

-991352

RESOLUTION NO. \_\_\_\_\_

PASSED \_\_\_\_\_

**A Resolution approving the conditional final replat of "Lot 3 of Northwest Industrial Park Unit No. 3" located in the vicinity of N.W. 18<sup>th</sup> Drive and N.W. 65th Place, Gainesville, Florida; and providing an immediate effective date.**

**WHEREAS**, the Development Review Board approved the design plat of "Lot 3 of Northwest Industrial Park Unit No. 3" on August 12, 1999, and

**WHEREAS**, the owner of the plat has submitted a conditional final replat which substantially conforms to the design plat as approved by the City Commission on September 27, 1999 and which incorporates all modifications and revisions specified in such approval; and

**WHEREAS**, the owner of the proposed subdivision has requested the City Commission to accept and approve the conditional final replat as provided in Chapter 30 of the Code of Ordinances of the City of Gainesville, Florida; and

**WHEREAS**, the City Commission finds that the conditional final replat described herein is consistent with the City of Gainesville 1991-2001 Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;**

**Section 1.** The conditional final replat of "Lot 3 of N.W. Industrial Park Unit No. 3" is accepted and approved by the City Commission on the following described property lying in the City of Gainesville, Alachua County, Florida:

The North One Hundred Ten (110) feet of Lot Three (3), NORTHWEST INDUSTRIAL PARK UNIT NO. 3, as per plat thereof recorded in Plat Book "L", Page 31, of the Public Records of Alachua County, Florida.

**CITY OF GAINESVILLE PLANNING DIVISION  
SUMMARY OF COMMENTS**

<b>Petition Number: 109SUB-99 DB</b>	<b>Reviewed by: Gene G. Francis</b>
<b>Development Review Board Meeting: August 12, 1999</b>	
<b>Project Name/Description: Lot 3 of Northwest Industrial Park</b>	

**I. Department Comments**

- |    |                                  |                             |
|----|----------------------------------|-----------------------------|
| 1. | Planning -                       | Approvable with conditions. |
| 2. | Public Works -                   | Approvable as submitted.    |
| 3. | Gainesville Regional Utilities - | “ “ “                       |
| 4. | Police -                         | ----                        |
| 5. | Fire -                           | Approvable as submitted.    |
| 6. | Gas -                            | “ “ “                       |
| 7. | Building -                       | “ “ “                       |
| 8. | Arborist -                       | “ “ “                       |
| 9. | Other - ACDEP -                  | “ “ “                       |

**II. Overall Recommendation**      The Design Plat is approvable with conditions.

# SITE PLAN EVALUATION SHEET

## DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION

### CURRENT PLANNING ROOM 16, OLD LIBRARY

222 East University Avenue 334-5023

Petition No. <u>109SUB-99DB</u>	Date Plan Rec'd: <u>08/03/99</u>	Review Type: <u>Design Plat</u>
Review For: <u>Development Review Board</u>	Review Date: <u>08/12/99</u>	Project Agent:
Description, Agent & Location: Lot - 3 of Northwest Industrial Park		Brown & Cullen, Inc.

**APPROVABLE** (as submitted)
                 
  **APPROVABLE** (subject to below)
                 
  **DISAPPROVED**

<input type="checkbox"/> Plan meets ordinance requirements as submitted <input checked="" type="checkbox"/> Revisions necessary for plan to meet ordinance requirements	Comments By:  <hr style="width: 80%; margin: 0 auto;"/> <p style="text-align: center;">Gene G. Francis Planner</p>
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#### RECOMMENDATIONS/REQUIREMENTS/COMMENTS

The petitioner is proposing to subdivide Lot #3 of Northwest Industrial Park - Unit No. 3, a lot 190 feet wide by 580 feet in length. They are proposing to dedicate 80 feet of the 190 foot width as right-of-way, to the City of Gainesville, for the purpose of gaining access to 100 ± acres of land to the east of the Northwest Industrial Park. This design plat before the Board now was approved by the Board and City Commission last year but has since lapsed due to petitioner inaction concerning the "Final Plat".

**The design plat is approvable with the following conditions and recommendations:**

1. Based on comments from the City Attorney's office, dated April 29, 1998, the petitioner must indicate the following conditions on their Design and Final Plats:
  - (a) The south 80 feet of Lot #3 shall be **Dedicated as Right-of-way** to the City of Gainesville for a street to be identified as NW 65th Place.
  - (b) As a condition of the acceptance, the property owner indemnify the City, its officers, employees, etc. from any suits or claims brought under any restrictive covenants (see attached memo).
2. The building setbacks will have to meet the City of Gainesville setback requirements for I-1 zoned property, and should also meet any setback or other requirements listed in the **"Restrictive Covenants For Northwest Industrial Park - Unit No. 3"** if, in fact, there is such a recorded document or any other recorded deed restrictions. Staff has a copy of the Restrictive Covenants for Unit No. 2.
3. Please provide planning staff with a copy of any restrictive covenants for Unit No. 3 if at all possible for our files.
4. If possible, please provide planning staff with a copy of the existing easement and drawing illustrating access to the property to the east of the property in question.

