

**PROPOSED ORDER FOR  
COMMISSION CONSIDERATION**

# **CITY COMMISSION OF THE CITY OF ALACHUA**

**IN RE: SITE SPECIFIC AMENDMENT TO THE OFFICIAL ZONING ATLAS FOR ±154.5 ACRES FROM AGRICULTURE (“A”) AND PLANNED UNIT DEVELOPMENT (“PUD”) TO COMMUNITY COMMERCIAL (“CC”) (±12.88 ACRES), COMMERCIAL INTENSIVE (“CI”) (±128.64 ACRES), AND GOVERNMENTAL FACILITIES (“GF”) (±12.96 ACRES)**

*Parcels Nos. 03863-000-000; 03868-002-000; 03868-002-001; 03869-000-000; 03869-008-000; 03869-010-000; 03869-013-000; and 03869-014-000*

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## **ORDER APPROVING A SITE SPECIFIC AMENDMENT TO THE OFFICIAL ZONING ATLAS**

The City Commission of the City of Alachua, Florida (“City Commission”), having heard testimony and considered the competent substantial evidence presented at the quasi-judicial public hearings held on March 23 and April 27, 2015, in this matter, sets forth the following Procedural History, Findings of Fact, and Conclusions of Law.

### **PROCEDURAL HISTORY**

1. On February 3, 2015, Causseaux, Hewett, & Walpole, Inc. (“CHW”), as agent for Alachua Holdings, Ltd.; 10.47, LLC; City of Alachua; First Street Group, L.C.; Christopher Allan Korosic; and Wal-Mart Stores East, LP (collectively, the “Applicants”), resubmitted an application for a Site Specific Amendment to the Official Zoning Atlas (“Rezoning Application”) to the City seeking to rezone ±154.5 acres from Agriculture (“A”) and Planned Unit Development (“PUD”) to Community Commercial (“CC”) (±12.88 acres), Commercial Intensive (“CI”) (±128.64 acres), and Governmental Facilities (“GF”) (±12.96 acres).

2. The City’s Planning and Zoning Board conducted a quasi-judicial public hearing on the Rezoning Application at its meeting held on March 10, 2015, and, at the conclusion thereof, voted, at the Applicants’ request, to transmit the Rezoning Application to the City Commission with a recommendation of non-approval rather than defer the matter for an additional thirty (30) days.

3. The City advertised public hearings to be held before the City Commission on March 23 and April 27, 2015, to consider the Rezoning Application.

4. The City Commission conducted quasi-judicial public hearings on the Rezoning Application on March 23 and April 27, 2015, and provided for and received public participation at both quasi-judicial public hearings.

5. During the March 23 and April 27 quasi-judicial public hearings on the Rezoning Application, the City Commission received and considered the following evidence: (1) Commission Agenda Item Summary; (2) Addendum to Staff Report; (3) Alachua Commerce Staff Report; (4) draft Ordinance 15 03; (5) Draft Minutes of the Planning & Zoning Board meeting held on March 10, 2015; (6) public submittals from the Planning & Zoning Board meeting held on March 10, 2015; (7) the Alachua Commerce Rezoning Application Package; (8) back-up documentation provided by the Applicants and City Staff; (9) CHW's Alachua Commerce slide presentation; (10) the expert testimony of the City's Planning Staff and the Applicants' consultants; (11) public comment and testimony; and (12) all other documents made part of the record in accordance with Section 2.3.1(C) of the City's Land Development Regulations ("LDRs").

## **FINDINGS OF FACT**

6. Notice of the City Commission's March 23 and April 27 quasi-judicial public hearings on the Rezoning Application was properly given and all procedural requirements were met for the City Commission to conduct such hearings.

7. The Rezoning Application consists of the following eight (8) parcels: Parcel Nos. 03863-000-000; 03868-002-000; 03868-002-001; 03869-000-000; 03869-008-000; 03869-010-000; 03869-013-000; and 03869-014-000 (collectively, the "Property").

8. The current Future Land Use Map designation of the Property is Commercial and Agriculture, and the current Zoning Atlas designation of the Property is Planned Unit Development and Agriculture.

9. The Property is currently vacant, although a Stormwater Management Facility owned by the City of Alachua, known as the T.K. Basin, is located on a portion of the Property.

10. The Rezoning Application seeks to designate a majority of the Property as Commercial Intensive. The T.K. Basin and a portion of the area surrounding the basin, however, is proposed to be designated as Governmental Facilities, and the southerly tip of the Property is proposed to be designated as Community Commercial to provide a transition area between the Commercial Intensive and neighboring residential and agricultural uses.

11. To the north of the Property is U.S. Highway 441, McDonalds, BP Fuels, Quality Inn, and Eco Lodge. To the south of the Property is Clover Ranch Estates. To the west of the Property is U.S. Interstate Highway 75 ("I-75"). To the east of the Property is Park Vegetariana, NW 151st Boulevard, One 51 Place Apartments, Wyndswept Hills, and Clover Ranch Estates.

