



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 991037

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: April 10, 2000

FROM: City Attorney

CITY ATTORNEY
ADOPTION READING

SUBJECT: Ordinance No. 0-00-44, Petition 14LUC-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 "Conservation" to "Industrial"; located in the vicinity of 6925 Northwest 23rd Way; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition 14LUC-00PB; and 2) adopt the proposed ordinance

STAFF REPORT

This petition is related to zoning petition 15ZON-00 PB. The subject property is within the Northwood Industrial Park that is located on the west side of State Road 121 (Northwest 22nd Street). The small strip of land is located at the northern edge of tax parcel 07879-065-000 at 6925 Northwest 23rd Way, and is designated as a drainage easement. The subject property measures approximately 322 feet in total length with a width of 40 feet for a distance of 189 feet and a width of 20 feet for a distance of 133 feet, for a total area of approximately 0.23 acres. The property is zoned CON (conservation district) with CON (conservation) land use. To the north of the site is vacant industrial land and an automobile repair service, both with industrial zoning and land use. To the west of the property is a large stormwater pond on land with CON land use and zoning. East of the property across Northwest 23rd Way is a drainage easement with CON land use and zoning and industrial land use with a septic tank business and a storage facility. South of the subject property is the vehicular use area for Exactech, which manufactures prosthetic devices and owns the subject property and the vacant property to the north.

The request of this petition is to change the land use from CON to IND (industrial). This change is requested in order to allow for the development of the vacant industrial parcel north of the subject property. An additional manufacturing building could be placed on this lot, and could share the existing driveway on Northwest 23rd Way and the vehicular use area of the existing facility to the south. However, any new paved area extending from a future development towards the existing vehicular use area to the south would have to cross through the CON strip of land.

The CON district does not allow more than 10 percent lot coverage by impervious cover of any kind.

The Conservation land use was placed on all of the drainage and buffer easements after the area was annexed into the City in 1992. The subject property is a designated perpetual drainage easement for surface stormwater discharge within the Northwood Industrial Park. The property is not an environmentally significant land or a designated wetland. The Plan Board reviewed the petition and recommends approval.

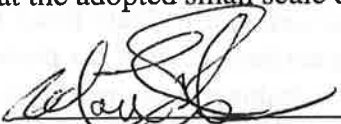
Public notice was published in the Gainesville Sun on February 1, 2000. Letters were mailed to surrounding property owners on February 2, 2000. The Plan Board held a public hearing February 17, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 14LUC-00 PB. Plan Board vote 7-0.

CITY ATTORNEY MEMORANDUM

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 L. Radson, City Attorney

MJR/afm

Attachment

1 circulation notifying the public of this proposed ordinance and of
2 a Public Hearing in the City Commission meeting room, First Floor,
3 City Hall in the City of Gainesville; and

4 **WHEREAS**, pursuant to law, notice has also been given by mail
5 to the owner whose property will be regulated by the adoption of
6 this Ordinance, at least thirty days prior to the date set for a
7 public hearing on this ordinance; and

8 **WHEREAS**, the public hearing was held pursuant to the
9 published notice described above at which hearing the parties in
10 interest and all others had an opportunity to be and were, in
11 fact, heard.

12 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
13 **CITY OF GAINESVILLE, FLORIDA:**

14 **Section 1.** The Future Land Use Map of the City of Gainesville
15 1991-2001 Comprehensive Plan is amended by changing the land use
16 category of the following described property from "Conservation"
17 to "Industrial":

18 See legal description attached hereto as
19 Exhibit "A", and made a part hereof as if set
20 forth in full.

21
22 **Section 2.** The City Manager is authorized and directed to make
23 the necessary changes in maps and other data in the City of
24 Gainesville 1991-2001 Comprehensive Plan, or element, or portion
25 thereof in order to comply with this ordinance.

1 **Section 3.** If any section, sentence, clause or phrase of this
2 ordinance is held to be invalid or unconstitutional by any court
3 of competent jurisdiction, then said holding shall in no way
4 affect the validity of the remaining portions of this ordinance.

