

ORDINANCE 15 03

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM PLANNED UNIT DEVELOPMENT (PUD) AND AGRICULTURE (A) TO COMMERCIAL INTENSIVE (CI), COMMUNITY COMMERCIAL (CC), AND GOVERNMENTAL FACILITIES (GF) ON APPROXIMATELY 154.5 ACRES; LOCATED SOUTH OF U.S. HIGHWAY 441, MCDONALDS, BP FUELS, QUALITY INN, AND ECO LODGE; NORTH OF CLOVER RANCH ESTATES; EAST OF U.S. INTERSTATE HIGHWAY 75 (I-75); AND WEST OF PARK VEGETARIANA, NW 151ST BLVD, ONE 51 PLACE APARTMENTS, AND WYNDSWEEP HILLS; ALACHUA, FLORIDA. TAX PARCEL NUMBER 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; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, an application for a Site-Specific Amendment to the Official Zoning Atlas (Amendment), as described below, has been filed with the City; and

WHEREAS, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency ("LPA"), on March 10, 2015; and

WHEREAS, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on March 10, 2015, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, the City advertised public hearings to be held before the City Commission on March 23, 2015, and on April 13, 2015; and

WHEREAS, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on March 23, 2015, and April 13, 2015, and provided for and received public participation at both public hearings; and

WHEREAS, the City Commission has determined and found the proposed Amendment to be consistent with the City of Alachua Comprehensive Plan and Land Development Regulations; and

WHEREAS, for reasons set forth in this Ordinance, the Alachua City Commission finds and declares that the enactment of the proposed Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Official Zoning Atlas Amended

The Official Zoning Atlas is hereby amended from Planned Unit Development (PUD) and Agriculture (A) to Commercial Intensive (CI), Community Commercial (CC), and Governmental Facilities (GF) for Tax Parcel Numbers 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, in accordance with the legal description found in Exhibit A and map found in Exhibit B attached hereto.

Section 2. Findings of Fact and Conclusions of Law

1. The above recitals are true and correct and are incorporated into this ordinance by reference.
2. The proposed Amendment is in compliance with the Land Development Regulations.
3. The Amendment will not cause a reduction in the adopted level of service standards for roads, water, sewer, waste, stormwater, and recreation.

Section 3. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Alachua, Florida.

Section 4. Repealing Clause

All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.


Section 6. Effective Date

This ordinance shall take effect immediately after its passage and adoption.

PASSED on first reading the 23rd day of March, 2015.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 27th day of April, 2015.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA



Gib Coerper, Mayor

ATTEST:



Traci L. Cain, City Manager/Clerk

APPROVED AS TO FORM



Marian B. Rush, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTIONS

AREA AMENDED TO GOVERNMENTAL FACILITIES ("GF"):

A PARCEL OF LAND SITUATED IN FRACTIONAL SECTION 15, TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2993, PAGE 331 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH $71^{\circ}39'26''$ WEST, ALONG THE NORTHERLY LINE OF SAID LANDS, A DISTANCE OF 1071.12 FEET TO THE NORTHWEST CORNER OF SAID LANDS, SAID CORNER LYING AND BEING ON THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679 OF SAID PUBLIC RECORDS, AND TO THE **POINT OF BEGINNING**; THENCE SOUTH $38^{\circ}30'51''$ WEST, ALONG THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2993, PAGE 331, AND THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679, A DISTANCE OF 132.90 FEET; THENCE CONTINUE ALONG SAID WESTERLY LINE, AND THE SOUTHERLY PROJECTION OF SAID EASTERLY LINE, SOUTH $56^{\circ}39'05''$ WEST, A DISTANCE OF 142.75 FEET TO THE NORTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 682 OF SAID PUBLIC RECORDS; THENCE NORTH $71^{\circ}13'57''$ WEST, ALONG SAID NORTHERLY LINE, DISTANCE OF 137.76 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 360.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $58^{\circ}34'26''$ WEST, 160.65 FEET; THENCE DEPARTING SAID NORTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 682, WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $25^{\circ}47'10''$, AN ARC DISTANCE OF 162.02 FEET TO THE POINT OF TANGENCY; THENCE NORTH $45^{\circ}40'51''$ WEST, A DISTANCE OF 138.05 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 250.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $36^{\circ}53'01''$ WEST, 76.47 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $17^{\circ}35'39''$, AN ARC DISTANCE OF 76.77 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 240.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $43^{\circ}04'43''$ WEST, 124.17 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $29^{\circ}59'02''$, AN ARC DISTANCE OF 125.60 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 177.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $23^{\circ}38'43''$ WEST, 199.44 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $68^{\circ}34'49''$, AN ARC DISTANCE OF 211.86 FEET TO THE POINT OF TANGENCY; THENCE NORTH $10^{\circ}38'41''$ EAST, A DISTANCE OF 181.09 FEET; THENCE SOUTH $83^{\circ}24'35''$ EAST, A DISTANCE OF 23.61 FEET; THENCE NORTH $06^{\circ}29'08''$ EAST, A DISTANCE OF 107.80 FEET TO AN INTERSECTION OF THE WESTERLY

