



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000151

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TO: Mayor and City Commission

DATE: November 13, 2000

FROM: City Attorney

CITY ATTORNEY  
ADOPTION READING

SUBJECT: Ordinance No. 0-00-118, Petition 103LUC-00PB  
An ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property from "Agriculture" to "Industrial"; located east of Lots 8, 10 and 11 in the vicinity of the 6800 block of NW 18<sup>th</sup> Drive of the Northwest Industrial Park; providing a severability clause; providing a repealing clause; and providing an effective date.

**Recommendation:** The City Commission: 1) approve Petition 103LUC-00PB; and 2) adopt the proposed ordinance.

## STAFF REPORT

The request of this petition is to change the land use from AGR to IND (industrial). This change is requested in order to add land to the industrial subdivision, which has recently received design plat approval. Prior to city annexation of this area in 1992, this property was zoned AGR (agriculture) with an agricultural land use.

The subject property is adjacent to the recently proposed Northwest Business Park that is located east of the Northwest Industrial Park and Northwest 18<sup>th</sup> Drive. The approximately 5.41-acre property is located in the northwestern section of tax parcel 07879-006-000. The property is zoned AGR (Agriculture) with AGR (Agriculture) land use. To the north and east of the site is vacant land with agricultural land use and zoning. To the south of the property is vacant land with IND (Industrial) land use and I-1 (limited industrial) zoning. West of the subject property are other lots within the Northwest Industrial Park, which has industrial land use and I-1 zoning. A printing business, a wholesale coffee business and a warehouse occupy the lots to the west of the subject property, including a 50' drainage easement.

The City Plan Board reviewed the petition and recommends approval. The Board reviewed the petition in consideration of adjacent land uses, environmental issues, compatibility with goals, objective and polices of the comprehensive plan, and the need for additional industrial lands. There are no nearby residential areas or other incompatible land uses adjacent to the property to be impacted by this proposed land use change. None of the adjacent uses would be negatively impacted by this proposal. Part of the property is within the 100-year floodplain. The site is not in any other adopted environmental overlay district. Revised Wellfield District maps received from the Alachua County Department of Environmental Protection show that the subject property falls within the newly revised Tertiary Zone, which would require a Wellfield Protection Special Use Permit from the City Commission once the new map is adopted in the Comprehensive Plan.

There are no jurisdictional wetlands on the property. The property boundary is setback 35 feet from the nearest wetland.


Public notice was published in the Gainesville Sun on September 5, 2000. Letters were mailed to surrounding property owners on September 6, 2000. The Plan Board held a public hearing September 21, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 103LUC-00 PB. Plan Board vote 5-0.

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The proposed amendment to the Comprehensive Plan is treated as a small scale development activity. After the City Commission adopts the ordinance, it will be filed with the State Land Planning Agency. The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the State Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment within 30 days following the City's adoption of the amendment.

Small scale development amendments do not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

Prepared and  
submitted by:

  
Marion J. Radson, City Attorney

MJR/afm

Attachment