# WEGERIF PARTNERSHIP

P.O. Box 541725  
Merritt Island, Florida 32954-1725  
Telephone (407) 452-0991

June 14, 1993

City of Gainesville  
Department of Community Development  
Dr. Melvin Fried  
Acting Chairman, Planning Board  
P. O. Box 490  
Gainesville, Fl 32602

Dear Dr. Fried:

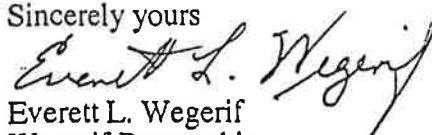
This letter is to confirm our meeting with Mrs. Linda M. Porta'l on Thursday, June 10, 1993. It should be noted that our parcel, # 07879-006-000 (135 A) , has recently been annexed into the City of Gainesville. The purpose of our meeting was due to a letter we received on June 1, 1993 from your office informing us of a land use and zoning change from MP to AGR. It is understood that the proposed change was made because the property lacked access . I presented a copy of the deed which shows that there is a 100 foot easement from the property to NW 53 Ave. Mrs. Porta'l agreed that we do in fact have access to the property and that there should be no changes made. It is our understanding that our property will remain as the county zoning and comprehensive plan changed it in 1991.

When we purchased the property in 1981 the entire 135 acres was zoned MP. In 1991 the County made changes to our property that we were not in agreement with. I had only a telephone conversation with Cyntha A. Eliason who said they were going to change the wet areas to agricultural Zoning and Use.

It should be noted that the County Planning and Development never sent us the changes of the '91 Plan, which we requested . Upon seeing where the lines were drawn for the first time, on 6/10/93, the county changed a large area which is not wet land. I would really appreciate if the City of Gainesville Planning Dept. would change more of the property to I-1 . I believe it would be impossible to do anything with the wet land area no matter what the land use or zoning is.

We appreciate the courteous service we received at your office and especially from Mrs. Porta'l.

Sincerely yours

  
Everett L. Wegerif  
Wegerif Partnership

RECEIVED

JUN 16 1993

PLANNING  
DIVISION

REC'D BY FAX

98 MAY 5 AIO : 46

Wegerif Partnership  
P. O. Box 54-1725  
Merritt Island, Fl 32954  
Tel No. (407)452-1230  
April 30, 1998

Commissioner Bruce DeLaney  
200 E. University Avenue  
Gainesville, Fl 32601  
CITY OF GAINESVILLE  
CITY COMMISSION



RE: PLATT APPROVAL  
North West Industrial Park

Dear Commissioner DeLaney,

On May 11, 1998, the City of Gainesville will be presented the plat request by Mr. Ron Shema for final approval for a roadway over the south 80 feet of lot 3 of the Northwest Industrial Park. This request would give access to the adjacent 135 acres which Wegerif Partnership owns, in section 18, township 9 south, range 20 east, tax parcel 7879-6.

We purchased the 135 acres in 1981. At that time the land was zoned Industrial and we expected to use the property in the future with that zoning. However, in 1993 the City of Gainesville annexed our property and the City Plan Board changed the zoning, splitting our land from Industrial to more than half Agriculture. This change severely impacted our future use and the value of this property.

The original access is over an easement (3,000' X 100') which now crosses some marginal wet lands. In 1981 this access had no problems for a road. However, with the present regulations this road would be difficult to permit.

Since the land is now basically land locked according to Gene Francis (Dept. of Planning) City of Gainesville, we would appreciate the approval of the design plat for the roadway which will give access to the property. This will enable us to effectively market the property and increase the potential tax revenue to the City.

Most sincerely,

*Everett L. Wegerif*  
Everett L. Wegerif,  
Wegerif Partnership

cc: City Manager

5/13  
cc: Jams

4. Petition 109SUB-99 DB Brown & Cullen, Inc., agent for Ronald J. Shema, Carl Pickett and Michael Baker. Design plat review for 1 lot of 2.53 acres MOL. Lot 3, NW Industrial Park, Unit 3. Zoned: I-1 (limited industrial district). Located at 6507 NW 18<sup>th</sup> Drive.

Mr. Gene Francis was recognized. Mr. Francis presented a drawing of the site and described it in detail. He explained that the petitioner wished to subdivide the lot in order to create an 80 foot right-of-way that would lead from NW 18 Drive to a 135 acre parcel located to the east of the site. He noted that the subdivision would leave a lot approximately 110 feet in width and 580 feet in length from east to west. Mr. Francis indicated that the requested subdivision had been previously approved by the Development Review Board and the City Commission, but the petitioner failed to act on the final plat within the allowed time. He reviewed conditions placed upon the petition, including a request for indemnification from the City Attorney's Office. Mr. Francis indicated that the plan was approvable with those conditions. He offered to answer any questions from the board.

There were no questions from the board.

Mr. Stuart Cullen, agent for the petitioner was recognized. Mr. Cullen explained that the petition had been before the board and City Commission before, but had not completed the entire design plat process. He noted that the original access to the 135 acre parcel was over wetlands and the creation of the new access on NW 18<sup>th</sup> Drive was more viable. Mr. Cullen indicated that there was no problem with the conditions proposed by staff.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Pearce	<u>Seconded By:</u> Ms. Bojanowski
<u>Moved To:</u> Approve Petition 109SUB-99 DB with staff conditions.	<u>Upon Vote:</u> Motion Carried 4-0 Yeas: Boyes, Bojanowski, Pearce, Shehan

