

5. CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS

This Rezoning application proposes the Commercial Intensive (CI) Zoning District classification on approximately 2.5 acres within the City of Alachua. This Rezoning application was submitted concurrently with an S-sCPA application requesting Commercial (C) FLU category, which is consistent with the requested zoning classification. The following identifies how this application is consistent with the City LDRs. Language from the LDR is provided in normal font, and the consistency statements are provided in ***bold italic*** font.

Article 2: ADMINISTRATION

Sec. 2.4.2 Site-Specific amendment to Official Zoning Atlas

(E) *Standards for site-specific amendments to the Official Zoning Atlas.* The advisability of making a site-specific amendment to the Official Zoning Atlas is a matter subject to quasi-judicial review by the City Commission and constitutes the implementation of the general land use policies established in these LDRs and the Comprehensive Plan. In determining whether to approve a proposed site-specific amendment to the Official Zoning Atlas, the City Commission shall find that:

- (1) Competent Substantial Evidence Provided
 - i. *Consistent with Comprehensive Plan*

Response: Refer to Section 4 of this report, which starts on page 9.

- ii. *Consistent with Ordinances*

Response: Refer to Section 5 of this report, which starts on page 14.

- iii. *Logical Development Pattern*

Response: This proposed Rezoning is a logical extension of the CI zoning district as illustrated on the City's Official Zoning Atlas and Figure 3, as the CI district is currently located along the US-441 corridor. The request is supported by the fact that the proposed CI zoning classification most closely reflects the site's existing land uses.

- iv. *Pre-mature Development*

Response: The Rezoning request is for an existing development and, if approved, will change the permitted onsite uses from industrial to commercial. The City's 2010 Evaluation and Appraisal Report (EAR), by 2020 the Alachua's population will grow to 16,220². The City's 2010 US Census population count was 9,060. Assuming the EAR's population projections are correct, Alachua will grow by approximately 7,000 people. Approval of this application will better prepare the City of Alachua to meet employment and retail needs of this increased population where non-residential development is most appropriate, within the urbanized area.

² Source: City of Alachua 2010 EAR, Table 101 *Population Projections*

v. *Incompatible with Adjacent Lands*

Response: *The project site is primarily adjacent to existing industrial and commercial properties, which are compatible with the site's intended retail- and office-based uses. The CI district is proposed on Upland Industrial Park lots adjacent to US-441, which is consistent with the CI district's intent.*

vi. *Adverse Effect on Local Character*

Response: *The proposed CI Zoning District is in line with existing development along US-441. No negative impact the City of Alachua's downtown/Main Street character will result from this application's approval. The site is appropriately developed to suit retail establishments due to existing onsite buildings and the site's high accessibility and visibility from US-441.*

vii. *Not Deviate from Pattern of Development*

Response: *The site is adjacent to both ILW and CI Zoned properties along the US-441 corridor. Approval of this Rezoning application is consistent with the area's existing development pattern.*

viii. *Encourage Sprawl*

Chapter 163.3177, Florida Statutes, identifies eight (8) standards to help determine if a proposed amendment incorporates a development pattern or urban form that discourages the proliferation of urban sprawl. The amendment must achieve at least four (4) of the eight (8) standards to meet this determination.

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Response: *As illustrated in Figure 6, the developed site does not contain flood-prone areas, wetlands, and other sensitive natural features that require protection per City of Alachua and Suwannee River Water Management District design standards.*