PROJECTION OF THE NORTHERLY LINE OF AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679; THENCE NORTH 90°00'00" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 560.46 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 265.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 54°26'11" EAST, 169.80 FEET; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°22'18", AN ARC DISTANCE OF 172.85 FEET TO THE END OF SAID CURVE; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE EASTERLY LINE OF SAID LANDS; (1) THENCE SOUTH 23°32'26" EAST, A DISTANCE OF 474.04 FEET; (2) THENCE SOUTH 65°02'30" WEST, A DISTANCE OF 119.06 FEET; (3) THENCE SOUTH 42°53'41" WEST, A DISTANCE OF 102.94 FEET TO THE **POINT OF BEGINNING**. CONTAINING 12.958 ACRES, MORE OR LESS.

AREA AMENDED TO COMMUNITY COMMERCIAL ("CC"):

A TRACT OF LAND SITUATED IN THE WILLIAM GARVIN GRANT, TOWNSHIP 8 SOUTH, RANGE 18 EAST, BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTHERLY LINE OF SAID LANDS; (1) THENCE N.83°42'51"W., A DISTANCE OF 476.49 FEET; (2) THENCE S.03°49'06"E., A DISTANCE OF 473.94 FEET; (3) THENCE S.64°43'50"W., A DISTANCE OF 361.98 FEET; (4) THENCE N.72°29'23"W., A DISTANCE OF 473.41 FEET; THENCE DEPARTING SAID SOUTHERLY LINE WITH A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1170.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N.33°30'22"E., 503.07 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°49'46", AN ARC DISTANCE OF 507.03 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1030.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N.34°17'41"E., 415.14 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°15'07", AN ARC DISTANCE OF 418.00 FEET TO THE END OF SAID CURVE; THENCE S.83°42'51"E., A DISTANCE OF 745.85 FEET TO THE EASTERLY LINE OF AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619; THENCE S.07°22'32"W., ALONG SAID EASTERLY LINE, A DISTANCE OF 250.05 FEET TO THE POINT OF BEGINNING. CONTAINING 12.877 ACRES, MORE OR LESS.

AREA AMENDED TO COMMERCIAL INTENSIVE ("CI"):

A TRACT OF LAND SITUATED IN FRACTIONAL SECTIONS 9, 10, 15, AND 16, TOWNSHIP 8 SOUTH, RANGE 18 EAST, AND THE WILLIAM GARVIN GRANT, CITY OF ALACHUA, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE AFOREMENTIONED FRACTIONAL SECTION 9, TOWNSHIP 8 SOUTH, RANGE 18 EAST; THENCE S.00°27'55"W., A DISTANCE OF 3.76 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD (200 FOOT RIGHT OF WAY); THENCE N.88°38'19"W., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 790.26 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (300 FOOT LIMITED ACCESS RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE N.04°11'43"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 49.86 FEET; THENCE S. 88°37'54"E., A DISTANCE OF 50.00 FEET; THENCE N.04°11'43"E., A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF THE AFOREMENTIONED ABANDONED SEABOARD COASTLINE RAILROAD; THENCE S.88°37'53"E., ALONG SAID CENTERLINE, A DISTANCE OF 380.37 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED PARCEL 2 IN OFFICIAL RECORD BOOK 4179, PAGE 320 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE N.04°13'23"E., ALONG THE EAST LINE OF SAID LANDS, DISTANCE OF 209.66 FEET TO THE CENTERLINE OF NW 158TH LANE (VACATED); THENCE RUN S.79°38'59"E., ALONG SAID CENTERLINE, A DISTANCE OF 644.70 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 2844.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF S.83°47'05"E., 410.65 FEET; THENCE EASTERLY ALONG SAID CENTERLINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°16'49", AN ARC DISTANCE OF 411.01 FEET TO THE END OF SAID CURVE; THENCE S.87°55'28"E., ALONG SAID CENTERLINE, A DISTANCE OF 652.25 FEET TO AN INTERSECTION WITH THE NORTHERLY PROJECTION OF THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2163, PAGE 29 OF SAID PUBLIC RECORDS; THENCE S.02°26'50"E., ALONG SAID WEST LINE, A DISTANCE OF 406.20 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679 OF SAID PUBLIC RECORDS; THENCE N.90°00'00"E., ALONG SAID NORTH LINE, A DISTANCE OF 234.91 FEET TO THE BEGINNING OF A NON-TANGENT CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 265.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF S.54°26'11"E., 169.80 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE BOUNDARY OF SAID LANDS, THROUGH A CENTRAL ANGLE OF 37°22'18", AN ARC DISTANCE OF 172.85 FEET TO THE END OF SAID CURVE; THENCE S.23°32'26"E., ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 474.04 FEET; THENCE S.65°02'30"W., ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 119.06 FEET; THENCE S.42°53'41"W., ALONG THE BOUNDARY OF SAID LANDS, A DISTANCE OF 102.94 FEET TO THE NORTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2993, PAGE 331 OF SAID PUBLIC RECORDS; THENCE S.71°39'27"E., ALONG SAID NORTHERLY LINE, A DISTANCE OF 1071.12 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S.02°27'18"E., ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 170.28 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF NW 151ST BOULEVARD (80' WIDE RIGHT OF WAY), SAID POINT

