

LEGISLATIVE #

120295



Planning & Development Services

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www.cityofgainesville.org

TO: Commissioner Todd Chase
Economic Development University/Community Committee Chair

THRU: Russ Blackburn, City Manager

FROM: Erik A. Bredfeldt, Planning and Development Services Director

DATE: August 15, 2012

SUBJECT: Sybac Solar Proposal

A few weeks ago I was approached by Sybac Solar on a proposal to acquire property at the City's Airport Industrial Park for the purposes of developing a solar field array encompassing approximately 6 acres (similar to others in the community) proximate to Florida Food Service.

The proposal raises some issues regarding the highest and best use of AIP property in light of other community economic development considerations and I believe it warrants further consideration by the EDUCC prior to moving forward.

I recommend that a special meeting be held by the Committee preferably by the end of August to further discuss this matter as this proposal is on an accelerated timeline based upon compliance with Gainesville Regional Utilities Solar Feed in Tariff deadlines.

Sybac Solar, LLC
4759 Drane Field Road
Lakeland, FL 33811
Phone: (863) 229-1081
Fax: (863) 937-9388

August 2, 2012

Mr. Erik A Bredfeldt
Planning & Development Director
PO Box 490, Station 33
Gainesville, Florida 32602-0490

Mr. Bredfeldt,

After reviewing our plans with Gainesville Regional Utilities, the owner of Florida Food Service and our engineers, we are finding it necessary to purchase the land instead of leasing. The land must have the same parcel number for the entire project and cannot be split between two pieces of property. With this information we are withdrawing our previous offer to lease and are prepared to make the following purchase offer.

For Parcel ID# 8161.003.000 we would like to purchase about 6 acres of the west section of that parcel including the right of way onto NE 49th Avenue as discussed and have it attached to the property of the Florida Food Service. We are offering to purchase this property for \$22,000.00 per acre with the following conditions;

1. We will be given a hold harmless agreement for contamination of the soil by the previous neighboring business which is being mitigated by the City of Gainesville, Department of Environmental Protection, and the Current Owners. Sybac Solar, LLC and/or its investors be held harmless for any incidents occurring from this contamination. If remediation is required on the property then Sybac Solar, LLC and/or its investors will be reimbursed for lost revenue and cost incurred from this remediation.
2. Sybac Solar, LLC will be authorized to trim or remove trees bordering the property on the east borders to prevent any shading interference from the solar production of our facility.
3. That the City of Gainesville assists Sybac Solar, LLC in the planning and building approval process concurrently with this purchase application.

We have based this offer on the previous purchase agreement made in 2007 with Joel Islam, Owner of Florida Food Service, for the purchase of a portion of this same property.

We need to proceed with this project on an expedited time schedule. To meet the terms of the agreement with Gainesville Regional Utilities we have to have the project 65% complete by October 31, 2012. Using the previous purchase as a template should make this purchase less difficult and will assist in the time schedule. We recognize that this places a large burden on the City of Gainesville and we would appreciate your assistance in this matter.

Thanks again for your assistance and we look forward to the acceptance of this offer.

With kind regards

Anthony Conner
Project Development Director
Sybac Solar, LLC

Bredfeldt, Erik A.

From: Bredfeldt, Erik A.
Sent: Monday, August 06, 2012 11:56 AM
To: 'Anthony Conner'
Subject: RE: Food Service Property Extension offer
Attachments: AIP Deed Restrictions 10-05.pdf

Mr. Conner:

Good morning. I am in receipt of your attached letter regarding Sybac's offer for acquisition of a piece of property at the City's Airport Industrial Park (AIP).

