

Legislative #

110109-A

D R A F T

12/13/2011

ORDINANCE NO. 110109

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain properties from the Alachua County**
6 **zoning categories of “Highway oriented business services (BH)**
7 **district” and “Administrative and professional (AP) district to the**
8 **City of Gainesville zoning category of “BUS: General business**
9 **district”; consisting of approximately 27.8 acres, and located in the**
10 **vicinity of the 7200-7300 blocks of Northwest 4th Blvd.; providing**
11 **directions to the City Manager; providing a severability clause;**
12 **providing a repealing clause; and providing an immediate effective**
13 **date.**

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16 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
17 Atlas be amended by rezoning certain properties from the Alachua County zoning categories of
18 “Highway oriented business services (BH) district” and “Administrative and professional (AP)
19 district” to the City of Gainesville zoning category of “BUS: General business district”; 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 28, 2011; and

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

24 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10 inches
25 long was placed in a newspaper of general circulation and of the public hearing to be held in the
26 City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7)
27 days after the day the first advertisement was published; and

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1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
2 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the
3 adoption stage at least five (5) days after the day the second advertisement was published; and

4 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
5 described above at which hearings the parties in interest and all others had an opportunity to be and
6 were, in fact, heard.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
8 **CITY OF GAINESVILLE, FLORIDA:**

9 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
10 following described property from the Alachua County zoning categories of “Highway oriented
11 business services (BH) district” and “Administrative and professional (AP) district” to the City
12 of Gainesville zoning category of “BUS: General business district”, as more specifically
13 described below:

14 See legal description attached hereto as Exhibit “A” and made a part hereof
15 as if set forth in full.
16

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

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

12/13/2011

Petition No. PB-11-48 ZON

EXHIBIT A-TOWER CENTER LEGAL DESCRIPTION
PARCEL NUMBERS 06654-003-001 & 06654-003-00

A TRACT OF LAND SITUATED IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE AFOREMENTIONED SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST FOR THE POINT OF REFERENCE AND RUN S.00° 50'48"E., ALONG THE WEST LINE OF SAID SECTION 4, DISTANCE OF 801.31 FEET; THENCE RUN N.89° 26'12"E., A DISTANCE OF 39.53 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NO. S.W. 29 (N.W. 75 STREET) THENCE RUN S.00° 50'48"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 399.65 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE S.00° 50'48"E., ALONG SAID EAST RIGHT OF WAY LINE, 157.02 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 36.00 FEET; THENCE RUN NORTHEASTERLY, ALONG SAID CURVE, THROUGH AN ARC ANGLE OF 90° 53'25", AN ARC DISTANCE OF 57.11 FEET (CHORD BEARING AND DISTANCE OF N.44° 35'54"E., 51.31 FEET RESPECTIVELY) TO THE END OF SAID CURVE; THENCE RUN S.89° 57'23"E., A DISTANCE OF 152.07 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, SAID CURVE HAVING A RADIUS OF 21.00 FEET; THENCE RUN SOUTHEASTERLY, ALONG SAID CURVE, THROUGH AN ARC ANGLE OF 90° 00'00", AN ARC DISTANCE OF 32.99 FEET (CHORD BEARING AND DISTANCE OF S.44° 57'23"E., 29.70 FEET RESPECTIVELY) TO THE END OF SAID CURVE; THENCE RUN S.00° 02'37"W., A DISTANCE OF 243.96 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, SAID CURVE HAVING A RADIUS OF 21.00 FEET; THENCE RUN SOUTHWESTERLY, ALONG SAID CURVE, THROUGH AN ARC ANGLE OF 90° 00'00", AN ARC DISTANCE OF 32.99 FEET (CHORD BEARING AND DISTANCE OF S.45° 02'37"W., 29.70 FEET RESPECTIVELY) TO THE END OF SAID CURVE; THENCE RUN N.89° 57'23"W., A DISTANCE OF 148.74 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 36.00 FEET; THENCE RUN NORTHWESTERLY, ALONG SAID CURVE, THROUGH AN ARC ANGLE OF 89° 06'35", AN ARC DISTANCE OF 55.99 FEET (CHORD BEARING AND DISTANCE OF N.45° 24'05"W., 50.51 FEET RESPECTIVELY) TO THE END OF SAID CURVE ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF COUNTY ROAD NO. S.W. 29 (N.W. 75TH STREET); THENCE RUN S.00° 50'48"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 97.75 FEET; THENCE RUN S.89° 57'23"E., A DISTANCE OF 204.22 FEET; THENCE RUN S.00° 02'37"W., A DISTANCE OF 300.00 FEET; THENCE RUN S.89° 57'23"E., A DISTANCE OF 660.37 FEET TO A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 991230 ALSO BEING THE SOUTHWEST CORNER OF THE HOME DEPOT PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1726, PAGE 2386 OF SAID PUBLIC RECORDS, THENCE CONTINUE ALONG SAID EXISTING LIMIT LINE THE FOLLOWING 9 COURSES: 1.) N.00° 03'18"W.,

