



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000151

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

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 18th 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 18th 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.

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

D R A F T

10/04/00

1 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of
2 Gainesville; and

3 **WHEREAS**, notice has also been given by mail to the owner whose property will be
4 regulated by the adoption of this Ordinance, prior to the date set for a public hearing on this
5 ordinance; and

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

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

11 **Section 1.** The Future Land Use Map of the City of Gainesville 1991-2001 Comprehensive
12 Plan is amended by changing the land use category of the following described property from
13 "Agriculture" to "Industrial":

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

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

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10/04/00

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

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5 such conflict hereby repealed.

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

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10/04/00

1 compliance in accordance with S.163.3187, F.S.

2 **PASSED AND ADOPTED** this _____ day of _____, 2000.

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PAULA M. DeLANEY, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

This ordinance passed on this _____ day of _____, 2000.

Petitions 103LUC-00 PB (Legislative Matter No. 000151)
and 104ZON-00 PB (Legislative Matter No. 000152)

LEGAL DESCRIPTION : (BY THIS SURVEYOR)

A parcel of land lying in Section 18, Township 9 South, Range 20 East, being a portion of lands described in Official Records Book 1371, page 487 of the Public Records of Alachua County, Florida being more particularly described as follows:

For a Point of Reference commence at an existing 4" x 4" concrete monument marked P.L.S. 940 at the Southeast corner of said Section 18 and run North 00 deg. 06 min. 15 sec. East along the East line of said Section 18, a distance of 1972.83 feet more or less to an existing 5/8" rebar and the Point of Beginning of lands described in said Official Record Book 1371, page 487, thence run North 45 deg. 38 min. 38 sec. West a distance of 200.45 feet to a nail and disk marked P.L.S. 2115; thence run North 89 deg. 47 min. 21 sec. West a distance of 1692.25 feet to a 1/2" rebar and cap marked P.S.M. 5582 on the East line of Northwest Industrial Park Unit 3 as recorded in Plat book "L" page 31 of the Public Records of Alachua County, Florida; thence run North 00 deg. 06 min. 07 sec. East along said East line, a distance of 2708.90 feet to a 1/2" rebar and cap marked P.S.M. 5582 and the POINT OF BEGINNING of the hereon described parcel of land; thence continue North 00 deg. 06 min. 07 sec. East along said East line a distance of 489.48 feet to a 4"x4" concrete monument marked P.L.S. 940 at the Northeast corner of said Northwest Industrial Park Unit 2 and the North line of said Section 18; thence run South 89 deg. 57 min. 03 sec. East along said North line, a distance of 731.65 feet; thence run South 17 deg. 49 min. 31 sec. East a distance of 94.68 feet; thence run South 32 deg. 41 min. 41. sec. West a distance of 46.52 feet; thence run South 34 deg. 35 min. 58 sec. West a distance of 86.69 feet; thence run South 40 deg. 9 min. 15 sec. West a distance 35.41 feet; thence run South 87 deg. 49 min. 0 sec. West a distance 39.03 feet; thence run North 79 deg. 48 min. 33 sec. West a distance of 69.94 feet; thence run North 82 deg. 5 min. 17 sec. West a distance of 59.97 feet; thence run North 80 deg. 20 min. 44 sec. West a distance of 82.00 feet; thence run South 77 deg. 15 min. 13 sec. West a distance of 78.95 feet; thence run South 41 deg. 32 min. 36 sec. West a distance of 86.00 feet; thence run South 6 deg. 39 min. 23 sec. West a distance of 102.41 feet; thence run South 18 deg. 24 min. 59 sec. East a distance of 91.87 feet; thence run South 24 deg. 39 min. 55 sec. East a distance of 26.51 feet; thence run North 89 deg. 45 min. 16 sec. West a distance of 310.42 feet to the Point of Beginning.

Containing 5.41 acres more or less.