In reviewing the letter and various AIP related documents I wanted to raise a few challenges:

- 1 – I have attached the Deed Restrictions for the Airport Industrial Park; please look at page 4-5 of 21 regarding permitted and prohibited uses; in reviewing the list it appears that there may be an issue with Sybac's intended use for the subject property.
- 2 – In addition, in thinking through this offer and the intended use, I'm wondering whether you can help me deal with concerns about Sybac's proposed use being the "highest and best use" of the property (in light of other current operations at the AIP and the intended uses described in the attached Deed Restrictions).
- 3 – Although there has not been much activity in the AIP as of late due to market conditions, there appears to have been a sale of property on 8/05/11 regarding Lot 08162-022-000 with a purchase price of \$190,000 for 5.38 acres. This would translate to approximately \$35,316 per acre which would be materially higher than your offer.
- 4 – As to timeline, meeting your stated October 31st deadline may be problematic however I would recommend scheduling a First Step meeting ASAP in order to receive input from relevant City staff. Please contact relevant staff at 334-5055.
- 5 – Finally, in speaking about the approval process on the acquisition of the land, I mentioned that we would need to bring this forward to the Gainesville Alachua County Regional Airport Authority (GACRAA) and I'm not sure of their position.

I wanted to lay these out for you early and clearly as they may be hurdles for this proposal and based upon these factors and your aggressive timeline, I wanted you to be able to explore other alternatives in the next 90 days if need be.

Erik

From: Anthony Conner [<mailto:aconner@sybacsolar.com>]
Sent: Thursday, August 02, 2012 1:17 PM
To: Bredfeldt, Erik A.
Cc: ufalz@sybacsolar.com; 'Markus Falz'
Subject: Food Service Property Extension offer

Eric, per our conversation we have revised our offer and have attached to this email for your review. We look forward to your favorable response.

Kind regards,

Anthony Conner
 Project Development Director
aconner@sybacsolar.com



Sybac Solar LLC
4759 Drane Field Road
Lakeland, FL 33811
Ph.: (863) 229-1081
Fax: (863) 937-9388
www.sybacsolar.com

Public Records of Alachua County, Florida.

Lots 20 through 23, of the Airport Industrial Park: Unit III, as recorded in Plat Book T, Page 88, Public Records of Alachua County, Florida.

"Restated Declaration" - shall mean this Second Amended and Restated Declaration of Protective Covenants and Restrictions for the Airport Industrial Park: Unit I, Unit II, and Unit III, located in the City Of Gainesville, Alachua County, as it may from time to time be amended or supplemented.

"Restrictions" - shall mean the covenants, conditions, and restrictions set forth in the Declaration.

"Land Development Code" - shall mean Chapter 30 of the Code of Ordinances of the City of Gainesville, Florida, or as may be amended from time to time.

ARTICLE II GENERAL CHARACTER AND PURPOSES OF CONDITIONS

Section 2.01. It is the intent of these Protective Covenants to provide conditions, covenants, restrictions, reservations, standards and easements to insure that the Airport Industrial Park will always be maintained as an attractive park-like setting for industry with ample landscaped open areas; attractive high quality structures; proper and desirable uses and appropriate development and improvement of all property; to protect the Owners, lessees and sublessees of property against improper and undesirable use of surrounding property; to protect against depreciation in value of property, to guard against erection of structures built of improper or unsuitable materials or design, to encourage the erection of attractive improvements with appropriate locations; to prevent haphazard and inharmonious improvement of property; and to provide generally a quality development.

ARTICLE III PERMITTED AND PROHIBITED USES AND ACTIVITIES

Section 3.01. The Property shall be used solely for the purposes of light industrial development, offices, research, display, warehousing, distribution, laboratories, assembly and processing, jobbing, wholesaling and other uses normally associated with the light manufacturing, assembly and distribution found in a high quality light industrial or business park. All uses shall additionally comply with the regulations of all agencies with appropriate governmental jurisdiction. If such permitted uses of this Declaration are inconsistent with the Declarant's Land Development Code, the standards herein contained shall be deemed cumulative and in addition to said Land Development Code, and not in lieu of any such regulations.

Section 3.02. Prohibited Uses and Activities. No noxious or offensive trades, services or

activities shall be conducted on the Property or any portion thereof that may be or become a public nuisance or annoyance to GACRAA, the City of Gainesville, or other Owners of any portion of the Property by reason of excessive emission of odors, fumes, smoke, vibrations, dust, glare, wastes or noise. No air pollutant or odorous matter shall be discharged or emitted into the atmosphere from any source in such quantities as to be readily detectable at any point beyond the individual tract or lot line to produce a public nuisance or health hazard. Any condition or operation that results in the creation of odors or air pollution of such intensity and character is prohibited.

