

ORDINANCE 16-11

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM PLANNED DEVELOPMENT-COMMERCIAL (PD-COMM) TO COMMUNITY COMMERCIAL (CC) AND RESIDENTIAL MULTIPLE FAMILY-15 (RMF-15) ON APPROXIMATELY 18 ACRES; NORTH OF ONE 51 PLACE APARTMENTS AND WYNDSWEEP HILLS SUBDIVISION, SOUTH OF PARK VEGETARIANA, WEST OF THE ALACHUA PROFESSIONAL PLAZA, AND NEAR THE WESTERN TERMINUS OF NW 151 BOULEVARD; TAX PARCEL NUMBERS 03869-006-000, 03869-007-000 AND 03869-009-000; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, an application for a Site-Specific Amendment to the Official Zoning Atlas (“Amendment”), as described below, has been filed with the City; and

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on June 30, 2016; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on July 12, 2016, 2016, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation for approval to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on July 28, 2016, and on August 11, 2016; and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on August 8, 2016, and August 22, 2016, and provided for and received public participation at both public hearings; and

WHEREAS, the City Commission has determined and found the proposed Amendment to be consistent with the City of Alachua Comprehensive Plan and Land Development Regulations; and

WHEREAS, for reasons set forth in this Ordinance, the Alachua City Commission finds and declares that the enactment of the proposed Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings of Fact and Conclusions of Law

The above recitals are true and correct and are incorporated into this ordinance by reference.

The proposed Amendment is in compliance with the Land Development Regulations.

The Amendment will not cause a reduction in the adopted level of service standards for roads, water, sewer, waste, stormwater, and recreation.

Section 2. Official Zoning Atlas Amended

The Official Zoning Atlas is hereby amended from Planned Development- Commercial (“PD-COMM”) to Community Commercial (“CC”) (11.99 acres) and Residential Multiple Family-15 (“RMF-15”) (6.11 acres) for 18.1 acres consisting of Tax Parcel Number 03869-006-000, 03869-007-000 and 03869-009-000, in accordance with the legal description found in Exhibit A and map found in Exhibit B attached hereto.

Section 3. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Alachua, Florida.

Section 4. Repealing Clause

All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 6. Effective Date

This ordinance shall take effect immediately after its passage and adoption.

PASSED on first reading the 8th day of August, 2016.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 22nd day of August, 2016.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

APPROVED AS TO FORM

ATTEST:

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney

EXHIBIT “A”

PROPERTY: PARCELS 03869-006-000, 03869-007-000 AND A PORTION OF 03869-009-000 FROM PLANNED DEVELOPMENT-COMMERCIAL (“PD-COMM”) TO COMMUNITY COMMERCIAL (“CC”)

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 676 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SITUATED IN THE WILLIAM GARVIN GRANT, TOWNSHIP 8 SOUTH, RANGE 18 EAST, IN THE CITY OF ALACHUA, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 676, SAID CORNER BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 460.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 72 DEG.02'33" EAST, 13.01 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1 DEG.37'12", AN ARC DISTANCE OF 13.01 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 71 DEG.13'57" EAST, A DISTANCE OF 549.27 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 18 DEG.46'03" WEST, ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 292.67 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 500.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 19 DEG.45'35" WEST, 17.32 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE, THROUGH A CENTRAL ANGLE OF 01 DEG.59'04", AN ARC DISTANCE OF 17.32 FEET TO THE END OF SAID CURVE; THENCE DEPARTING SAID EAST LINE, NORTH 71 DEG. 13'57" WEST, A DISTANCE OF 688.98 FEET TO THE WEST LINE OF SAID LANDS; THENCE NORTH 41 DEG.03'33" EAST, ALONG SAID WEST LINE, A DISTANCE OF 334.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 4.453 ACRES, MORE OR LESS. (A PORTION OF TAX PARCEL 03869-009-000)