5 **Section 4.** All ordinances, or parts of ordinances, in conflict
6 herewith are to the extent of such conflict hereby repealed.

7 **Section 5.** This ordinance shall become effective immediately
8 upon passage; however, the amendment to the City of Gainesville
9 1991-2001 Comprehensive Plan shall become effective thirty one
10 (31) days after passage and adoption of this Ordinance unless a
11 petition is filed with the Division of Administrative Hearings
12 pursuant to § 163.3187(3), F.S. In this event this Ordinance
13 shall not become effective until the state land planning agency
14 issues a final order determining the adopted amendment to be in
15 compliance in accordance with S. 163.3187, or until the
16 Administration Commission issues a final order determining the

1 adopted amendment to be in compliance in accordance with S.
2 163.3187, F.S.

3 **PASSED AND ADOPTED** this _____ day of _____,
4 2000.

5 _____
6 Paula M. DeLaney, Mayor

7
8
9 ATTEST: APPROVED AS TO FORM AND LEGALITY:

10
11
12
13
14 _____
15 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
16 CLERK OF THE COMMISSION

17
18 This ordinance passed this _____ day of
19 _____, 2000.

20
21
22 MJR/afm

January 21, 2000

Legal Description

For: Exactech

A portion of Section 12, Township 9 South, Range 19 East, and a portion of Section 7, Township 9 South, Range 20 East, all lying and being in Alachua County, Florida; being more particularly described as follows:

Commence at the southwest corner of Section 7, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 89°56'58" East, along the south boundary of said Section 7, a distance of 74.58 feet; thence North 0° East, 95.76 feet to a 4" x 4" concrete monument (TF Jackson, LS 2742); thence South 90°00'00" West, 61.61 feet to a ½" rebar and cap (Flowers, LB 4665); thence North 08°27'20" East, 152.00 feet to a ½" rebar and cap (Flowers, LB 4665); thence North 09°39'05" East, 122.50 feet to a ½" rebar and cap (Flowers, LB 4665); thence North 04°22'50" East, 9.83 feet to the POINT OF BEGINNING; thence continue North 04°22'50" East, 20.05 feet to a ½" rebar and cap (Flowers, LB 4665); thence North 89°31'31" West, 133.58 feet; thence North 00°28'29" East, 20.00 feet; thence North 89°31'31" West, 189.04 feet to a point on the easterly right-of-way line of NW 23rd Way (a 60' road easement as per Official Records Book 969, page 620 of the Public Records of Alachua County, Florida); thence South 00°28'29" West, along said easterly right-of-way line, 40.00 feet; thence South 89°31'31" East, 321.25 feet to the POINT OF BEGINNING.

Containing 0.23 of an acre (10,219 square feet), more or less.

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EXHIBIT "A"



CITY
-----OF-----
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 3

TO: City Plan Board

DATE: February 17, 2000

FROM: Planning Division Staff

SUBJECT: Petition 14LUC-00 PB, City of Gainesville. Amend the Future Land Use Map of the City of Gainesville Comprehensive Plan 1991-2001 by changing the Land Use designation from CON (Conservation) to IND (Industrial) on a small strip of property for Exactech, Inc. Located at 6925 Northwest 23rd Way. Related to 15ZON-00PB.

Recommendation

Planning Division staff recommends approval of Petition 14LUC-00 PB.

Explanation

This petition is related to zoning petition 15ZON-00 PB. The subject property is within the Northwood Industrial Park that is located on the west side of State Road 121 (N.W. 22nd Street). The small strip of land is located at the northern edge of tax parcel 07879-065-000 at 6925 Northwest 23rd Way, and is designated as a drainage easement. The subject property measures approximately 322 feet in total length with a width of 40 feet for a distance of 189 feet and a width of 20 feet for a distance of 133 feet, for a total area of approximately 0.23 acres. The property is zoned CON (conservation district) with CON (conservation) land use. To the north of the site is vacant industrial land and an automobile repair service, both with industrial zoning and land use. To the west of the property is a large stormwater pond on land with CON land use and zoning. East of the property across N.W. 23rd Way is a drainage easement with CON land use and zoning and industrial land with a septic tank business and a storage facility. South of the subject property is the vehicular use area for Exactech, which manufactures prosthetic devices and owns the subject property and the vacant property to the north. (See attached map.)