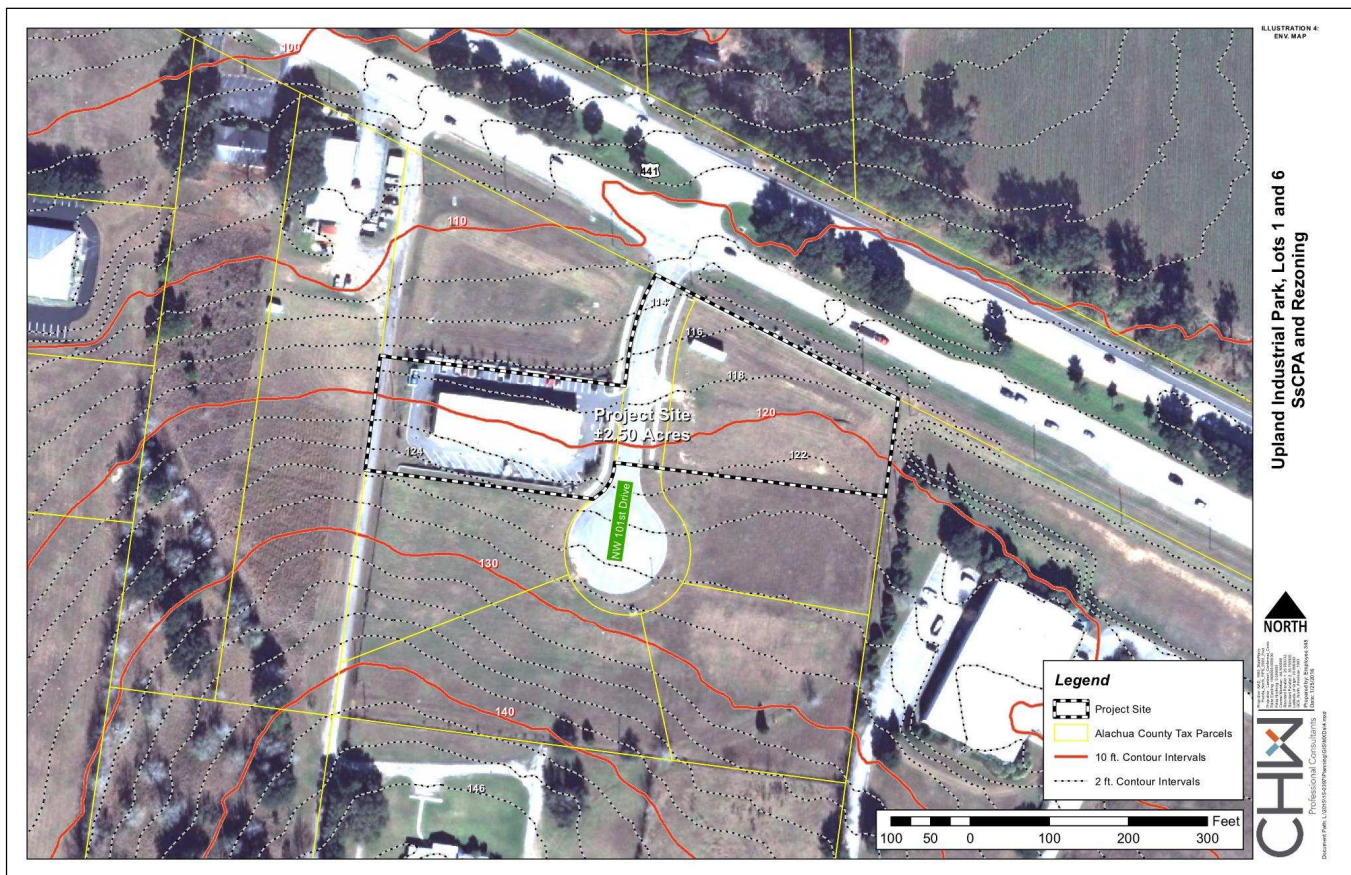


Figure 6: Wetlands, Flood Zones, and Topography Map

2. Preserves open space and natural lands and provides for public open space and recreation needs.

Response: *Upland Industrial Park is platted non-residential subdivision. Furthermore, lots 1 and 6 within the subdivision are currently developed. The Rezoning application merely requests to change the permitted uses from industrial to commercial to best utilize the site's existing development and exposure to US-441. Open space and natural lands are preserved as a result of this Rezoning application's approval due to the ability to best utilize existing buildings and supportive infrastructure, thereby alleviating development pressure on undeveloped lands.*

3. Promotes the efficient and cost effective provision or extension of public infrastructure and services.

Response: *The site is currently developed and utilizes public infrastructure and services.*

4. Preserves agricultural areas and activities.

Response: *Agricultural areas and activities are preserved as a result of this Rezoning application's approval due to the ability to best utilize existing buildings and supportive infrastructure, thereby alleviating development pressure on undeveloped lands.*

ix. Spot Zoning

Response: *The term “spot zoning” is a colloquial term used to generally describe the placement of a zoning district, usually on relatively small parcels that have no relationship to surrounding zoning districts or lands. The project site is adjacent to existing CI district classified parcels along US-441. This application proposes the extension of this CI district to further focus commercial uses at this location.*

x. Public Facilities

Response: *As substantiated by the analysis performed in Section 3 of this Justification Report, public facility capacities (e.g. potable water, sanitary sewer, etc.) are available in sufficient quantities to service this site’s future development. Analysis shows that there is no degradation of LOS standards relating to adoption of this Rezoning. Further, the site is already developed with commercial-type buildings. No additional development is proposed as a result of this Rezoning application.*

xi. No Adverse Effect on the Environment

Response: *As illustrated in Figure 6, the developed site does not contain flood-prone areas, wetlands, and other sensitive natural features that require protection per City of Alachua and Suwannee River Water Management District design standards. A master stormwater management facility, which was constructed in conformance with the Stormwater Management Standards defined in LDR section 6.9.3, is located north of lot 1 and services all of Upland Industrial Park.*

Article 3: ZONE DISTRICTS

Sec. 3.1. General provisions.

Table 3.1-1. Establishment of Base Zone Districts

Abbreviation	District Name	Max. Gross Density (DU/AC) [1]
CI	Commercial Intensive	None

Response: *The site is currently developed with commercial buildings. No additional development, including residential units, is proposed as a result of this Rezoning application.*

Sec. 3.5. Business districts.

Sec. 3.5.2 Business district specific purposes.

- (E) *CI, Commercial Intensive District.* 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/I-75 interchange.

Response: *The site is located along US-441, which provides exceptional public visibility for existing and potential tenants. Access is from US-441 via NW 101st Drive, which only serves lots within the Upland Industrial Park.*

Existing businesses are retail or office uses, which are permitted by-right in the CI Zoning District. These uses include a kitchen and bath store, a not-for-profit office user, Scuba Monkey (a dive shop) and one other office user. Approval of this Rezoning application will not create non-conforming uses onsite.

Article 5: DENSITY, INTENSITY, AND DIMENSIONAL STANDARDS

Sec. 5.1.3 Dimensional standards in Business Districts. All primary and accessory structures in the business zoning districts are subject to the dimensional standards set forth in Table 5.1-3, Table of Dimensional Standards in the Business Zoning Districts. These standards may be further limited or modified by other applicable sections of these LDRs. Rules of measurement and permitted exceptions are set forth in Sections 5.2.1, Lots; 5.2.2, Setbacks and required yards; 5.2.3, Height; and 5.2.4, Bulk.

