



MEMORANDUM

Office of the City Attorney

LEGISTAR ITEM NO. 080167

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

TO: Mayor and City Commission

DATE: October 16, 2008

FROM: City Attorney

FIRST READING

SUBJECT: Ordinance No.0-08-58, Petition No. 55PSZ-08PB

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "I-1: Limited industrial district" to the zoning category of "PS: Public services and operations district" to permit the Gainesville Regional Utilities Operations Center; allowing the uses permitted by right as more specifically described in this Ordinance, with the approval of a preliminary development plan; providing conditions; located in the vicinity of the 4500 Block of North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date as set forth in this ordinance.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

Located at the 4500 Block of North Main Street (east side), the approximately 117-acre site was purchased by the City of Gainesville for the establishment of the GRU Eastside Operations Center. This petition will apply PS (Public services and operations district) zoning to the entire site in place of the existing I-1 (Limited industrial district) zoning. The land use designation on the site will remain as 'Industrial', since this land use may be implemented by the PS zoning district under Section 30-46 of the City Land Development Code.

The purpose of this petition is to adopt uniform development regulations that are consistent with the intended use and operation of the proposed operations center. The petition is proposed in a manner that is compatible with the surrounding land use and considers the existing site conditions. The operations center will include facilities related to electric, water, wastewater, natural gas, and telecommunications. Proposed development for the site includes offices, maintenance shops, warehouse buildings, a training facility, and a systems control center. The center will house a maximum of 325 employees.

Submitted for consideration are an associated rezoning report and a preliminary development plan. These documents propose development standards that are tailored specifically to the intended use of the site by GRU. These standards outline the permitted uses for the site, building setbacks and maximum height, and required landscape buffers. These proposed regulations, if approved, will guide the future development of this site by Gainesville Regional Utilities. The City's Land Development Code will remain applicable in all instances that are not specifically

addressed by the PS rezoning report and the preliminary development plan. A proposed general layout for the site is also shown on the preliminary development plan.

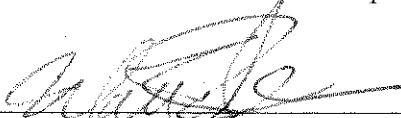
Public notice for this petition was published in the Gainesville Sun on June 4, 2008.

The City Plan Board considered Petition 55PSZ-08PB with the associated rezoning report and preliminary development plan at a public hearing held June 19, 2008. By a vote of 4 - 0, the City Plan Board approved the petition with staff conditions.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of July 28, 2008, approved Petition No. 55PSZ-08PB and authorized the City Attorney to draft and the Clerk of the Commission to advertise the proposed ordinance rezoning the property to "PS: Public services and operations district" with conditions.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/jls

Attachment

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9/22/2008

ORDINANCE NO. _____
0-08-58

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An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the zoning category of "I-1: Limited industrial district" to the zoning category of "PS: Public services and operations district" to permit the Gainesville Regional Utilities Operations Center; allowing the uses permitted by right as more specifically described in this Ordinance, with the approval of a preliminary development plan; providing conditions; located in the vicinity of the 4500 Block of North Main Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date as set forth in this ordinance.

20 **WHEREAS**, publication of notice of a public hearing was given that the Zoning Map
21 Atlas be amended by rezoning certain property annexed into the City be rezoned from the zoning
22 category of "I-1: Limited industrial district" to the zoning category of "PS: Public services and
23 operations district"; and

24 **WHEREAS**, notice was given and publication made as required by law and a public
25 hearing was held by the City Plan Board on June 19, 2008; and

26 **WHEREAS**, the City Commission finds that the rezoning of the property described
27 herein will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

28 **WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10
inches long was placed in a newspaper of general circulation and of the public hearing to be held in

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1 the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven
2 (7) days after the day the first advertisement was published; and

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

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

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

11 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
12 following described property from the zoning category of "I-1: Limited industrial district" to the
13 zoning category of "PS: Public services and operations district":

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

17 **Section 2.** The preliminary development plan attached to this Ordinance as Exhibit "B"
18 and made a part hereof as if set forth in full, is approved in accordance with Sec. 30-75 of the
19 Land Development Code.