The request of this petition is to change the land use from CON to IND (industrial). This change is requested in order to allow for the development of the vacant industrial parcel north of the subject property. An additional manufacturing building could be placed on this lot, and could share the existing driveway on N.W. 23rd Way and the vehicular use area of the existing facility to the south. However, any new paved area extending from a future development towards the existing vehicular use area to the south would have to cross through the CON strip of land. The CON district does not allow more than 10 percent lot coverage by impervious cover of any kind.

In reviewing this petition, the potential impact of the proposed use on adopted level of service standards must be evaluated, notwithstanding the fact that land use amendments are not required to meet concurrency and do not vest for concurrency. The subject property will not cause any additional roadway trips or trigger any level of service concerns by itself. The roadway segment of SR 121 from U.S. 441 to N.W. 77th Avenue is currently at LOS "B" and has adequate capacity to handle additional trips. Water and sewer service is available in the area. The property is located within the 100-year floodplain and is not within any other environmental overlay district. This site is not beyond the Gainesville Regional Transit System main bus service area, but is served by the demand-responsive service administered by Coordinated Transportation Systems (CTS). This application meets mass transit concurrency requirements and all other applicable concurrency requirements, including those for potable water and wastewater, and solid waste.

The location of the subject property is adjacent to existing industrial uses. Conservation land use was placed on all of the drainage and buffer easements after the area was annexed into the City in 1992. The subject property is a designated perpetual drainage easement for surface stormwater discharge within the Northwood Industrial Park. The site lies within the 100-year floodplain, as does much of the property within the industrial park. The property is not an environmentally significant land or a designated wetland. Parking lots and loading areas are permitted uses within floodplain districts. Currently, the drainage on the subject property is carried underground for a distance of approximately 140 feet before emerging from a concrete headwall. This type of drainage solution can be used in the future if the property is paved. Underground piping can continue to divert the stormwater flow into the large stormwater pond east of the property. Any development on the site will be required to meet all applicable stormwater management requirements.

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 will be negatively impacted by this proposal.

This petition is consistent with the goals, objectives and policies of the Future Land Use Element, and the subject property is an appropriate site for industrial development. The petition is consistent with the Comprehensive Plan, and staff recommends approval of Petition 14LUC-00 PB.

Recent Zoning History

Prior to city annexation of this area in 1992, this property was a designated drainage easement.

The following Comprehensive Plan Goals, Objectives and Policies of the Future Land Use Element are met by this proposal:

Goal 2:

The land use element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses activity centers to provide goods and services to city residents; protects viable, stable neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The land use element shall promote statewide goals for compact development and efficient use of infrastructure.

Objective 2.1

The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policy 2.1.1

Land Use Categories on the Future Land Use Map shall be defined as follows:

Industrial

The industrial land use category identifies those areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling, and other ancillary uses. Land Development Regulations shall determine the appropriate scale of uses and consider the externalities of such uses. Intensity of use shall not exceed a maximum lot coverage of 80%.

Objective 2.2

By June 1992, the City shall implement regulations that will protect low intensity uses from the negative impacts of high intensity uses and provide for the healthy coexistence and integration of various land uses.

Policy 2.2.4

Prior to a final development order during the Development Review Process, the intensity of use appropriate to any parcel shall be determined based upon the availability of public services and facilities to meet urban needs; the capacity of such facilities and services to serve the proposed land use without degrading LOS standards (as determined through LOS standards); and the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site.

