



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 991038

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. 0-00-45, Petition No. 15ZON-00PB
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "CON: Conservation district" to "I-1: Limited industrial district"; 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 No. 15ZON-00PB; and 2) adopt the proposed ordinance.

STAFF REPORT

This petition is related to the land use petition, 14LUC-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 321 feet in total length with a width of 40 feet for a distance of 188 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.

The request of this petition is to rezone the property from CON to I-1 (limited industrial district) while concurrently changing 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. Exactech, a company that manufactures prosthetic devices, is located on the property south of the subject property and is also the owner of the subject property and the vacant industrial parcel to the north. 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.

In reviewing this petition, the potential impact of the proposed zoning change shall be evaluated in relation to a variety of pertinent factors. The purpose of the CON district is to conserve, restore and protect environmentally significant lands and establish natural buffers between incompatible uses. The subject property is a drainage ditch that serves the Northwood Industrial

Park. Although the site is within the 100-year floodplain, it is not an environmentally significant land or a designated wetland. Much of the drainage on the subject property is already piped underground. It also does not act as a buffer between incompatible uses since the area is in the middle of an industrial park and is zoned either I-1 or I-2.

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 15ZON-00 PB. Plan Board vote 7-0.

Prepared and Submitted by:



Marien I. Radson, City Attorney

MJR/afm

Attachment

1 mail to the owner whose property will be regulated by the
2 adoption of this Ordinance, at least thirty days prior to the
3 date set for a public hearing on this ordinance; and

4 **WHEREAS**, the Public Hearing was held pursuant to the
5 published and mailed notice described at which hearing the
6 parties in interest and all others had an opportunity to be and
7 were, in fact, heard.

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

10 **Section 1.** The following described property is rezoned and
11 changed from the zoning category of "CON: Conservation district"
12 to "I-1: Limited industrial district":

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

16 **Section 2.** The City Manager is authorized and directed to
17 make the necessary changes in the Zoning Map to comply with this
18 Ordinance.

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

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

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"



that serves the Northwood Industrial Park. Although the site is within the 100-year floodplain it is not an environmentally significant land or a designated wetland. Much of the drainage on the subject property is already piped underground. It also does not act as a buffer between incompatible uses since the area is in the middle of an industrial park and is zoned either I-1 or I-2.

Impact on Adopted LOS standards

The potential impact of the proposed zoning change on adopted level of service (LOS) standards must also be evaluated. 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 located within any other environmental overlay district. This site is 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.

Character of the District and Suitability

The subject property is located within the Northwood Industrial Park, an area zoned for industrial uses. The drainage easements throughout the area are not environmentally sensitive. They are man-made ditches installed to carry stormwater runoff to designated stormwater ponds. The area is occupied by various industrial uses including light manufacturing and warehousing.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The subject property is vacant. As stated throughout this report, the site is appropriate for industrial use.

Applicable Portions of Current City Plans

Currently, there are no city plans in the area applicable to the subject property.

Needs of the City for Land Areas to Serve Purposes, Populations, and Economic Activities

This rezoning will serve the purpose of encouraging future economic activity and the joint use of access points onto the city road system.

Substantial Changes in Character of Development in the Area

There has been significant development in the Northwood Industrial Park in recent years that is consistent with the character and intent of an industrial park.

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

Rezone property from
CON to I-1

Land Use Plan Classification

CON

Existing Zoning

CON

Required Proposed Zoning

I-1

Purpose of Request

To rezone property in
conjunction with a land use
change 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

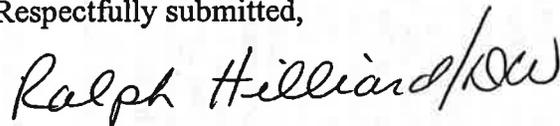
Impact on Affordable Housing

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

Summary

This proposal is necessary to implement the requested land use change from Conservation to Industrial. Staff has recommended approval of petition 14LUC-00 PB and also recommends approval of petition 15ZON-00 PB in order for the proposed land use to be consistent with the underlying zoning. 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.