12. The Future Land Use Map designations of the surrounding area are as follows: Commercial – North of the Property; Agriculture and Moderate Density Residential – South of the Property; Agriculture, Community Commercial, High Density Residential, and Moderate Density Residential – East of the Property. The Zoning Atlas designations of the surrounding area are as follows: Commercial Intensive – North of the Property; Agriculture and Residential Single Family-3 – South of the Property; Agriculture, Planned Development – Comm, Residential Multi-Family-15, Residential Multi-Family-8, and Residential Single Family-3 –

East of the Property. The area to the West of the Property is I-75 and does not have a Future Land Use Map or Zoning Atlas designation.

13. A portion of the Property is located within the City's Gateway Overlay District and development of such land is subject to the applicable standards established in Section 3.7.2(C) of the City's LDRs.

14. Pursuant to the National Wetlands Survey, there are wetlands located on the southerly portion of the Property. Thus, an environmental survey will need to be conducted prior to submittal for any final development order on such portion of the Property in accordance with the applicable standards in the City's Comprehensive Plan and the City's LDRs.

15. According to the best available data, the Property is not located within a Strategic Ecosystem. Further, there is no evidence that the Property contains any species identified as endangered, threatened, or of special concern. The Property also does not contain habitat identified as important for native communities and ecosystems by the Florida Natural Areas Inventory, nor does it contain any historic structures or markers as determined by the State or the Alachua County Historic Resources Inventory.

16. The Property is located in Flood Zone "X" as per FEMA FIRM Panel 120D, as adopted on June 16, 2006, and presents no flood-related concerns. Likewise, the three (3) predominant soil types on the Property – Millhopper Sand, Arrendondo Fine Sand, and Blichton Sand – do not raise issues related to soil suitability.

17. The Property is not located within a City wellhead protection zone as identified within the City's Comprehensive Plan. Further, the best available data indicates that there are no sinkholes on the Property. Likewise, there are no geologic features located on the Property which indicate an increased potential for karst sensitivity.

18. An analysis of the projected traffic impacts on the transportation system resulting from the proposed net increase in intensity in the Rezoning Application indicates that there would be ample roadway capacity remaining on all segments of road except U.S. Highway 441 Segments 3/4 and 5 and SR 235 Segments 8 and 9. These segments could potentially have deficiencies at the maximum development scenario. However, prior to any development on the Property, an applicant will be required to submit a site plan with a detailed traffic analysis for the applicable roadway segments based on the specific proposed use demonstrating that applicable traffic concurrency requirements are being met.

19. The Rezoning Application does not adversely affect the level of service for potable water facilities, sanitary sewer facilities, solid waste facilities, recreation facilities, or public school facilities.

## **CONCLUSIONS OF LAW**

20. The Rezoning Application has been properly brought before the City Commission pursuant to Article 2 of the City's LDRs.

21. The Rezoning Application and the City Commission's March 23 and April 27 quasi-judicial public hearings conformed to the notice and procedural requirements of the City's LDRs.

22. Section 3.5.2(C) of the City's LDRs describes the Community Commercial zoning district as follows:

The CC district is established and intended to provide lands for business uses that provide goods and services to residents of the entire community. Because these commercial uses are subject to public view, they should provide appropriate appearance, adequate parking, controlled traffic movement, suitable landscaping, appropriate pedestrian facilities, and protect abutting residential areas from adverse impacts. The CC district should typically be located along major arterials or at the intersection of an arterial and highway.

23. Section 3.5.2(E) of the City's LDRs describes the Commercial Intensive zoning district as follows:

The CI District is established and intended to provide lands and facilitate highway-oriented development opportunities within the City, for uses that require high public visibility and an accessible location. The CI district should be located along major arterials or highways and at the US 441/Interstate-75 interchange.

24. Section 3.5.2(I) of the City's LDRs describes the Governmental Facilities zoning district as follows:

The GF District is established and intended to include public lands for the purpose of accommodating governmental facilities. Governmental facilities include, but are not limited to, recreational, community and governmental uses and activities (such as governmental offices and facilities, emergency services, baseball fields, softball fields, soccer fields, tennis courts, and similar uses), utilities (such as potable water and sanitary sewer treatment facilities, electric facilities, communications, gas, stormwater management facilities, and other similar public utilities), public storage yards, airports, parking lots, libraries, hospitals, cultural facilities, religious institutions, educational facilities (such as public and private schools meeting the educational requirements of

the State of Florida, public or private colleges and/or universities authorized or licensed by the State, but not including technical, business, or trade schools), and uses including privately owned entities which provide a public service (such as but not limited to, nonprofit agencies).

25. The Applicants have met their burden under Section 2.3.1(B) of the City's LDRs and applicable Florida law to demonstrate through competent substantial evidence that the Rezoning Application is consistent with the City's Comprehensive Plan and in compliance with the City's LDRs.

26. The Rezoning Application complies with the standards for Site Specific Amendments to the Official Zoning Atlas prescribed in Section 2.4.2(E)(1) of the City's LDRs, as summarized below:

A. The Rezoning Application is consistent with the City's Comprehensive Plan and the Goals, Objectives, and Policies prescribed therein, as detailed in the Staff Report, the Rezoning Application package and back-up documentation, and the Applicants' slide presentation during the March 23 and April 27 quasi-judicial public hearings.

