day of August, 2016.

This ordinance passed on second reading this 15th day of September, 2016.

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 9 SOUTH, RANGE 19 EAST IN ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH 89°23'10" EAST ALONG THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 362.15 FEET; THENCE RUN NORTH 06°20'54" EAST A DISTANCE OF 450.25 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 798, PAGE 534 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 3979 AND BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4056, PAGE 927 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN NORTH 87°28'18" WEST ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 185.14 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE RUN NORTH 00°14'09" EAST ALONG THE WEST LINE OF SAID LANDS A DISTANCE OF 215.00 FEET TO THE NORTHWEST CORNER OF SAID LANDS ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 3979 AND BEING THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1636, PAGE 787; THENCE EASTERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID LANDS AND EXISTING CITY OF GAINESVILLE LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 0.91 ACRES MORE OR LESS.




EXHBIT "A"

**CVS at North
Florida Regional
Medical Center**

Date: 7/13/2016

Prepared by: City of Gainesville Planning and Development Services Department

Legend

-  Subject Parcel
-  Unincorporated Area
-  Existing City Boundary

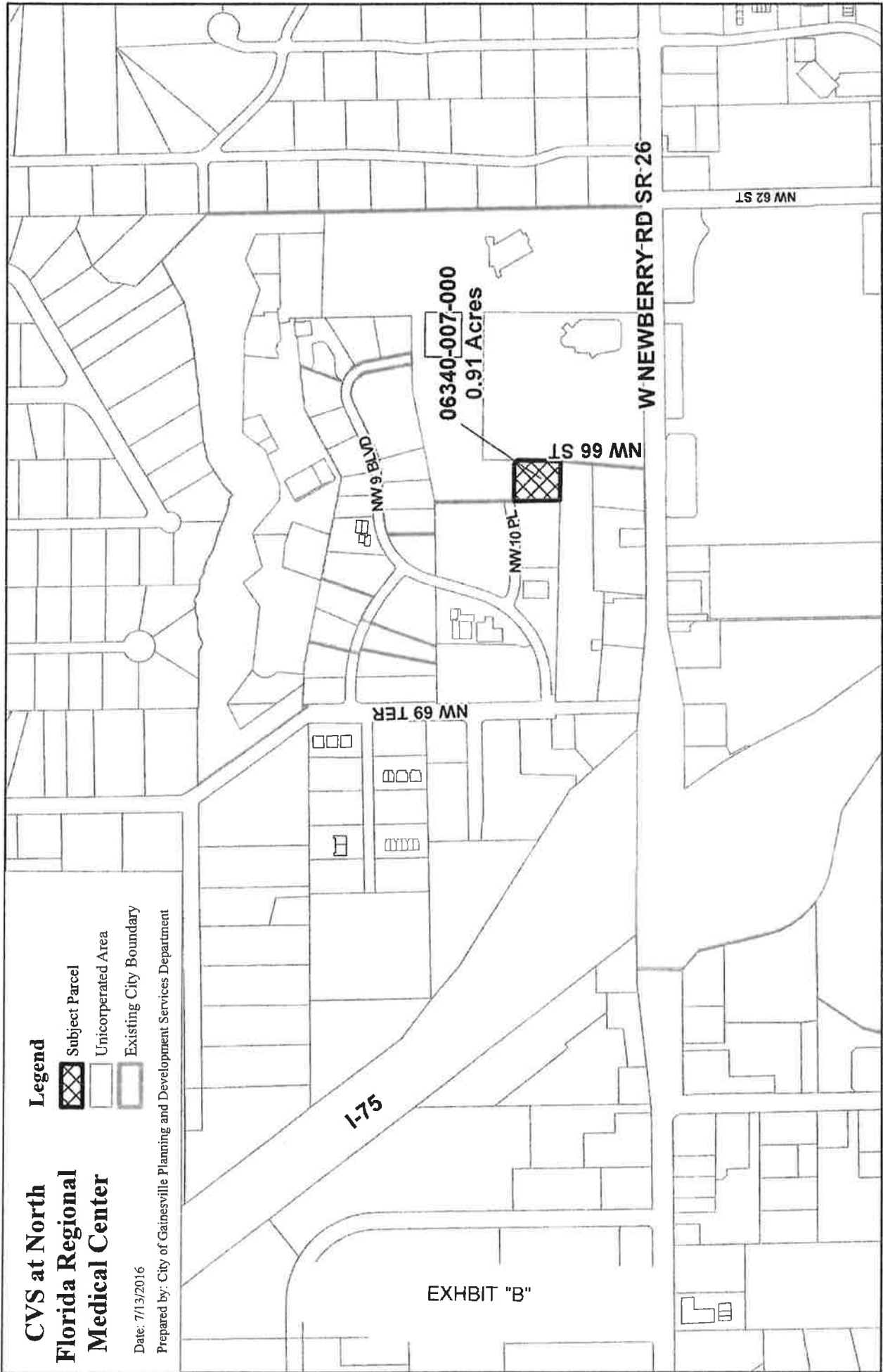


EXHIBIT "B"