Respectfully submitted,



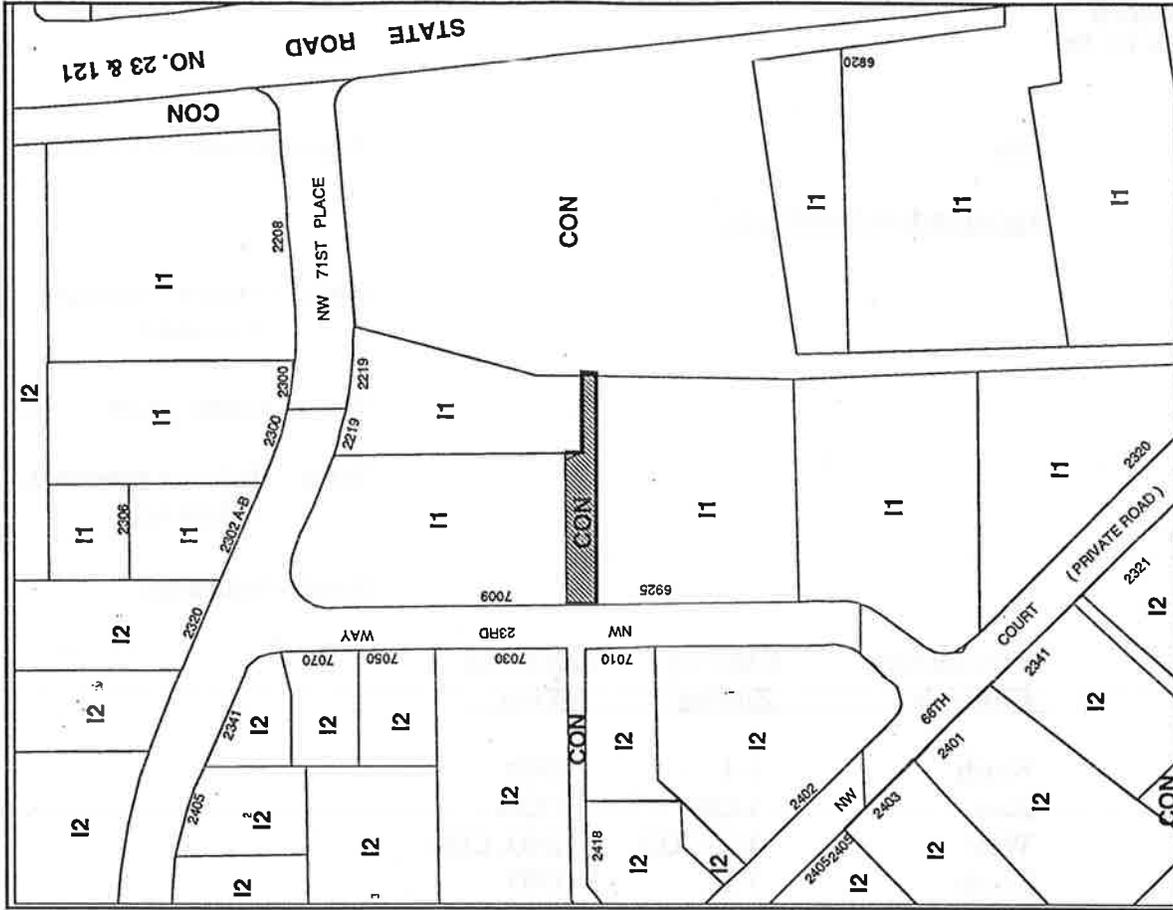
Ralph Hilliard
Planning Manager

RH: JS

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 (8-15 du/acre)
- RMF7 Multiple-family Residential (8-21 du/acre)
- RMF8 Multiple-family Residential (8-30 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 (8-43 du/acre)
- RH2 Residential High Density (8-100 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
City Plan Board	From CON to I1	3047	15ZON-00PB



No Scale

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, Polshek, Guy

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