Table 5.1-3. Table of Dimensional Standards in the Business Zoning Districts										
Dis- trict and Use	Lots		Minimum Yards and Setbacks				Max. Height (ft.)	Max. Lot Coverage (incl. accessory structures) [1]	Max. FAR [2]	Max. Gross Residential Density (DU/acre)
	Min. Area (sq. ft.)	Min. Width (ft.)	Front (ft.) [5]	Side (ft.)	Rear (ft.)	Wetland and Water- course (ft.)				
CI [3]										
All Uses	None	None	20	None	15	§ 5.2.2(B)	65	None	See note [2]	None
Notes:										
[2] The building square footage occupied by upper story dwelling units that are deed-restricted as affordable housing for low income residents shall not be counted towards the maximum FAR. Floor area ratios for business districts are as follows: 0.5 FAR for parcels five acres or greater; 0.75 FAR for parcels less than five acres, but greater than one acre; 1.0 FAR for parcels one acre or less.										
[3] Minimum lot area, minimum lot width, minimum yard, and minimum setback standards may be reduced by up to 75 percent in the CI Districts to accommodate deed-restricted affordable housing units.										

Response: *The site is currently developed via City of Alachua approved site plans that are consistent with the City Comprehensive Plan and LDR requirements.*

Application Package
Table of Contents

1. Cover Letter
2. Rezoning Application
3. Owner Affidavit
4. Legal Description
5. Property Appraiser Datasheets and Tax Records
6. Neighborhood Workshop Materials
7. Justification Report
- 8. Attachments**

Warrantee Deeds

Recording \$ 27.00
Doc Stamps \$ 4375.00
Intangible Tax \$
Total \$ 4402.00

RECORDED IN OFFICIAL RECORDS
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J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK13 Receipt#319889
Doc Stamp-Deed: 4,375.00

Prepared by and return to:
Melissa Jay Murphy, Esq.
Attorney at Law
Salter, Feiber, Murphy, Hutson, & Menet, P.A.
Post Office Box 357399
Gainesville, FL 32635-7399
352-376-8201
File Number: 07-0089.4 AL



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Warranty Deed

This Warranty Deed made this 26th day of February, 2007 between MBI Holdings, LLC, a Illinois limited liability company whose post office address is 252 W. Adams Street, Morton, IL 61550, grantor, and Upland Properties of NCF, LLC, a Florida limited liability company whose post office address is 3455 SW 42nd Avenue, Gainesville, FL 32608, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Alachua County, Florida** to-wit:

See Exhibit "A" attached hereto and made a part hereof.

Parcel Identification Number: 05964-002-000

Subject to covenants, conditions, restrictions, easements, reservations, and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2006**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

MBI Holdings, LLC, a Illinois limited liability company

By: John R. Faklaris
John R. Faklaris, Manager

JAMES S. COCHRAN
Witness Name: James S. Cochran

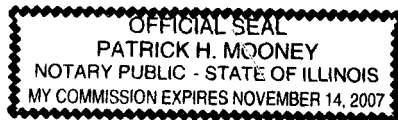
James P. Smith
Witness Name: JAMES P. SMITH

(Corporate Seal)

State of ILLINOIS
County of Tazewell

The foregoing instrument was acknowledged before me this 22nd day of February, 2007 by John R. Faklaris, Manager of MBI Holdings, LLC, a Illinois limited liability company, on behalf of the corporation. He/she ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