BEING ON A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 510.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N.87°16'14" W., 75.03 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°26'14", AN ARC DISTANCE OF 75.10 FEET TO THE END OF SAID CURVE; THENCE S.88°30'39"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 114.48 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 430.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N.81°21'39"W., 151.24 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°15'25", AN ARC DISTANCE OF 152.03 FEET TO THE END OF SAID CURVE; THENCE N.71°13'57"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1074.64 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 360.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N.58°34'26"W., 160.65 FEET; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°47'10", AN ARC DISTANCE OF 162.02 FEET TO THE END OF SAID CURVE; THENCE N.45°40'51"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 32.85 FEET TO THE EASTERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2256, PAGE 2504 OF SAID PUBLIC RECORDS; THENCE S.41°03'23"W., ALONG SAID EASTERLY LINE, A DISTANCE OF 892.42 FEET; THENCE S.17°11'13"W., ALONG SAID EASTERLY LINE, A DISTANCE OF 308.61 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619 OF SAID PUBLIC RECORDS; THENCE S.07°22'32"W., ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 976.70 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID SOUTHERLY LINE; (1) THENCE N.83°42'51"W., A DISTANCE OF 476.49 FEET; (2) THENCE S.03°49'06"E., A DISTANCE OF 473.94 FEET; (3) THENCE S.64°43'50"W., A DISTANCE OF 361.98 FEET; (4) THENCE N.72°29'23"W., A DISTANCE OF 697.32 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 75 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, WHOSE RADIAL POINT BEARS N.85°46'42"E., A DISTANCE OF 5579.58 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°24'47", AN ARC DISTANCE OF 819.28 FEET TO THE POINT OF TANGENCY (CHORD BEING AND DISTANCE OF N.00°00'54"W., 818.54 FEET); THENCE N.04°14'11"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 836.52 FEET; THENCE N.04°11'43"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 151.31 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, S.85°48'17"E., A DISTANCE OF 50.00 FEET; THENCE N.04°11'43"E., A DISTANCE OF 50.00 FEET; THENCE N.85°48'17"W., A DISTANCE OF 50.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75; THENCE N.04°11'43"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1433.87 FEET TO THE POINT OF BEGINNING.

Less & Except

A PARCEL OF LAND SITUATED IN FRACTIONAL SECTION 15, TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2993, PAGE 331 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 71°39'26" WEST, ALONG THE NORTHERLY LINE OF SAID LANDS, A DISTANCE OF

