



MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commission
FROM: Marion J. Radson, City Attorney

Legistar No. 980874
DATE: June 14, 1999
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.

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

STAFF REPORT

This is a request to change the zoning on 44.6 acres (MOL) of vacant land from AGR (agriculture) to I-2 (general industrial district). The subject property is located on the west side in the 7600 block of State Road 121, also known as Northwest 22nd Street. 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.

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 gravel, 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 petitioners require for their intended use.

The Plan Board reviewed the petition and expressed concerns about access to the site from SR-121 and noise.


Planning Division staff recommended that the Plan Board approve Petition 225ZON-98 PB, except for the eastern 400 feet of the property. Prior to the City Commission meeting on the Land Use Petition 224LUC-98 PB, the applicant submitted a letter to the City dated February 11, 1999, and agreed to the Plan Board condition to exclude the east 400 feet of the property from the request.

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

CITY ATTORNEY'S MEMORANDUM

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held at the next regular commission meeting.

Prepared by:



Marion J. Radson
City Attorney

ORDINANCE NO. _____
0-99-28

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3
4 **An ordinance of the City of Gainesville, Florida,**
5 **rezoning certain lands within the City consisting of**
6 **approximately 44.6 acres (M.O.L.) and amending the**
7 **Zoning Map Atlas from "AGR: Agriculture district" to**
8 **"I-2: General industrial district"; located in the 7600**
9 **block east of U.S. 441 and west of SR 121; providing a**
10 **severability clause; providing a repealing clause; and**
11 **providing an immediate effective date.**

12
13 **WHEREAS,** the City Plan Board authorized the
14 publication of notice of a Public Hearing that certain lands
15 within the City be rezoned from "AGR: Agriculture district"
16 to "I-2: General industrial district"; and

17 **WHEREAS,** notice was given and publication made as
18 required by law of Public Hearings which were then held by
19 the City Plan Board on December 17, 1998; and

20 **WHEREAS,** notice was given and publication made of a
21 Public Hearing which was then held by the City Commission;
22 and

23 **WHEREAS,** pursuant to law, an advertisement no less
24 than two columns wide by 10 inches long was placed in a
25 newspaper of general circulation notifying the public of
26 this proposed ordinance and of the Public Hearing to be held
27 in the City Commission Meeting Room, First Floor, City Hall,
28 in the City of Gainesville at least seven (7) days after the
29 day the first advertisement was published; and

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.