Patrick H. Mooney
Notary Public

Printed Name: Patrick H. Mooney

My Commission Expires: 11/14/07

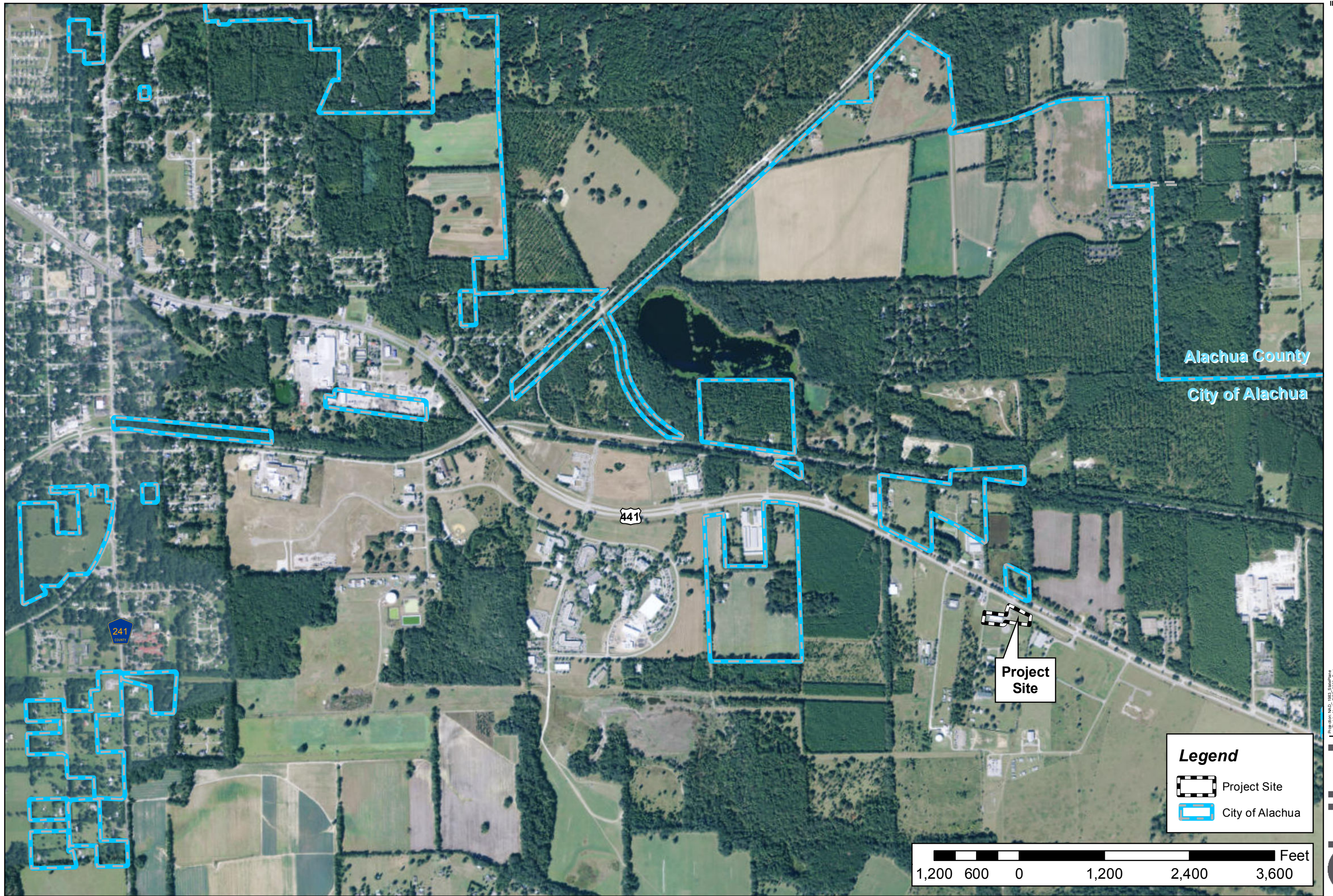
Exhibit A

COMMENCE AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 8 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 2 DEG 47 MIN 20 SEC EAST, ALONG THE WEST LINE OF SAID SECTION 19 A DISTANCE OF 922.74 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 20 AND 25 (US NO. 441), 200 FOOT RIGHT OF WAY; THENCE RUN SOUTH 64 DEG 10 MIN EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1639.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 64 DEG 10 MIN EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 698.24 FEET; THENCE RUN SOUTH 6 DEG 39 MIN WEST, A DISTANCE OF 495.28 FEET; THENCE RUN NORTH 83 DEG 21 MIN WEST, A DISTANCE OF 659.47 FEET; THENCE RUN NORTH 6 DEG 39 MIN EAST, A DISTANCE OF 724.40 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN ALACHUA COUNTY, FLORIDA.

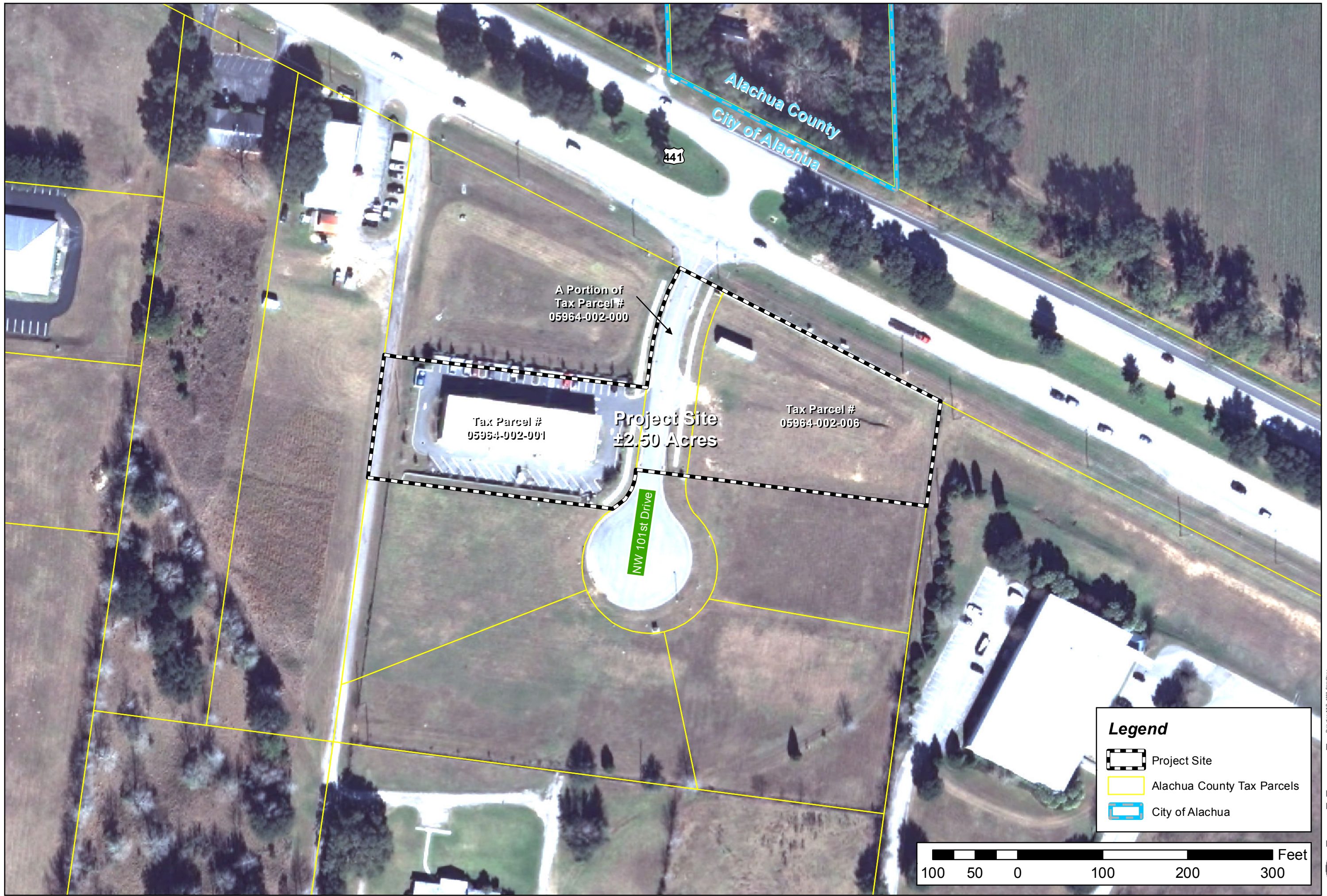
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Map Set

Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning

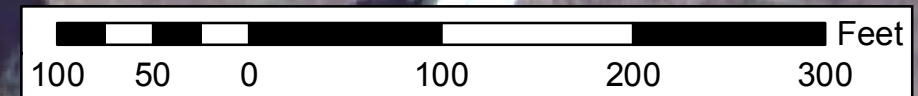


Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning



Legend

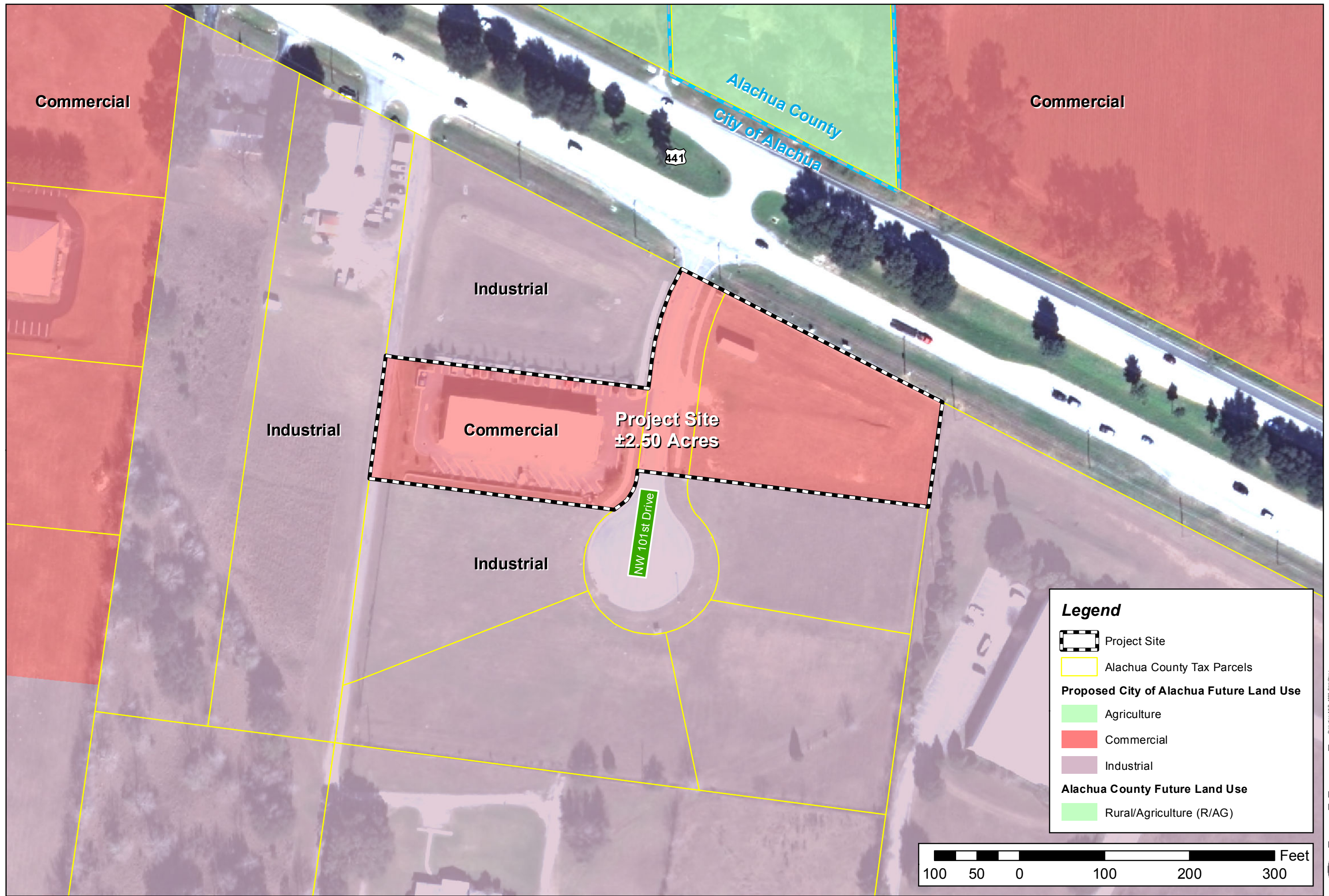
- Project Site
- Alachua County Tax Parcels
- City of Alachua



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Standard Parallel 2: 29.666667
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Prepared by: Employee 348
Date: 1/25/2016



Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning



Legend

Project Site

Alachua County Tax Parcels

Proposed City of Alachua Future Land Use

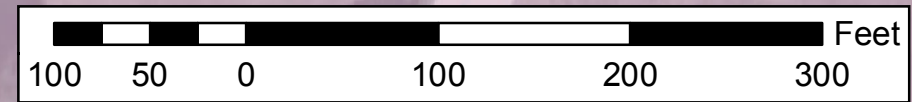
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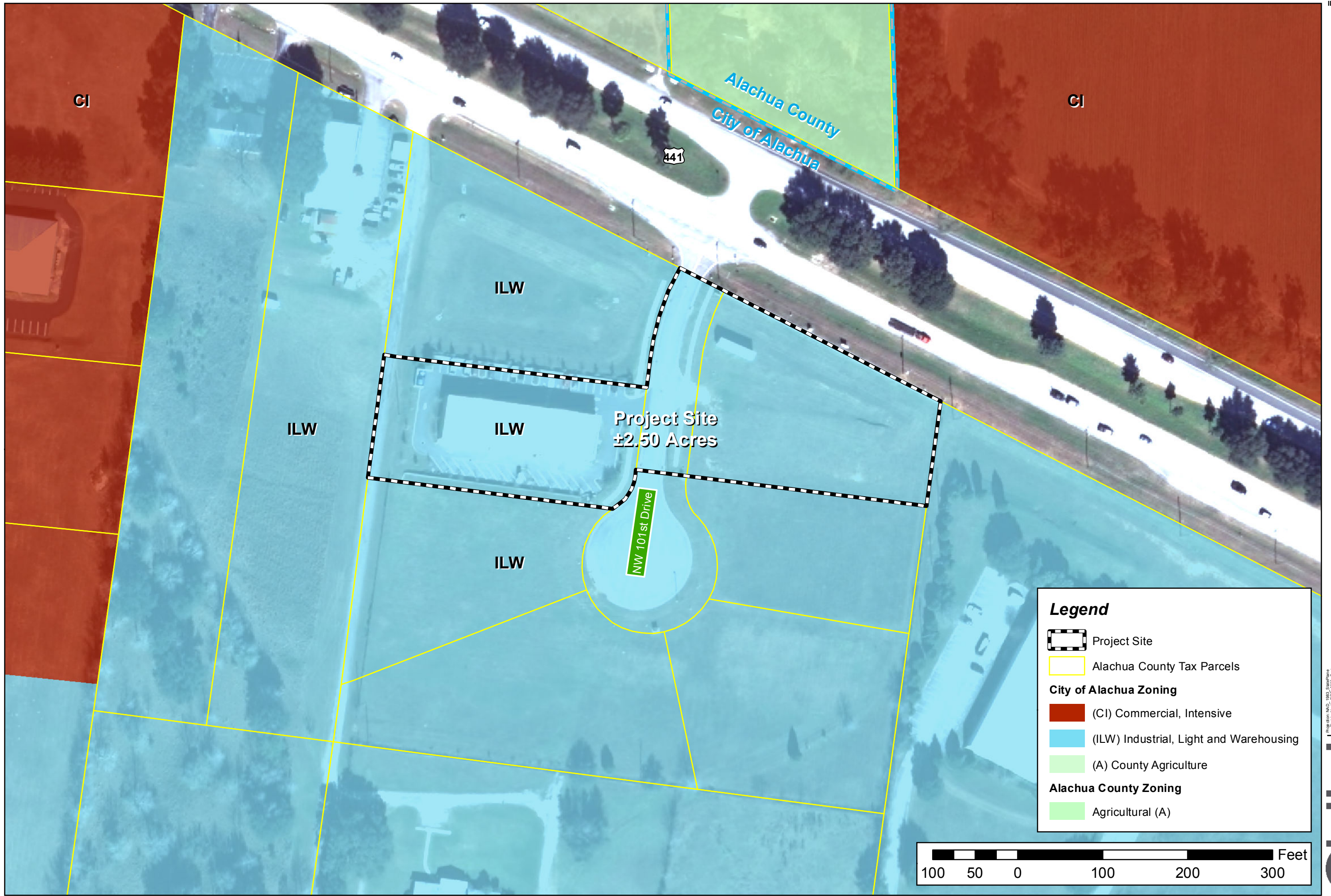
Industrial

Alachua County Future Land Use



Rural/Agriculture (R/AG)






Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning



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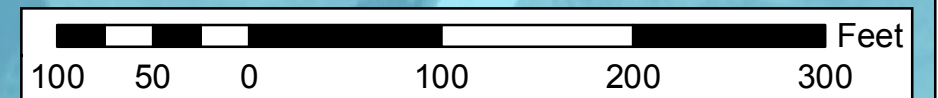
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-  Alachua County Tax Parcels

City of Alachua Zoning

-  (CI) Commercial, Intensive
-  (ILW) Industrial, Light and Warehousing
-  (A) County Agriculture