Notwithstanding any provision set forth in any law, ordinance or regulation, the use of any portion of said property for any of the following purposes is expressly prohibited: rendering plants, poultry processing plants, junk yards, chemical producing or manufacturing plants, cement plants, heavy manufacturing purposes, foundries or any other industry or business which is or becomes a nuisance by reason of the excessive emission of smoke, dust, noise, glare, odor, fumes or vibrations.

Section 3.03. Temporary offices, storage sheds, trailers, barricades, fences, and the like will be permitted as necessary during the construction period of a permanent building.

Section 3.04. All areas which involve the use and/or storage of flammable or explosive material shall be adequately provided with safety and fire-fighting devices as required by regulations of all agencies with appropriate governmental jurisdiction. No use or storage of flammable and/or explosive material which increases the insurance rates of adjoining property shall be permitted.

Section 3.05. Handling and disposing of hazardous materials and solid wastes shall be in conformance with all applicable federal, state or local laws, ordinances, rules or regulations, now or hereinafter in effect. The term "hazardous materials" includes but is not limited to materials defined as "hazardous waste" under the Federal Resource Conservation and Recovery Act and similar state laws, or as "hazardous substances" under the Federal Comprehensive Environmental Response, Compensation and Liability Act or similar state laws. Hazardous materials include but are not limited to solid, semi-solid, liquid or gaseous substances that are toxic, ignitable, corrosive, carcinogenic or otherwise dangerous to human, other animal, or plant health and well-being. Examples of hazardous waste include paints, solvents, chemicals, petroleum products, batteries, transformers and other discarded man-made materials.

Section 3.06. It is expressly announced that Declarant has and maintains underground water well fields in the general area of the property described in this Declaration, which well fields are vital and necessary for the supply of water to the community and citizens of Alachua County. No use of the property shall be conducted which in any way would cause pollution or in any other manner cause contamination of this underground water supply.

ARTICLE IV PLAN REVIEW AND WAIVER

Section 4.01. No building, structure or other improvement shall be erected, placed, or altered on

