

**CITY OF GAINESVILLE**  
Office of the City Attorney

**Legistar No. 980874**  
**Memorandum**  
334-5011/Fax 334-2229  
Box No. 46

TO: Mayor and City Commission

DATE: March 8, 1999

FROM: Marion J. Radson, City Attorney

FIRST READING

SUBJECT: Ordinance No. 0-99-28, Petition No. 225ZON-98PB

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City consisting of approximately 44.6 acres (M.O.L.) and amending the Zoning Map Atlas from "AGR: Agriculture district" to "I-2: General industrial district"; located in the 7600 block east of U.S. 441 and west of SR 121; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission (1) approve the petition, and (2) adopt the proposed ordinance.

STAFF REPORT

This is the zoning petition to implement land use Petition 224LUC-98 PB. Planning Division staff recommended that the Plan Board approve Petition 225ZON-98 PB, except for the eastern 400 feet of the property.

Public notice was published in the Gainesville Sun on December 1, 1998. Letters were mailed to surrounding property owners on December 2, 1998. The Plan Board held a public hearing December 17, 1998. Planning staff recommended that the City Plan Board approve the petition, except for the eastern 400 feet of property. By a vote of 3-1, the Plan Board recommended that the City Commission approve the petition, except for the eastern 400 feet of property.

CITY ATTORNEY'S MEMORANDUM

If the Commission adopts the ordinance on first reading, second and final reading will be held after the City receives comments, if any, from the Florida Department of Community Affairs on the companion land use petition. This process customarily takes several months.

Prepared by:



Marion J. Radson  
City Attorney



1           **WHEREAS**, a second advertisement no less than two  
2 columns wide by 10 inches long was placed in the aforesaid  
3 newspaper notifying the public of the second Public Hearing  
4 to be held at the adoption stage at least five (5) days  
5 after the day the second advertisement was published; and

6           **WHEREAS**, Public Hearings were held pursuant to the  
7 published and mailed notices described at which hearings the  
8 parties in interest and all others had an opportunity to be  
9 and were, in fact, heard.

10           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**  
11 **OF THE CITY OF GAINESVILLE, FLORIDA:**

12           **Section 1.** The following described property is rezoned  
13 from "AGR: Agriculture district" to "I-2: General  
14 industrial district";

15                         See Exhibit "A" attached hereto and made  
16                         a part hereof as if set forth in full.  
17

18           **Section 2.** The City Manager is authorized and directed to  
19 make the necessary change in the Zoning Map Atlas to comply  
20 with this Ordinance.

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



**Legal Description**  
**Gary Yelvington**

February 2, 1999

Description: (by surveyor)

A parcel of land 550 feet wide lying in the South ½ of Section 12, Township 9 South, Range 19 East, and Section 7, Township 9 South, Range 20 East, all in Alachua County, Florida; being more particularly described as follows:

Commence at the Southeast corner of said Section 12, and run North 00°08'23"East, along the East line of said Section, 1980.81 feet to a concrete monument marked "RLS 940" at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 12 and the Point-of-Beginning; thence North 89°29'59"West 3223.58 feet to an iron rod marked "PLS 3524" at the Northwest corner of O.R.B. 1129, page 116 of the public records of Alachua County, Florida, said point being on the Easterly right-of-way line of a 50 foot wide City of Gainesville Right-of-way, (said point lying and being 150 feet perpendicular to the centerline of the Atlantic Coast Line Railroad tracks); thence North 45°26'51"West, along said Easterly right-of-way line and parallel to said centerline of tracks, 791.01 feet; thence South 89°29'59"East 3788.62 feet to the said West line of Section 7; thence South 89°59'33"East 30.35 feet; thence South 01°11'17"West, 550.13 feet to the North line of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 7; thence North 89°59'33"West, along said North line, 20.28 feet to the Point-of-Beginning.

Containing 44.59 Acres more or less.



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

INTER-OFFICE COMMUNICATION

Item No. 7

TO: City Plan Board DATE: December 17, 1998

FROM: Planning Division Staff

SUBJECT: Petition 225ZON-98 PB, Conrad Yelvington Distributors/Eng, Denman & Assoc., Inc., agents for Nekoosa Packaging Corporation. Rezone property from AGR (agriculture district) to I-2 (general industrial district) on 43.7 acres. Located in the 7600 block of SR 121. Part of tax parcel no. 7814 and part of tax parcel no. 6013.