AND

A TRACT OF LAND LYING IN THE WILLIAM GARVIN GRANT, TOWNSHIP 8 SOUTH, RANGE 18 EAST, IN THE CITY OF ALACHUA, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF BLOCK 16, DOWNINGS SUBDIVISION, AS RECORDED IN PLAT BOOK "C", PAGE 79A OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH $87^{\circ}12'59''$ WEST, ALONG THE NORTH RIGHT- OF-WAY LINE OF NW 150TH AVENUE (A 40 FOOT RIGHT-OF-WAY), A DISTANCE OF 868.47 FEET TO THE SOUTHEAST CORNER OF BLOCK 14 OF SAID DOWNINGS SUBDIVISION; THENCE SOUTH $87^{\circ}14'17''$ WEST, ALONG THE SOUTH LINE OF SAID BLOCK 14, A DISTANCE OF 274.60 FEET TO THE EAST LINE OF SAID WILLIAM GARVIN GRANT AND TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1742, PAGE 1462 OF SAID PUBLIC RECORDS; THENCE NORTH $15^{\circ}30'23''$ EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 57.84 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS; THENCE NORTH $79^{\circ}33'04''$ WEST, ALONG THE NORTHERLY LINE OF SAID LANDS, A DISTANCE OF 175.60 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2000, PAGE 1304 OF SAID PUBLIC RECORDS; THENCE NORTH $85^{\circ}45'52''$ WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 214.79 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619 OF SAID PUBLIC RECORDS; THENCE NORTH $85^{\circ}46'42''$ WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 226.47 FEET TO THE INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EAST LINE OF LANDS DESCRIBED IN DEED BOOK 335, PAGE 461 OF SAID PUBLIC RECORDS AND THE SOUTHEAST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2903, PAGE 401 OF SAID PUBLIC RECORDS; THENCE NORTH $02^{\circ}27'17''$ WEST, ALONG SAID SOUTHERLY PROJECTION AND ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2903, PAGE 401, A DISTANCE OF 736.08 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVED SOUTHERLY, HAVING A RADIUS OF 430.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $86^{\circ}22'53''$ WEST, 76.57 FEET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2903, PAGE 401: THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTH LINE OF SAID LANDS, THROUGH A CENTRAL ANGLE OF $10^{\circ}12'59''$, AN ARC DISTANCE OF 76.67 FEET TO THE POINT OF TANGENCY; THENCE SOUTH $88^{\circ}30'38''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 114.48 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, CONCAVED NORTHEASTERLY, HAVING A RADIUS OF 510.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $81^{\circ}21'40''$ WEST, 179.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTH LINE, THROUGH A CENTRAL ANGLE OF $20^{\circ}15'25''$, AN ARC

DISTANCE OF 180.31 FEET TO THE POINT OF TANGENCY; THENCE NORTH 71°13'57" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 123.13 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE CONTINUE NORTH 71°13'57" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 18°46'03" WEST, A DISTANCE OF 137.78 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVED SOUTHEASTERLY, HAVING A RADIUS OF 500.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 12°07'28" WEST, 115.68 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°17'10", AN ARC DISTANCE OF 115.94 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 05°28'50" WEST, A DISTANCE OF 58.89 FEET; THENCE NORTH 71°13'57" WEST, A DISTANCE OF 555.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVED NORTHEASTERLY, HAVING A RADIUS OF 500.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 19°45'35" EAST, 17.32 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°59'04", AN ARC DISTANCE OF 17.32 FEET TO THE POINT OF TANGENCY; THENCE NORTH 18°46'03" EAST, A DISTANCE OF 292.67 FEET, THENCE SOUTH 71°13'57" EAST, A DISTANCE OF 528.78 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 3.801 ACRES, MORE OR LESS. (TAX PARCEL 03869-007-000)

