



# 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 23<sup>rd</sup> 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 22<sup>nd</sup> Street). The small strip of land is located at the northern edge of tax parcel 07879-065-000 at 6925 Northwest 23<sup>rd</sup> 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 23<sup>rd</sup> 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 23<sup>rd</sup> 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 J. Radson, City Attorney

MJR/afm

Attachment