Applicant Information

City of Gainesville

Request

Amend the Land Use Map to change designation from CON to IND

Land Use Plan Classification

CON

Existing Zoning

CON

Required Proposed Zoning

I-1

Purpose of Request

To establish land use and subsequent zoning to allow for the future development of an industrial use

Location

On the north side of the property located at 6925 N.W. 23rd Way

Size

Approximately 0.23 acres

Surrounding Land Uses

North – vacant industrial, industrial

East - conservation

West - drainage easement, industrial,

South - industrial

<u>Surrounding Controls</u>	<u>Existing Zoning</u>	<u>Land Use Plan</u>
North	I-1	IND
East	CON	CON
West	I-2, CON	IND, CON
South	I-1	IND

Impact on Affordable Housing

This petition will have no impact on the provision of affordable housing.

Respectfully submitted,



Ralph Hilliard
Planning Manager

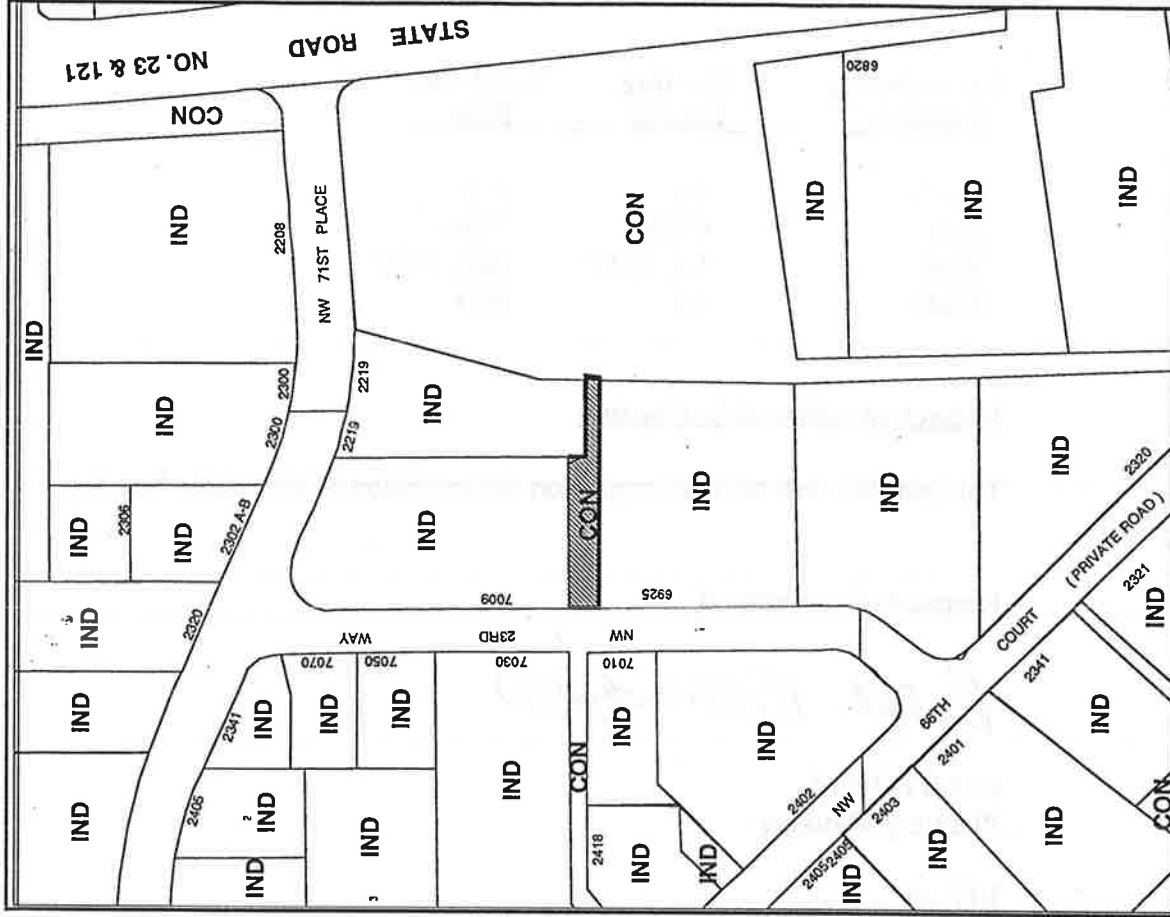
RH: JS

Land Use Designations

- SF Single Family (up to 8 units/acre)
- RL Residential Low Density (up to 12 units/acre)
- RM Residential Medium Density (8-30 units/acre)
- RH Residential High Density (8-100 units/acre)
- MUR Mixed Use Residential (up to 75 units/acre)
- MUL Mixed Use Low Intensity (10-30 units/acre)
- MUM Mixed Use Medium Intensity (14-30 units/acre)
- MUH Mixed Use High Intensity (up to 150 units/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