Recommendation

Planning Division staff recommends approval of Petition 225ZON-98 PB, except for the eastern 400 feet of the property.

Explanation

This petition is related to the land use petition 224LUC-98 PB. The subject property is located on the west side in the 7600 block of State Road 121, also known as N.W. 22nd Street. The vacant 43.7-acre parcel is zoned AGR (agriculture district) with AGR (agriculture) land use. To the north of the site is timberland with AGR zoning and land use. West of the property are railroad tracks and right-of-way, U.S. Highway 441, and vacant land that currently has County zoning (A-1, an agricultural district) while City zoning is pending. South of the subject property is an industrial area, and single-family residential property is to the east. (See attached map)

The request of this petition is to rezone the property from AGR to I-2 (general industrial district). This change is requested by the applicants in order to allow development of a transportation terminal for the distribution of construction aggregates by rail. Construction aggregates include materials such as sand, river gravels, and limestone to be used in concrete, asphalt, roofing, underground utilities and other products. This use is not allowed in the AGR district. Although there is vacant industrial land available in the city, most of it is located in developed industrial parks and the lots are not large enough nor do they have rail access that the petitioner's require for their use.

The location of the subject property is adjacent to existing I-2 zoned land to the south. Most of this land to the south is developed, with uses including an asphalt plant, a general contractor's construction office, a trucking freight company, a waste

management firm and two large transmitter towers. As previously stated, railroad tracks and right-of-way are immediately west of the subject property and timberland is to the north. The main concern regarding this petition is the potential effect of industrial uses on the existing residential use to the east of the subject property. On the east side of SR 121 are two existing planned developments: Buck Bay, a manufactured housing project; and Hidden Lake, a single-family residential subdivision.

Staff is concerned about potential noise impacts on the area and the amount of truck traffic that may be generated by potential uses in I-2. The City Noise Ordinance regulates the type and amount of noise that is allowed within the City. It also limits the amount of noise that can be heard in residential areas at certain times of the day. The type of use that is proposed focuses its activities near the railroad tracks. Because the subject property is over one-half mile long, the noise impacts on the residential areas east of SR 121 can be mitigated by the development plan for the proposal, with the bulk of the activity oriented towards the western half of the property. If the petitioners are granted direct access from U.S. 441 to the site, the increased truck traffic will not adversely affect the residential areas.

In reviewing this petition, the potential impact of the proposed use on adopted level of service standards must be evaluated. According to the petitioner's application, 150 and 300 new average daily trips will be generated by the use that is proposed for the site. The roadway segments of U.S. 441 from N.W. 23rd Street to the Gainesville Metropolitan Area boundary and of SR 121 from U.S. 441 to N.W. 77th Avenue are currently at LOS "B" and have adequate capacity to handle the estimated trips. Water is available for the subject site but sewer service will require extension of an existing sewer line in the area. The property is not located within any environmental overlay district but is within the Gateway Street District (30-306) since it abuts U.S. 441. This site is not within the Gainesville Regional Transit System main bus service area, but is served by the demand-responsive service administered by Coordinated Transportation Systems (CTS). This meets mass transit concurrency requirements. This application meets all other applicable concurrency requirements, including those for recreation and solid waste.

The general character of the properties in the area is mixed. The pattern of industrial uses in the area has long been established, and precedes the early 1980's development of Buck Bay and Hidden Lake. IND designated land is on the west side of SR 121 across from Hidden Lake, from N.W. 73rd Place to the southern property line of the subject property. The industrial land use category designates areas appropriate for manufacturing, fabricating, distribution, extraction, wholesaling, warehousing, recycling, and ancillary uses. The southern property line of the subject property is approximately 3,216 feet long. With the exception of the eastern 400 feet which borders a vacant parcel, the remainder of the southern property line borders developed industrial properties. This proposal is a continuation of a long-term pattern.



