

ORDINANCE NO. 110109

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain properties from the Alachua County zoning categories of "Highway oriented business services (BH) district" and "Administrative and professional (AP) district" to the City of Gainesville zoning category of "BUS: General business district"; consisting of approximately 27.8 acres, and located in the vicinity of the 7200-7300 blocks of Northwest 4<sup>th</sup> Blvd.; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an immediate 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 Alachua County zoning categories of "Highway oriented business services (BH) district" and "Administrative and professional (AP) district" to the City of Gainesville zoning category of "BUS: General business 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 April 28, 2011; and

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

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

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  
23 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 final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 110110 becomes effective as provided therein.


**PASSED AND ADOPTED** this 16th day of February, 2012.

  
CRAIG LOWE, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
KURT LANNON,  
CLERK OF THE COMMISSION

By:   
MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this 2nd day of February, 2012.

This ordinance passed on second reading this 16th day of February, 2012.

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. 75<sup>TH</sup> 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;