1071.12 FEET TO THE NORTHWEST CORNER OF SAID LANDS, SAID CORNER LYING AND BEING ON THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679 OF SAID PUBLIC RECORDS, AND TO THE **POINT OF BEGINNING**; THENCE SOUTH 38°30'51" WEST, ALONG THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2993, PAGE 331, AND THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679, A DISTANCE OF 132.90 FEET; THENCE CONTINUE ALONG SAID WESTERLY LINE, AND THE SOUTHERLY PROJECTION OF SAID EASTERLY LINE, SOUTH 56°39'05" WEST, A DISTANCE OF 142.75 FEET TO THE NORTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 682 OF SAID PUBLIC RECORDS; THENCE NORTH 71°13'57" WEST, ALONG SAID NORTHERLY LINE, DISTANCE OF 137.76 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 360.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 58°34'26" WEST, 160.65 FEET; THENCE DEPARTING SAID NORTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 682, WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°47'10", AN ARC DISTANCE OF 162.02 FEET TO THE POINT OF TANGENCY; THENCE NORTH 45°40'51" WEST, A DISTANCE OF 138.05 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 250.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 36°53'01" WEST, 76.47 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°35'39", AN ARC DISTANCE OF 76.77 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 240.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 43°04'43" WEST, 124.17 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°59'02", AN ARC DISTANCE OF 125.60 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 177.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 23°38'43" WEST, 199.44 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 68°34'49", AN ARC DISTANCE OF 211.86 FEET TO THE POINT OF TANGENCY; THENCE NORTH 10°38'41" EAST, A DISTANCE OF 181.09 FEET; THENCE SOUTH 83°24'35" EAST, A DISTANCE OF 23.61 FEET; THENCE NORTH 06°29'08" EAST, A DISTANCE OF 107.80 FEET TO AN INTERSECTION OF THE WESTERLY PROJECTION OF THE NORTHERLY LINE OF AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3247, PAGE 679; THENCE NORTH 90°00'00" EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 560.46 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 265.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 54°26'11" EAST, 169.80 FEET; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°22'18", AN ARC DISTANCE OF 172.85 FEET TO THE END OF SAID CURVE; THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE EASTERLY LINE OF SAID LANDS; (1) THENCE SOUTH 23°32'26" EAST, A DISTANCE OF 474.04 FEET; (2) THENCE SOUTH 65°02'30" WEST, A DISTANCE OF 119.06 FEET; (3) THENCE SOUTH 42°53'41" WEST, A DISTANCE OF 102.94 FEET TO THE **POINT OF BEGINNING**.

LESS & EXCEPT

A TRACT OF LAND SITUATED IN THE WILLIAM GARVIN GRANT, TOWNSHIP 8 SOUTH, RANGE 18 EAST, BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE SOUTHERLY LINE OF SAID LANDS; (1) THENCE N.83°42'51"W., A DISTANCE OF 476.49 FEET; (2) THENCE S.03°49'06"E., A DISTANCE OF 473.94 FEET; (3) THENCE S.64°43'50"W., A DISTANCE OF 361.98 FEET; (4) THENCE N.72°29'23"W., A DISTANCE OF 473.41 FEET; THENCE DEPARTING SAID SOUTHERLY LINE WITH A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1170.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N.33°30'22"E., 503.07 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°49'46", AN ARC DISTANCE OF 507.03 FEET TO THE POINT OF CURVATURE OF A REVERSE CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1030.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF N.34°17'41"E., 415.14 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°15'07", AN ARC DISTANCE OF 418.00 FEET TO THE END OF SAID CURVE; THENCE S.83°42'51"E., A DISTANCE OF 745.85 FEET TO THE EASTERLY LINE OF AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2314, PAGE 619; THENCE S.07°22'32"W., ALONG SAID EASTERLY LINE, A DISTANCE OF 250.05 FEET TO THE POINT OF BEGINNING. CONTAINING 128.640 ACRES, MORE OR LESS.

Alachua Commerce
Site Specific Amendment to the Official Zoning Atlas
Zoning Designation

Legend

- Alachua Commerce (CC)
- Alachua Commerce (CI)
- Alachua Commerce (GF)
- Streets
- Municipal Boundary

ZONING

- CSV
- A
- CBD
- CN
- CC
- CI
- CP
- GF
- ILW
- IG
- OR
- PD-COMM
- PD-R
- PUD
- RMF-8
- RMF-15
- RSF-1
- RSF-3
- RSF-4
- RSF-6
- A(COUNTY)
- PD(COUNTY)
- MP(COUNTY)

Scale: 0, 650, 1,300, 2,600 Feet

Disclaimer: Data is provided "as is" without warranty of any representation of accuracy, completeness, or timeliness. The burden of obtaining accurate, timely, or completeness for use rests solely on the requester. The City makes no warranties, expressed or implied, as to the use of the data. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and in a constant state of maintenance, correction, and update.

Prepared by: The City of Alachua Planning & Community Development Department
Prepared: January 2019

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

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.

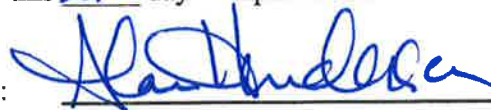
THEREFORE, it is ORDERED and ADJUDGED that the Rezoning Application is hereby APPROVED, as codified in Ordinance 15 03.

DATED this 27th 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 27th day of April 2015.

By: 
Alan Henderson, Deputy City Clerk