However, residential areas are particularly sensitive to nuisances that can be generated by industrial uses. The potential for noise, heavy truck traffic, fumes, and blowing dust are specific concerns in this location near two residential areas. The I-2 district is established for the purpose of providing areas in appropriate locations where heavy and extensive industrial operations can be conducted without creating hazards or property devaluation to surrounding land uses. It is considered inappropriate to locate this district adjacent to residential zoning districts or most arterial streets. As such, it is not recommended that the land immediately adjacent to SR 121 be rezoned to I-2. It is recommended that the land on the west side of SR 121 remain as AGR zoning to help protect the residential areas. The petition is approvable for all of the land as described in the legal description attached to the petitioner's application except for the eastern 400 feet, which is recommended to remain AGR.

According to the Land Development Code, among the objectives of the I-2 zoning district are the accommodation of enterprises that require access to transportation services by providing locations in close proximity to necessary transportation facilities such as major thoroughfares, railroads or air terminals. The objectives also encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development. Based on the location of the property, the character of adjacent land uses and zoning districts, and existing development in the area, the proposed zoning is appropriate for all but the eastern 400 feet of this property.

This petition is consistent with the goals, objectives and policies of the Future Land Use Element, and will provide an appropriate site for industrial development in the area. The petition is consistent with the Comprehensive Plan, and staff recommends approval of Petition 225ZON-98 PB, minus the eastern 400 feet of the property as described in the legal description.

**Applicant Information**

Nekoosa Packaging Corporation,  
owner, Conrad Yelvington  
Distributors/Eng, Denman &  
Assoc., Inc., agents

**Request**

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

**Land Use Plan Classification**

AGR

**Existing Zoning**

AGR

**Required Proposed Zoning**

I-2

**Purpose of Request**

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

**Location**

On the west side of SR 121, in the 7600 block

**Size**

43.7 acres

**Surrounding Land Uses**

North - agricultural timberland

East - single-family residential

West - railroad and highway right-of-way, agricultur (pending city zoning of property)

South - general industrial

<b><u>Surrounding Controls</u></b>	<b><u>Existing Zoning</u></b>	<b><u>Land Use Plan</u></b>
North	AGR	AGR
East	PD	RL
West	A-1	PUD
South	I-2, I-1	IND

**Recent Zoning History**

Prior to the city annexation of this area in 1992, this property was zoned AGR (agriculture) with an agricultural land use.

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 2.2.1**

The City shall adopt Land Development Regulations that provide protection for adjacent residential areas and low intensity uses from the impacts of activity centers and other high intensity uses by separating intense uses from low intensity uses by transitional uses and performance measures. Performance measures shall address the buffering of adjacent uses both by landscape and site design. Regulation of site design shall address orientation; arrangement of functions within a site, such as parking, loading, waste disposal, access points, outdoor uses and mechanical equipment; and the preservation of site characteristics such as topography, natural features and existing tree canopy.