20 **Section 3.** The uses permitted by right on the property described in Section 1 of this
21 Ordinance are as follows: IN 919 "General Government, Not Elsewhere Classified;" Major
22 Group 48 "Communications;" Major Goup 49 "Electric, Gas, and Sanitary Services;" IN 4225

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1 “General Warehousing and Storage;” Major Group 75 “Automotive Repair, Services, and
2 Parking,” excluding GN-751 “Automotive Rental and Leasing;” Major Group 76 “Miscellaneous
3 Repair Services;” GN 554 “Gasoline and Alternative Fuel Service Stations” with accessory
4 gasoline and alternative fuel pumps, in accordance with Article VI; IN 7374 “Computer
5 Processing and Data Preparation and Processing Services;” IN 7991 “Physical Fitness Facilities;”
6 Outdoor storage, as defined in Article II and in accordance with Article VI; and any accessory
7 uses customarily and clearly incidental to any permitted principal use.

8 **Section 4.** The following conditions shall apply to this ordinance:

9 Condition 1. Preliminary and final development plan review is required.
10 Development of the site shall be consistent with the standards and with the site layout on
11 the preliminary development plan.
12

13 Condition 2. A 70’-wide buffer composed of existing natural vegetation and
14 landscaping shall be required along North Main Street, except at the two access points to
15 North Main Street as shown on the preliminary development plan. The existing
16 vegetation shall be supplemented with shade trees as required for Buffer Type E in the
17 Land Development Code. The type and location of trees within this street buffer shall be
18 determined by the City Arborist during development plan review. A 50’-wide buffer,
19 composed of existing natural vegetation, shall be required around the remaining
20 perimeter of the site.
21

22 Condition 3. The location of development on the site shall be as depicted on the
23 preliminary development plan. Only the wetlands and natural areas that are shown on the
24 preliminary development plan may be impacted, and all other wetlands on the site shall
25 be preserved and protected consistent with the City’s Land Development Code. A 50’-
26 wide buffer of existing native vegetation shall remain around all preserved wetlands. As
27 shown on the preliminary development plan, a pervious pedestrian trail and emergency
28 vehicle access of 50’ maximum cleared width may be permitted between wetland ‘L’ and
29 wetland ‘R10’. The construction of this access shall be in a manner that minimizes the
30 impact upon the adjacent wetland areas and their buffers.
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1 Condition 4. The setback for the creek along the northern property line shall be
2 determined by the appropriate reviewing board at development plan review approval, and
3 shall be a minimum of 35' in width.
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5 Condition 5. During development plan review, the exact location of buildings and
6 other developed areas shall be adjusted by the appropriate reviewing board in order to
7 best preserve heritage trees, wetlands and any listed species on the site.
8

9 Condition 6. Any buildings that are visible from North Main Street or that will
10 be accessed directly by the public shall meet the requirements of the Special Area Plan for
11 Central Corridors of the Land Development Code for building orientation, glazing and
12 articulation.
13

14 **Section 5.** The City Manager is authorized and directed to make the necessary changes in
15 the Zoning Map to comply with this Ordinance.

16 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
17 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding shall not affect the other provisions or applications of the ordinance which can be given
19 effect without the invalid or unconstitutional provisions or application, and to this end the
20 provisions of this ordinance are declared severable.

21 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
22 such conflict hereby repealed.

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1 Section 8. This ordinance shall become effective immediately upon final adoption.

2 PASSED AND ADOPTED this _____ day of _____, 2008.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality:

11 _____
12 KURT LANNON,
13 CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

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16 This ordinance passed on first reading this _____ day of _____, 2008.

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18 This ordinance passed on second reading this _____ day of _____, 2008.

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ENG, DENMAN & ASSOCIATES, INC.

ENGINEERS • SURVEYORS • PLANNERS

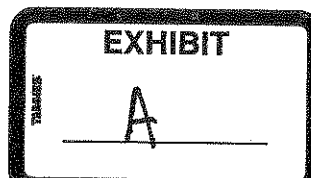
April 8, 2008

Legal Description

For: Gainesville Regional Utilities
North Main Street Service Center

A portion of Section 21, Township 9 South, Range 20 East, City of Gainesville, Alachua County, Florida; being more particularly described as follows:

Commence at the northeast corner of Section 21, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South $89^{\circ}43'06''$ West, along the north line of said Section and along the southerly right-of-way line of N.E. 53rd Avenue, a distance of 3,557.74 feet to a point on the easterly right-of-way line of North Main Street, said point being the beginning of a curve, concave southeasterly, having a radius of 25.00 feet; thence southwesterly, along said easterly right-of-way line and along the arc of said curve, through a central angle of $90^{\circ}47'23''$, an arc distance of 39.61 feet to the end of said curve, said arc being subtended by a chord, having a bearing and distance of South $44^{\circ}19'24''$ West, 35.60 feet; thence South $01^{\circ}04'17''$ East, along said easterly right-of-way line, 776.26 feet to a point on the south line of Ditch "C", a 40 foot wide drainage easement as recorded in Official Records Book 1348, page 778 of the Public Records of Alachua County, Florida, and to the Point of Beginning; thence continue South $01^{\circ}04'17''$ East, along said easterly right-of-way line, 340.22 feet to the beginning of a curve, concave westerly, having a radius of 3869.72 feet; thence southerly, along said easterly right-of-way line, and along the arc of said curve, through a central angle of $18^{\circ}00'00''$, an arc distance of 1215.71 feet to the end of said curve, said arc being subtended by a chord, having a bearing and distance of South $07^{\circ}55'43''$ West, 1210.72 feet; thence South $16^{\circ}55'43''$ West, along said easterly right-of-way line, 778.75 feet; thence South $73^{\circ}04'17''$ East, 390.00 feet; thence South $50^{\circ}41'26''$ East, 165.23 feet to a rebar and cap stamped "PLS 3973", on the northwesterly line of a Conservation Easement as described in Exhibit "B", recorded in Official Records Book 1773, page 1561 et seq. of said Public Records; thence North $57^{\circ}45'03''$ East, along said northwesterly line, 118.44 feet to a rebar and cap stamped "PLS 3973"; thence South $85^{\circ}37'51''$ East, along the northerly line of said Conversation Easement, 69.31 feet to a rebar and cap stamped "LB 2389"; thence South $18^{\circ}38'17''$ East, along the easterly line of said Conservation Easement, 225.24 feet to a rebar and cap stamped "LB 2389"; thence North $68^{\circ}59'31''$ East, 382.28 feet to a rebar and cap stamped "PLS 3973" on the northerly line of a Conservation Easement as described in Exhibit "A", recorded in Official Records Book 1773, page 1561 et seq. of said Public Records; thence easterly,



along the northerly line of said Conservation Easement described in said Exhibit "A", through the following 14 courses, each said course beginning and ending at a rebar and cap stamped "PLS 3973":

- 1) North 50°00'30" East, 121.17 feet;
- 2) North 63°35'42" East, 348.23 feet;
- 3) South 86°14'22" East, 148.23 feet;
- 4) South 52°13'49" East, 85.25 feet;
- 5) South 39°56'39" East, 170.10 feet;
- 6) South 54°27'11" East, 137.90 feet;
- 7) North 88°26'02" East, 131.13 feet;
- 8) North 70°34'48" East, 134.81 feet;
- 9) South 80°42'24" East, 114.78 feet;
- 10) North 78°05'44" East, 208.75 feet;
- 11) North 69°32'49" East, 132.48 feet;
- 12) South 68°57'23" East, 78.60 feet;
- 13) North 79°23'21" East, 59.70 feet;
- 14) South 43°07'28" East, 53.74 feet;

thence North 46°05'06" East, 255.83 feet to a rebar and cap stamped "LB 2389" on the westerly line of Conservation Easement A, B, C, D and E, described in Exhibit "A", recorded in Official Records Book 2399, page 1029 of said Public Records; thence northerly, westerly, northwesterly, and northeasterly along said westerly line of Conservation Easement A, B, C, D, and E, through the following 7 courses:

- 1) North 14°57'30" West, 565.59 feet to a rebar and cap stamped "LB 2389";
- 2) South 78°30'17" West, 574.66 feet to a rebar and cap stamped "LB 2389";
- 3) North 50°25'18" West, 353.70 feet to a rebar and cap stamped "LB 2389";
- 4) North 03°44'36" East, 409.45 feet to a rebar and cap stamped "LB 2389";
- 5) North 32°33'24" East, 670.79 feet to a rebar and cap stamped "LB 2389";
- 6) North 53°25'32" West, 911.06 feet to a rebar and cap stamped "LB 2389";
- 7) North 17°45'14" East, 357.93 feet to a rebar and cap stamped "LB 2389", lying on said south line of Ditch "C"; thence South 80°49'41" West, along said south line of Ditch "C", a distance of 102.88 feet; thence South 82°54'30" West, along said south line of Ditch "C", a distance of 1176.24 feet; thence South 74 °48'29" West, along said south line of Ditch "C", a distance of 125.08 feet to the Point of Beginning.

Containing 117.68 acres, more or less.