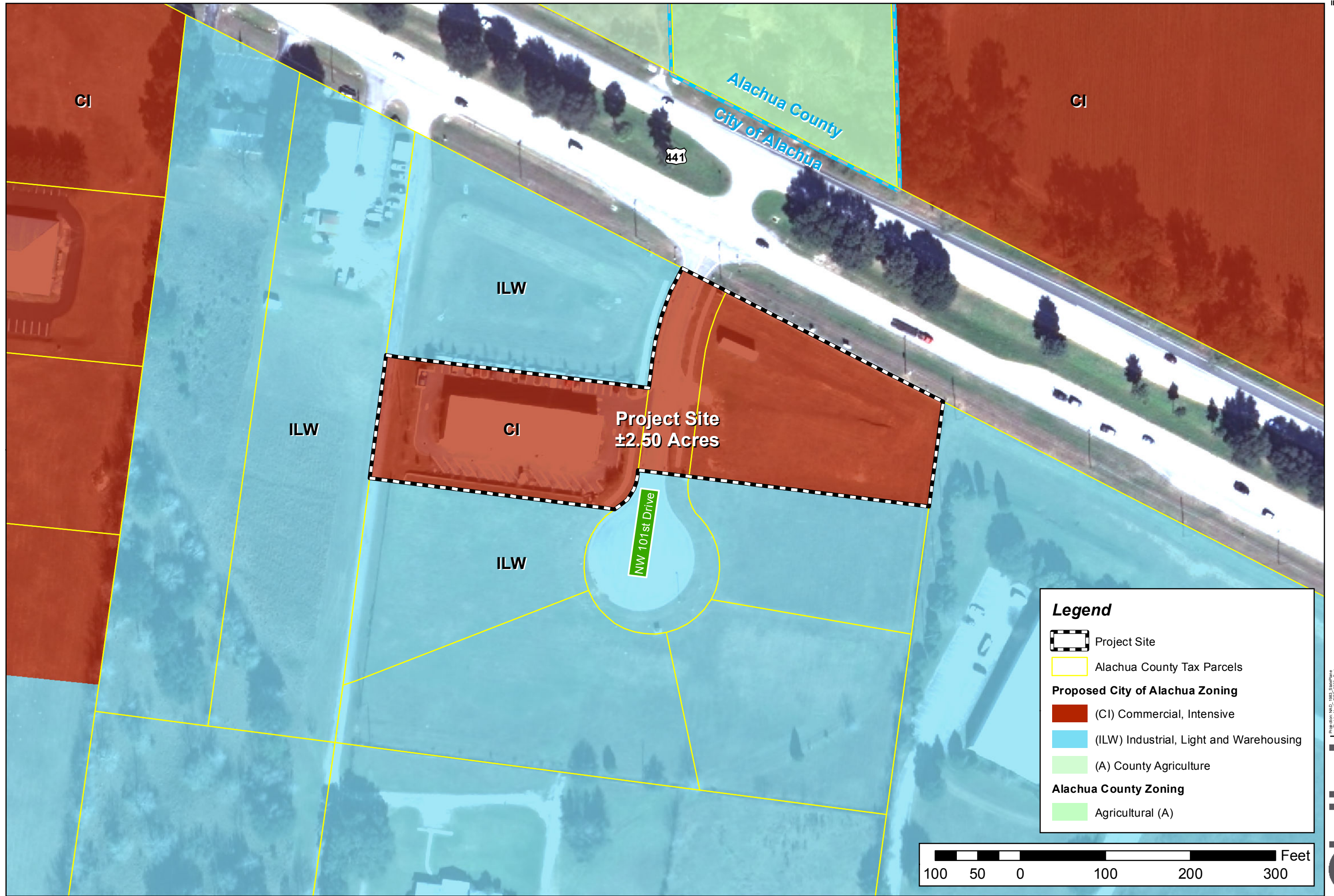
Alachua County Zoning

-  Agricultural (A)



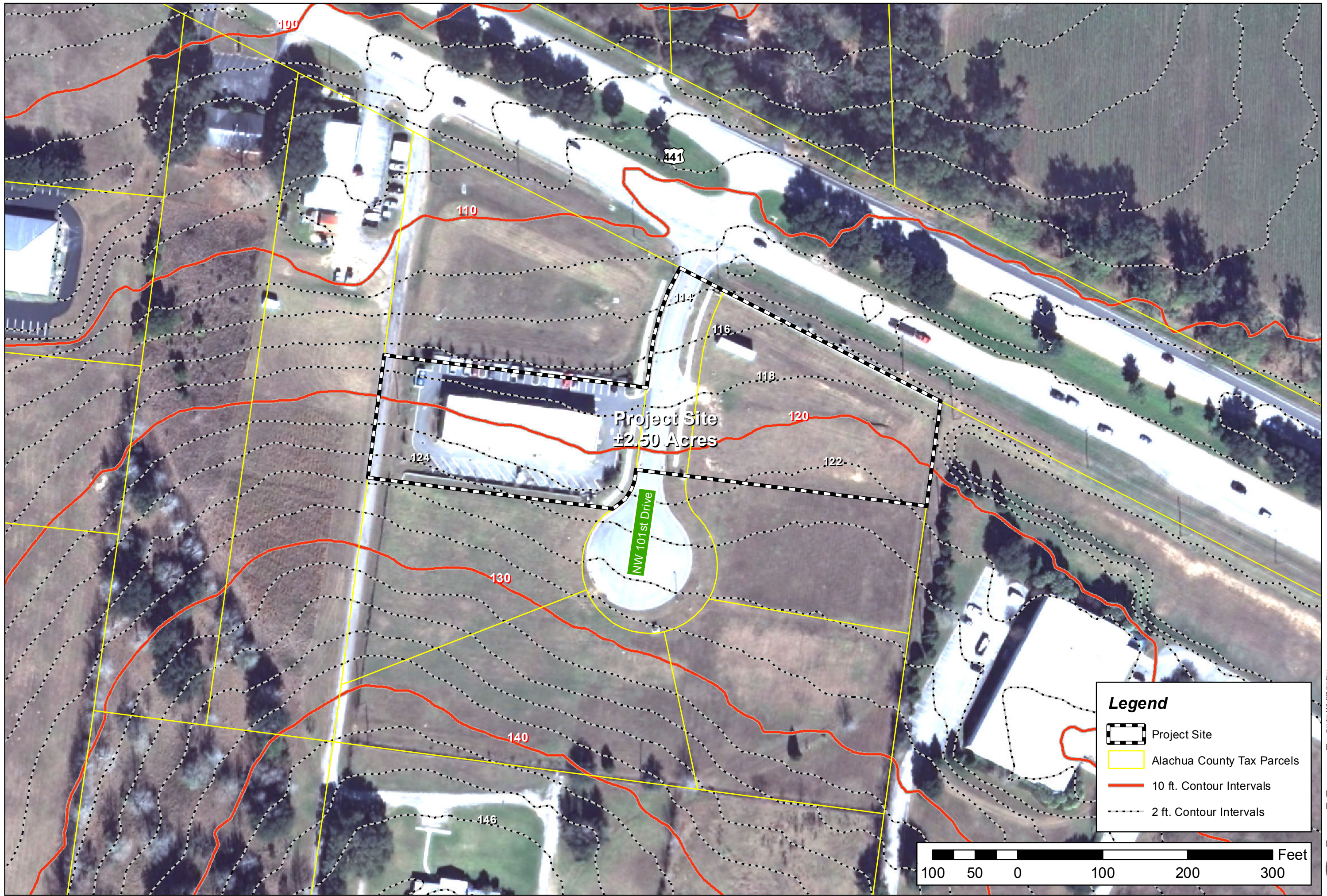
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Date: 1/25/2016

Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning



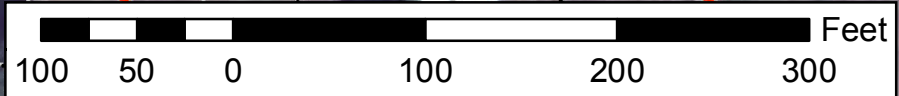
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Prepared by: Employee 348
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Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning



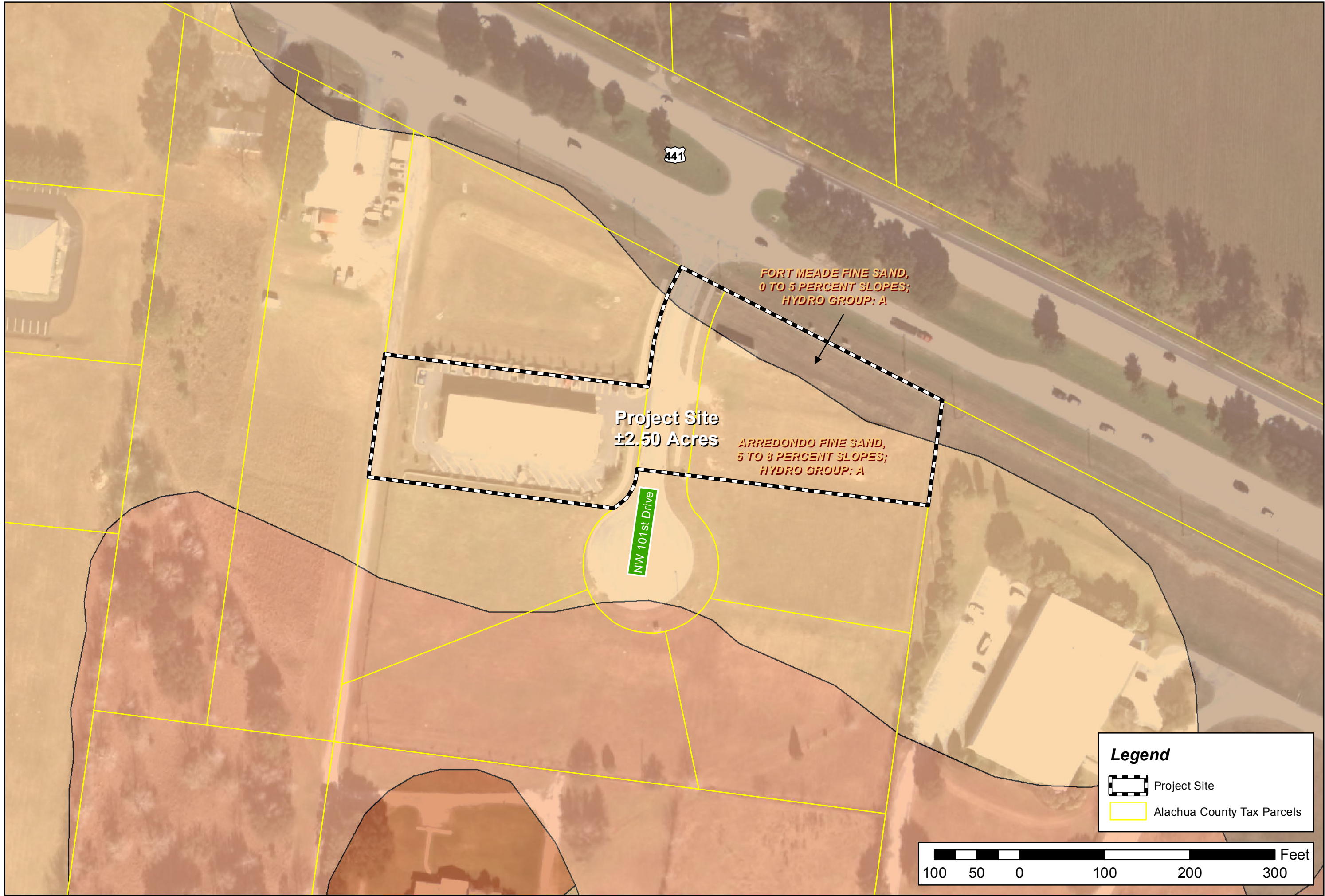
Legend

- Project Site
- Alachua County Tax Parcels
- 10 ft. Contour Intervals
- 2 ft. Contour Intervals



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Upland Industrial Park, Lots 1 and 6
SsCPA and Rezoning



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