



Legislation Details (With Text)

**File #:** 150456. **Version:** 4 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 10/19/2015 **In control:** City Attorney  
**On agenda:** 3/17/2016 **Final action:** 4/7/2016  
**Title:** LAND USE CHANGE - BUTLER DEVELOPMENT/OLIVE GARDEN 3440 SW ARCHER ROAD (B)

Ordinance No. 150456, Petition No. PB-15-91 LUC  
An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 1.1 acres of property that has an underlying land use category of Commercial (C) and that is generally located at 3440 SW Archer Road, as more specifically described in this ordinance; assigning the subject property to Subarea 3 within the Butler Development PUD as regulated by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 150456A\_staff report\_20151022.pdf, 2. 150456B\_ExhA1 Maps Comprehensive Maps\_20151022.pdf, 3. 150456C\_ExhB1\_Proposed Comprehensive Maps\_20151022.pdf, 4. 150456D\_ExhC1\_Aerial Photo map\_20151022.pdf, 5. 150456E\_ExhD1 Neighborhood Workshop info\_20151022.pdf, 6. 150456F\_ExhE1\_Application\_20151022.pdf, 7. 150456A\_staff report\_20151203.pdf, 8. 150456B\_ExhA1 Maps Comprehensive Maps\_20151203.pdf, 9. 150456C\_ExhB1\_Proposed Comprehensive Maps\_20151203.pdf, 10. 150456D\_ExhC1\_Aerial Photo map\_20151203.pdf, 11. 150456E\_ExhD1 Neighborhood Workshop info\_20151203.pdf, 12. 150456F\_ExhE1\_Application\_20151203.pdf, 13. 150456G\_CPB minutes draft\_20151203 .pdf, 14. 150456H\_staff ppt\_20151203.pdf, 15. 150456\_draft ordinance\_20160317, 16. 150456\_revised draft ordinance\_20170407, 17. 150456\_Ordinance\_20160407.pdf

Date	Ver.	Action By	Action	Result
4/7/2016	4	City Commission	Adopted on Final Reading (Ordinance)	Pass
3/17/2016	3	City Commission	Adopted on First Reading (Ordinance)	Pass
12/3/2015	2	City Commission	Approved (Petition)	Pass

**LAND USE CHANGE - BUTLER DEVELOPMENT/OLIVE GARDEN 3440 SW ARCHER ROAD (B)**

Ordinance No. 150456, Petition No. PB-15-91 LUC  
An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 1.1 acres of property that has an underlying land use category of Commercial (C) and that is generally located at 3440 SW Archer Road, as more specifically described in this ordinance; assigning the subject property to Subarea 3 within the Butler Development PUD as regulated by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission: adopt the proposed ordinance.

## PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance amends the Future Land Use Map of the Comprehensive Plan by overlaying the Planned Use District (PUD) land use category on approximately 1.1 acres of property that includes the Olive Garden restaurant located at 3440 SW Archer Road. The property will be included in the Butler Development PUD that is governed by Policy 4.3.6 of the Future Land Use Element of the Comprehensive Plan. The property will retain an underlying land use category of Commercial (C). The PUD land use category is an overlay that may be applied to any specific property in the City to allow the consideration of unique, innovative or narrowly construed land uses that might otherwise not be allowed in the underlying land use category.

The City Plan Board on October 22, 2015, voted to recommend approval of this amendment to the Comprehensive Plan, and on December 3, 2015, the City Commission approved the associated petition (Petition No. PB-15-91 LUC).

None

## CITY ATTORNEY MEMORANDUM

This proposed amendment to the Comprehensive Plan involves a use of 10 acres or fewer and qualifies as a small-scale development amendment. The City Commission may adopt small-scale development amendments with a single public hearing, however, this ordinance was inadvertently advertised for two readings. First Reading of this ordinance was held on March 17, 2017 and Second Reading will be held on April 7, 2016.

Within 30 days following the City's adoption of this amendment, any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of this amendment with Chapter 163, Florida Statutes. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining that the adopted amendment is in compliance with Chapter 163, Florida Statutes. If unchallenged, this amendment shall become effective 31 days after adoption.