**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.

**Impact on Affordable Housing**

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

Respectfully submitted,

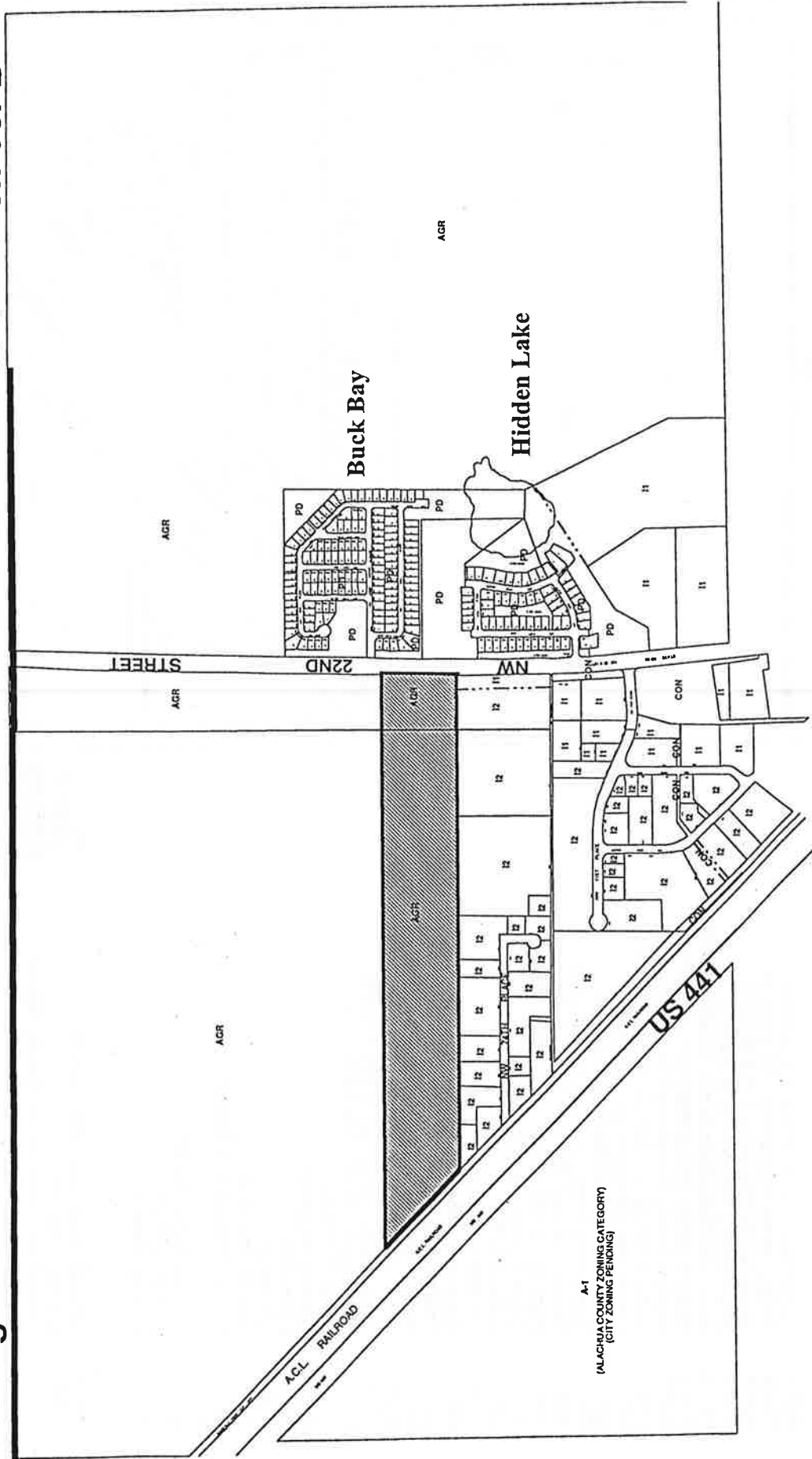


Ralph Hilliard  
Planning Manager

RH:JS

# Petition No. 225Zon-98PB

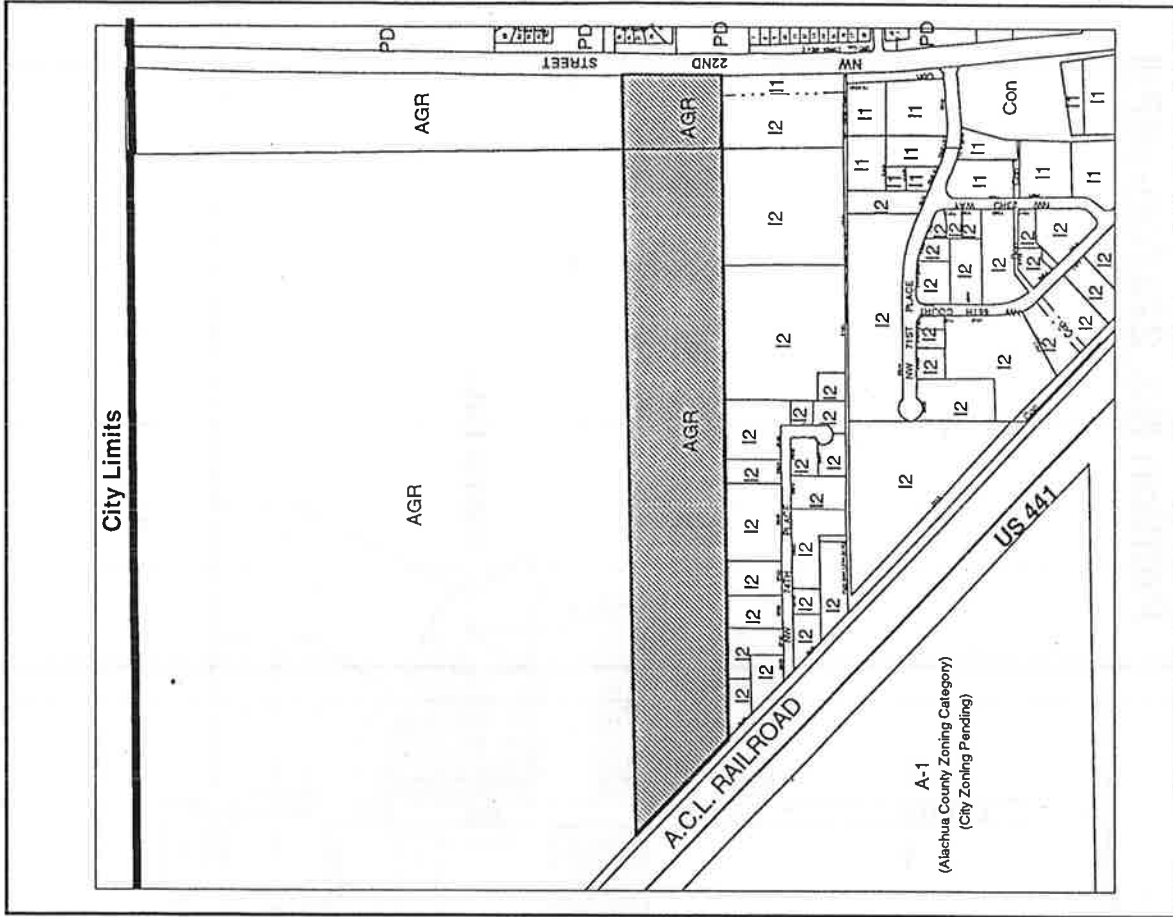
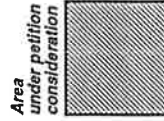
# Zoning



# Zoning Districts

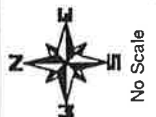
- RSF1 Single-family Residential (3.5 du/acre)
- RSF2 Single-family Residential (4.6 du/acre)
- RSF3 Single-family Residential (5.8 du/acre)
- RSF4 Single-family Residential (8 du/acre)
- RMF5 Single-family/Multiple-family Residential (12 du/acre)
- RMF6 Multiple-family Residential (10-15 du/acre)
- RMF7 Multiple-family Residential (14-21 du/acre)
- RMF8 Multiple-family Residential (20-30 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (20-43 du/acre)
- RH2 Residential High Density (43-100 du/acre)
- OR Office Residential (20 du/acre)
- OF General Office
- BUS General Business
- BA Automotive-oriented Business
- BT Tourist-oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District (up to 150 du/acre)
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park
- PD Planned Development