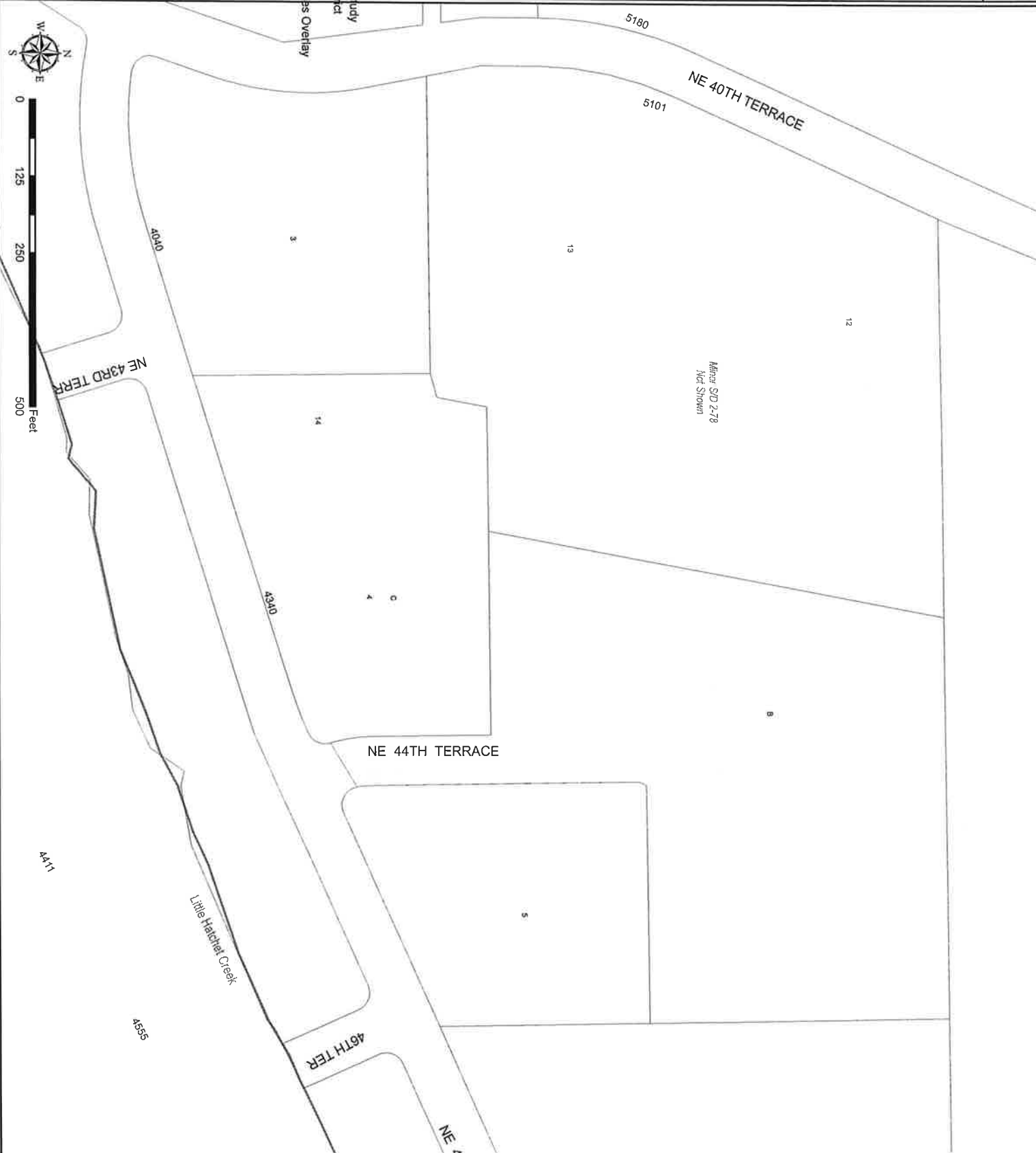
Legend

- City Limits
- Lot Split
- Cluster Subdivisions
- Creeks
- Historic Structures
 - Contributing
 - Non-Contributing
- Historic Districts
 - Northeast
 - Pleasant St
 - Southeast
 - University Heights - North
 - University Heights - South
 - National Register Building
 - Local Register Building
 - 13th Street
 - 39th Avenue
 - College Park
 - Corporate Park
 - Idylwild-Serenita Special Area Study
 - Residential Parking Overlay District
 - SEGR
 - Significant Ecological Communities Overlay
 - Special Environmental Concern
 - Traditional City
 - University Heights
 - Central Corridors



City of Gainesville
Dept. of Planning
and Dev. Services

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Legend

- City Limits
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 - Traditional City
 - University Heights
 - Central Corridors
- Aerial Image-2010
- RGB
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