A DISTANCE OF 335.06 FEET; 2.) S.89° 41'31"E., A DISTANCE OF 8.21 FEET; 3.)
 RUN N.00° 05'46"E., A DISTANCE OF 377.82 FEET; 4.) S.83° 05'52"E., A
 DISTANCE OF 61.62 FEET; 5.) N.89° 54'28"E., A DISTANCE OF 90.51 FEET; 6.)
 N.00° 02'37"E., A DISTANCE OF 103.82 FEET; 7.) S. 89 57'23"E., A DISTANCE OF
 426.00 FEET; 8.) S00 02'37"W., A DISTANCE OF 809.51 FEET; 9.) N89 57'23" W., A
 DISTANCE OF 16.00 FEET; THENCE LEAVING SAID EXISTING CITY LIMIT
 RUN S.00° 02'37"W., A DISTANCE OF 300.00 FEET TO THE NORTH RIGHT OF
 WAY LINE OF WEST UNIVERSITY AVENUE EXTENSION, THENCE RUN S.89°
 57'23"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 80.00 FEET;
 THENCE, LEAVING SAID RIGHT OF WAY LINE, RUN N.00° 02'37"E., A
 DISTANCE OF 300.00 FEET TO A POINT ON THE SOUTH LINE OF THE CIRCUIT
 CITY PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1835, PAGE 1503
 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID
 CIRCUIT CITY THE FOLLOWING 5 COURSES: 1.) N89° 57'23"W., A DISTANCE
 OF 16.00 FEET; 2.) N.00° 02'37"E., A DISTANCE OF 706.25 FEET TO THE
 NORTHWEST CORNER OF SAID CIRCUIT CITY; 3.) S.89° 57'23"E., A DISTANCE
 OF 54.65 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY, SAID
 CURVE HAVING A RADIUS OF 508.81 FEET; 4.) THENCE ALONG SAID CURVE
 THROUGH A CENTRAL ANGLE OF 13° 06'12", AN ARC DISTANCE OF 116.36
 FEET (CHORD BEARING AND DISTANCE OF S.83° 24'17" E., 116.11 FEET
 RESPECTIVELY) TO THE NORTHEAST CORNER OF SAID CIRCUIT CITY; 5.)
 THENCE S.00° 02'27"W., A DISTANCE OF 30.85 FEET TO A POINT ON A CURVE
 CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 478.81 FEET;
 THENCE LEAVING SAID BOUNDARY OF CIRCUIT CITY RUN
 SOUTHEASTERLY ALONG THE BOUNDARIES OF THE LAND DESCRIBED IN
 OFFICIAL RECORDS BOOK 2127, PAGE 2499 OF SAID PUBLIC RECORDS, THE
 FOLLOWING TWO COURSES: (1) ALONG SAID CURVE THROUGH AN ARC
 ANGLE OF 38° 14'24", AN ARC DISTANCE OF 319.56 FEET (CHORD BEARING
 AND DISTANCE OF S.56° 13'40"E., 313.67 FEET RESPECTIVELY); (2) THENCE
 S.37° 37'23"E., A DISTANCE OF 69.82 FEET TO A BOUNDARY CORNER OF THE
 MARRIOTT HOTEL PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK
 1733, PAGE 2080 OF SAID PUBLIC RECORDS; THENCE SOUTHEASTERLY AND
 SOUTHWESTERLY ALONG THE BOUNDARIES OF SAID MARRIOTT HOTEL
 PARCEL THE FOLLOWING TWO COURSES: (1) THENCE S.37° 37'23"E., A
 DISTANCE OF 515.00 FEET; (2) THENCE S.52° 22'37"W., A DISTANCE OF 41.00
 FEET; THENCE RUN SOUTHEASTERLY AND NORTHERLY ALONG THE
 BOUNDARIES OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1643,
 PAGE 2025 OF SAID PUBLIC RECORDS, THE FOLLOWING TWO COURSES: (1)
 THENCE S.37° 37'12"E., A DISTANCE OF 608.12 FEET; (2) THENCE N.01°
 00'00"W., A DISTANCE OF 125.72 FEET TO A POINT ON THE WESTERLY
 RIGHT OF WAY LINE OF INTERSTATE 75 ALSO BEING A POINT ON THE
 EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER
 3769; THENCE RUN ALONG SAID CITY LIMIT AND SOUTHWESTERLY RIGHT
 OF WAY LINE, A DISTANCE OF 1091.53 FEET TO THE MOST EASTERLY
 CORNER OF PARCEL "A" AS DESCRIBED IN OFFICIAL RECORDS BOOK 1726,
 PAGE 2449 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA,

THENCE RUN N.37° 37'23"W., ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 446.05 FEET; THENCE RUN N.55° 24'06"W., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 434.05 FEET; THENCE RUN N. 78° 37'23"W., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 290.79 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 385.00 FEET; THENCE RUN NORTHWESTERLY, ALONG SAID RIGHT OF WAY LINE AND WITH SAID CURVE, THROUGH AN ARC ANGLE OF 23° 55'46", AN ARC DISTANCE OF 160.79 FEET (CHORD BEARING AND DISTANCE OF N.66° 39'31"W., 159.63 FEET RESPECTIVELY); THENCE RUN S.89° 26'12"W., A DISTANCE OF 456.70 FEET; THENCE RUN S.33° 23'34"W., A DISTANCE OF 263.00 FEET; THENCE RUN S.13° 47'38"W., A DISTANCE OF 170.00 FEET; THENCE RUN S.00° 02'37"W., A DISTANCE OF 105.00 FEET; THENCE RUN N.89° 57'23"W., A DISTANCE OF 223.51 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 36.00 FEET; THENCE RUN NORTHWESTERLY, ALONG SAID CURVE, THROUGH AN ARC ANGLE OF 89° 06'35", AN ARC DISTANCE OF 55.99 FEET (CHORD BEARING AND DISTANCE OF N.45° 24'05"W., 50.52 FEET RESPECTIVELY) TO THE END OF SAID CURVE AND THE POINT OF BEGINNING;