- x- Historic Preservation/Conservation
- o- Special Area Plan
- .-.- Division line between two zoning districts
- City Limits



# ZONING

Name	Petition Request	Map(s)	Petition Number
Conrad Yelvington Distributors/ Eng, Denman and Associates, Inc.	From AGR to I2	3046 3047 3048	225 ZON-98PB



Mr. Carter made the motion to approve the petitions with staff's recommendation of 400 feet of agricultural land use and zoning.

Mr. McGill seconded the motion.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 224LUC-98 PB as recommended by staff.	<u>Upon Vote:</u> Motion Carried 3-1 Yeas: Guy, McGill, Carter Nays: Fried

7.     **Petition 225ZON-98 PB**     Conrad Yelvington Distributors/Eng, Denman & Assoc., Inc., agents for Nekoosa Packaging Corporation. Rezone property from AGR (agriculture district) to I-2 (general industrial district) on 43.7 acres. Located in the 7600 block of SR 121. Part of tax parcel no. 7814 and part of tax parcel no. 6013.

Petition 225ZON-98 PB was discussed with Petition 224LUC-98 PB.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. McGill
<u>Moved to:</u> Approve Petition 225 ZON-98 PB as recommended by staff.	<u>Upon Vote:</u> Motion Carried 3-1 Yeas: Guy, McGill, Carter Nays: Fried