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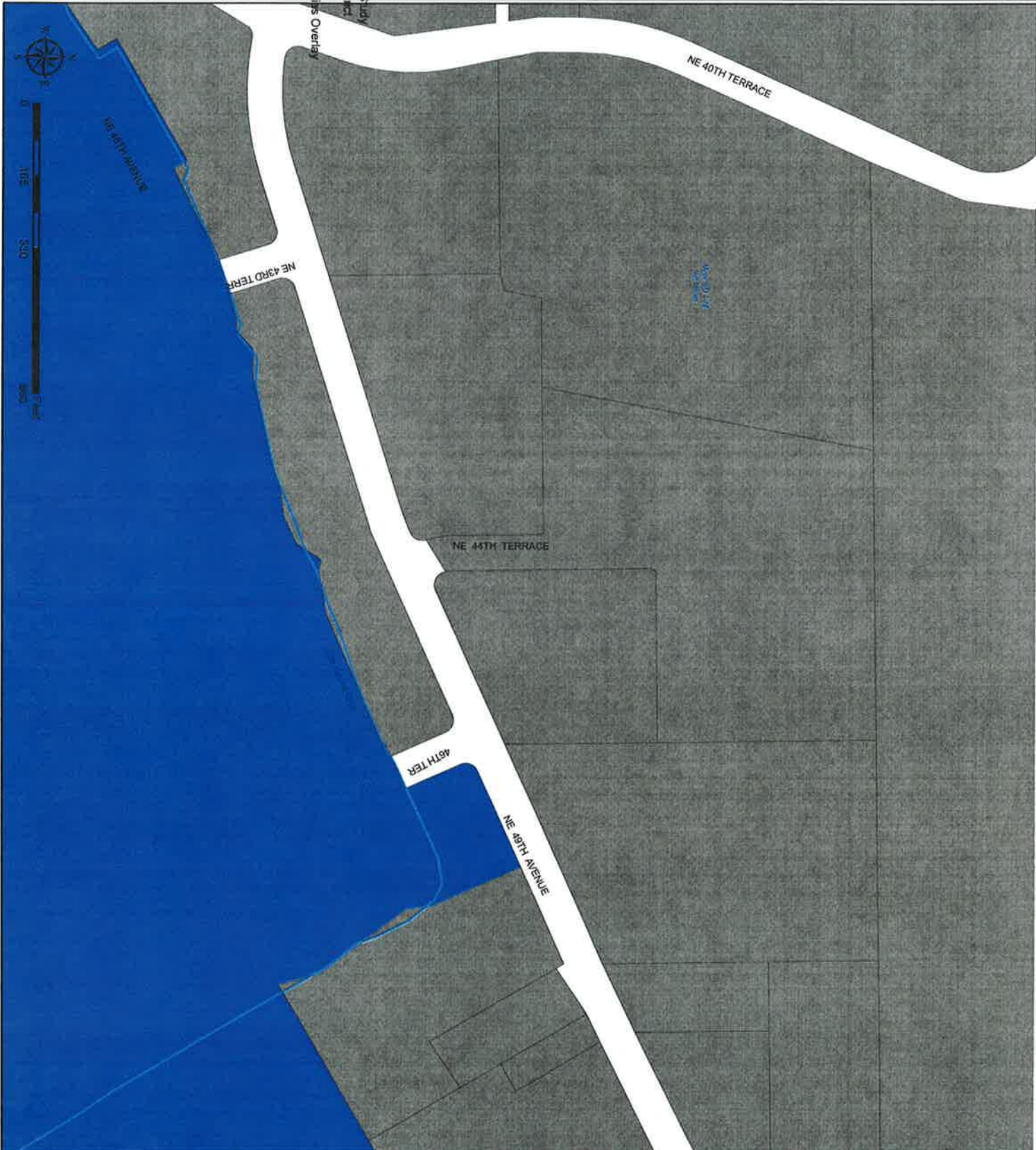
Legend

- City Limits
 - Lot Split
 - Cluster Subdivisions
 - Creeks
- Future Land Use - Color**
- Single Family
 - Residential Low Density
 - Residential Medium Density
 - Residential High Density
 - Mixed Use Residential
 - Mixed Use Low
 - Mixed Use Medium
 - UMU1
 - UMU2
 - Mixed Use High
 - Office
 - Commercial
 - Business Industrial
 - Industrial
 - Education
 - Recreation
 - Public Facilities
 - Agriculture
 - Conservation
 - Planned Unit Development
 - Land use - county designation
 - 13th Street
 - 39th Avenue
 - College Park
 - Corporate Park
 - Idyllwild-Serenoia Special Area Study
 - Residential Parking Overlay District
 - SEGR1
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 - Special Environmental Concern
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 - University Heights
 - Central Corridors

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Community Development

City Limits

Lot Split

Cluster Subdivisions

Creeks

Zoning

Zoning_Type

- RSF-1
 - RSF-2
 - RSF-3
 - RSF-4
 - RSFR
 - RC
 - MH
 - RMF-5
 - RMF-6
 - RMF-7
 - RMF-8
 - RH-1
 - RH-2
 - RMU
 - MU-1
 - MU-2
 - UMU1
 - UMU2
 - CCD
 - OR
 - BA
 - MD
 - OF
 - CP
 - BUS
 - BT
 - BI
 - W
 - I-1
 - I-2
 - AGR
 - CON
 - PS
 - AF
 - ED
 - PD
- Zoning - County Designation
gazoning_splituseine

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