--- Division line between two land use districts
 — City Limits

Area under petition consideration



LAND USE

Name	Petition Request	Map(s)	Petition Number
City Plan Board	From CON to IND	3047	14 LUC-00PB



**Petition 14LUC-00 PB, Legislative Matter No. 991037 and
Petition 15ZON-00 PB, Legislative Matter No. 991038**

January 21, 2000

Legal Description
For: Exactech

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3. **Petition 14LUC-00 PB** City of Gainesville. Amend the Future Land Use Map of the City of Gainesville Comprehensive Plan 1991-2001 by changing the Land Use designation from CON (Conservation) to IND (Industrial) on a small strip of property for Exactech, Inc. Located at 6925 Northwest 23rd Way. Related to 15ZON-00 PB.

Mr. Jason Simmons was recognized. Mr. Simmons stated that Petition 14LUC-00 PB was related to Petition 15ZON-00 PB and he would discuss both together. Mr. Simmons pointed out the location of the property on a map and described it in detail. He noted that the property was a small strip of land which contained a designated perpetual drainage easement for surface stormwater discharge in the Northwood Industrial Park. He pointed out a large drainage pond and explained that the Conservation Land Use and Zoning was placed on all of the drainage and buffer easements within the Industrial Park when it was annexed into the City in 1992. He presented slides of the site and the surrounding property. Mr. Simmons indicated that the purpose of the request was to allow development of a vacant industrial lot to the north and use an existing curb cut for the proposed structure. He explained that the Conservation Zoning District did not allow more than ten percent impervious surface lot coverage and in order to develop access to the northern lot, more than ten percent of paving was required. He noted that the site was within the 100-year floodplain, but parking lots and loading docks were permitted in that district. Mr. Simmons explained that, presently, the drainage across the site was funneled underground. He noted that if the site was paved, it would have to meet the City stormwater management requirements. He discussed the suitability of the proposed change and explained that the site appeared to be appropriate for industrial use. Mr. Simmons stated that staff found that the request was consistent with the Goals, Objectives and Policies of the Comprehensive Plan and recommended approval. He offered to answer any questions from the board.

Dr. Fried cited a concern about the effect on stormwater movement if the site were paved over.

Mr. Simmons pointed out the area of the site where stormwater was already funneled underground.

Mr. Ralph Eng, agent for the Exactec Corporation, was recognized. Mr. Eng discussed the property owned by Exactec and the master drainage plan for the site. He gave a history of the site and the circumstances of its annexation into the City. He stated that the underground pipe system drained water from the road to the retention basin. He presented a drawing of the drainage master plan. Mr. Eng explained that the proposed expansion of the business would require paving of the subject property. He offered to answer any questions from the board.

There was no public comment on the petition.

<u>Motion By:</u> Ms. Dowling	<u>Seconded By:</u>
<u>Moved to:</u> Approve Petition 14LUC-00 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Carter, Dowling, Fried, McGill, Myers, Polshek, Guy

4. **Petition 15ZON-00 PB** City of Gainesville. Rezone property from CON (Conservation) to I-1 (Limited industrial district) on a small strip of property for Exactech, Inc. Located at 6925 Northwest 23rd Way. Related to 14LUC-00 PB.

Petition 15ZON-00 PB was discussed with Petition 14LUC-00 PB.

<u>Motion By:</u> Ms. Dowling	<u>Seconded By:</u> Mr. Carter
<u>Moved to:</u> Approve Petition 15ZON-00 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Carter, Dowling, Fried, McGill, Myers, Polshak, Guy