B. The Rezoning Application is not in conflict with any portion of the City's LDRs or any of the City's Code of Ordinances, as detailed in the Staff Report, the Rezoning Application package and back-up documentation, and the Applicants' slide presentation during the March 23 and April 27 quasi-judicial public hearings.

C. The Rezoning Application would result in a logical and orderly development pattern. The Commercial Intensive zoning designation is proposed adjacent to I-75 and U.S. Highway 441, and the City's Comprehensive Plan specifically identifies the U.S. Highway 441 corridor for commercial development. Additionally, the area of the Property proposed for Community Commercial zoning will serve as an area of transition between the Commercial Intensive uses and neighboring residential and agricultural uses.

D. The Rezoning Application will not create premature development in undeveloped or rural areas. To the contrary, the Property is located adjacent to existing commercial uses. Further, the U.S. Highway 441/I-75 corridor is a suitable area for commercial development.

E. The uses permitted by the Rezoning Application are not incompatible with the existing land uses of adjacent properties or the uses permitted by the zoning classifications of adjacent properties. Rather, as detailed in the record evidence, the Property is located adjacent to uses that are similar in character to those permitted by the Rezoning Application.

F. The Rezoning Application will not adversely affect the character of the general area in which the Property is located by creating excessive traffic, density and/or intensities of use, building height and bulk, noise, lights, or other physical effects or nuisances. As noted above, the Property is adjacent to existing commercial uses, and the U.S. Highway 441/I-75 corridor is a suitable area for commercial development. Further, all development will be subject to the applicable standards for density, intensity, building height, buffering, lighting, and other applicable standards prescribed in the City's LDRs. Additionally, as previously noted, an applicant will be required to demonstrate that all applicable traffic concurrency requirements are being met prior to any development on the Property.

G. The uses permitted by the Rezoning Application will not deviate from the development pattern (both established and as proposed by the surrounding zoning districts) of the area where the Property is located. As previously noted, the Property is adjacent to existing commercial uses, and the U.S. Highway 441/I-75 corridor is a suitable area for commercial development. Further, the Rezoning Application proposes a zoning designation that is consistent with the underlying Future Land Use Map designation of the Property and the proposed uses within the Commercial Intensive zoning district are consistent with those allowed by the existing Planned Unit Development zoning on the Property.

H. The Rezoning Application will not encourage urban sprawl, either by resulting in strip or ribbon commercial development, leap-frog development, or low-density single dimensional development. Section 163.3164(51), *Florida Statutes*, defines "urban sprawl" as "a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses." As demonstrated by the Applicants' presentation and materials, the Rezoning Application does not constitute or otherwise encourage urban sprawl.

I. The Rezoning Application does not constitute spot zoning or otherwise result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts. As previously discussed, the Property is adjacent to lands to the north and east which contain uses similar to those proposed in the Rezoning Application. Further, the proposed Commercial Intensive zoning will tie into the existing Commercial Intensive zoning to the north of the Property.

J. The Rezoning Application will not result in development in a location where there are no plans by the City or other governmental entities to provide public facilities to serve the development (*i.e.*, roads, potable water, wastewater, parks, stormwater management, and solid wastes), and where there are no assurances by the private sector that public facilities are planned and will be available to adequately accommodate development. The Property is located within the City's utility service area and development will be required to connect to public utility infrastructure, and the impact on public facilities (*i.e.*, potable water, wastewater, parks, stormwater, solid

waste, and public school facilities) generated by the Rezoning Application will not adversely affect the level of service of the foregoing public facilities. Further, as previously noted, an applicant will be required to demonstrate that all applicable traffic concurrency requirements are being met prior to any development on the Property.

K. As detailed in the Staff Report and the Applicants' materials, the Rezoning Application will not result in any significant adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment for the reasons discussed herein.

27. In sum, based upon the competent substantial evidence presented during the quasi-judicial public hearings conducted on March 23 and April 27, 2015, on the Rezoning Application, including, but not limited to, the Staff Report, Staff's presentation, the Alachua Commerce Rezoning Application Package and back-up documentation, CHW's Alachua Commerce slide presentation, and the expert testimony of the City's Planning Staff and the Applicants' consultants, the City Commission hereby finds the Rezoning Application to be consistent with the City's Comprehensive Plan and in compliance with the City's LDRs.

THEREFORE, it is ORDERED and ADJUDGED that the Rezoning Application is hereby APPROVED, as codified in Ordinance 15 03.

DATED this \_\_\_\_\_ day of April 2015.

CITY OF COMMISSION OF THE CITY  
OF ALACHUA, FLORIDA

By: \_\_\_\_\_  
Gib Coerper, Mayor

Accepted and filed in the Official  
Records of the City of Alachua, Florida,  
this \_\_\_\_\_ day of April 2015.

By: \_\_\_\_\_  
Alan Henderson, Deputy City Clerk