AND

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2903, PAGE 401 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SITUATED IN THE WILLIAM GARVIN GRANT, TOWNSHIP 8 SOUTH, RANGE 18 EAST, IN THE CITY OF ALACHUA, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2903, PAGE 401, SAID CORNER LYING ON THE SOUTH R/W LINE OF NW 151ST BLVD (80' WIDE RIGHT OF WAY), SAID CORNER LYING ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 430.00 FEET; THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID SOUTH RIGHT OF WAY LINE; (1) NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 12 MINUTES 29 SECONDS, 76.61 FEET TO THE END OF SAID CURVE (BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 86 DEGREES 23 MINUTES 07 SECONDS WEST, 76.51 FEET); (2) THENCE SOUTH 88

DEGREES 30 MINUTES 38 SECONDS WEST, 114.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 510.00 FEET; (3) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20 DEGREES 15 MINUTES 25 SECONDS, 180.31 FEET TO THE POINT OF TANGENCY (BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES 21 MINUTES 40 SECONDS WEST, 179.37 FEET); (4) THENCE NORTH 71 DEGREES 13 MINUTES 57 SECONDS WEST, 123.13 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE WESTERLY LINE OF SAID LANDS; (1) THENCE SOUTH 18 DEGREES 46 MINUTES 03 SECONDS WEST, 137.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY, AND HAVING A RADIUS OF 400.00 FEET; (2) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13 DEGREES 17 MINUTES 10 SECONDS, 92.75 FEET TO THE POINT OF TANGENCY (BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 12 DEGREES 07 MINUTES 28 SECONDS WEST, 92.55 FEET); (3) THENCE SOUTH 05 DEGREES 28 MINUTES 53 SECONDS WEST, 72.22 FEET TO THE BOUNDARY OF WYNDSWEEP HILLS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26, PAGES 75 THROUGH 78 OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING THREE COURSES ALONG SAID BOUNDARY; (1) THENCE SOUTH 71 DEGREES 13 MINUTES 57 SECONDS EAST, A DISTANCE OF 95.83 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY, AND HAVING A RADIUS OF 810.00 FEET; (2) THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20 DEGREES 15 MINUTES 25 SECONDS TO THE POINT OF TANGENCY (BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 81 DEGREES 21 MINUTES 36 SECONDS EAST, 284.89 FEET); (3) THENCE NORTH 88 DEGREES 30'38" EAST, A DISTANCE OF 195.62 FEET TO THE EAST LINE OF AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2903, PAGE 401; THENCE NORTH 02 DEGREES 27 MINUTES 17 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 293.23 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 3.379 ACRES, MORE OR LESS (TAX PARCEL 03869-006-000)

PROPERTY: A PORTION OF PARCEL 03869-009-000 FROM PLANNED DEVELOPMENT-COMMERCIAL ("PD-COMM) TO RESIDENTIAL MULTIPLE FAMILY-15 ("RMF-15")

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 676 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SITUATED IN THE WILLIAM GARVIN GRANT, TOWNSHIP 8 SOUTH, RANGE 18 EAST, IN THE CITY OF ALACHUA, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 676; THENCE NORTH 72 DEG.58'39" WEST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 720.65 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 41 DEG.03'33" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 417.58 FEET; THENCE DEPARTING SAID WEST LINE, SOUTH 71 DEG.13'57" EAST, A DISTANCE OF 688.98 FEET TO THE EAST LINE OF SAID LANDS AND TO A POINT LYING ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 500.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 33 DEG.42'34" WEST, 224.23 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 25 DEG.54'54", AN ARC DISTANCE OF 226.15 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 46 DEG.40'02" WEST, ALONG SAID EAST LINE, A DISTANCE OF 74.26 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 500.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41 DEG.33'15" WEST, 89.12 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EAST LINE, THROUGH A CENTRAL ANGLE OF 10 DEG.13'33", AN ARC DISTANCE OF 89.24 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 6.145 ACRES, MORE OR LESS. (A PORTION OF TAX PARCEL 03869-009-000)

EXHIBIT “B”

