

**CITY OF ALACHUA
SPECIAL CITY COMMISSION MEETING
MAY 2, 2017
6:00 PM**

ADDENDUM TO AGENDA MATERIALS

ITEM II. A., SPECIAL EXCEPTION PERMIT – WAL-MART #3873

- DRAFT PROPOSED ORDER GRANTING SPECIAL EXCEPTION PERMIT FOR A LARGE SCALE RETAIL ESTABLISHMENT GREATER THAN OR EQUAL TO 80,000 SQUARE FEET BASED UPON STAFF'S RECOMMENDATION

ITEM II. B., SPECIAL EXCEPTION PERMIT – WAL-MART #3873

- DRAFT PROPOSED ORDER GRANTING SPECIAL EXCEPTION PERMIT FOR AUTOMOBILE REPAIR AND SERVICING AS PART OF A LARGE SCALE RETAIL ESTABLISHMENT BASED UPON STAFF'S RECOMMENDATION

ITEM II. C., SITE PLAN – WAL-MART #3873

- DRAFT PROPOSED ORDER GRANTING SITE PLAN BASED UPON STAFF'S RECOMMENDATION

POSTED TO MEETING AGENDA MATERIALS ON MAY 1, 2017

CITY OF ALACHUA

City Commission

***IN RE: CPH, Inc.'s Application
On behalf of Wal-Mart Stores East, LP
For a Special Exception Permit
For a Large-Scale Retail Establishment
Greater than or equal to 80,000 square feet of gross floor area
Located Tax Parcel Number 03869-013-000***

**ORDER GRANTING CPH, INC.'S APPLICATION
ON BEHALF OF WAL-MART STORES EAST, LP
FOR A SPECIAL EXCEPTION PERMIT FOR A LARGE SCALE RETAIL ESTABLISHMENT
GREATER THAN OR EQUAL TO 80,000 SQUARE FEET OF GROSS FLOOR AREA
WITH CONDITIONS**

On April 18, 2017, the City of Alachua Planning & Zoning Board ("PZB"), sitting as the Local Planning Agency ("LPA"), conducted a quasi-judicial hearing on an application for a Special Exception Permit for a large-scale retail establishment greater than or equal to 80,000 square feet of gross floor area, located on Tax Parcel Number 03869-013-000 ("Application") proposed by CPH, Inc., on behalf of Wal-Mart Stores East, LP ("Applicant") (herein referred to as the "PZB Hearing"). Based upon the competent substantial evidence presented at the PZB Hearing, the presentation before the PZB, and Staff's recommendation, the PZB transmitted the Special Exception Permit for a large-scale retail establishment greater than or equal to 80,000 square feet to the City Commission with a recommendation to approve, subject to the three (3) conditions provided in Exhibit "A" and located on page 24 of the April 18, 2017, Staff Report to the Planning & Zoning Board.

On May 2, 2017, the City of Alachua City Commission ("Commission") conducted a quasi-judicial hearing on the Application (herein referred to as the "Commission Hearing"). Based upon the competent substantial evidence presented during the Commission Hearing, the Commission finds that the development proposed by the Application, when developed in accordance with its terms and the conditions of approval set forth below, is:

1. Consistent with the City of Alachua's ("the City") Comprehensive Plan; and,
2. In compliance with the City's Land Development Regulations ("LDRs.")

Development Order for: Wal-Mart #3873 Special Exception Permit
Large-Scale Retail Establishment \geq 80,000 square feet
Wal-Mart Stores East, LP
Tax Parcel Number 03869-013-000

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Accordingly, the Commission voted ____ - ____ to approve the Application with the following conditions:

CONDITIONS RECOMMENDED BY STAFF AND AGREED TO BY APPLICANT:

1. The applicant agrees it shall not use an outdoor speaker or public address system as part of the automobile repair and servicing use, as part of the outdoor garden center, or any other use occurring at the subject property.
2. The applicant agrees it shall obtain all other applicable local, state, and federal permits before the commencement of the development.
3. The applicant agrees that Conditions 1 – 3 as stated above do not inordinately burden the land and shall be binding upon the property owner, including any subsequent property owners, successors, or assigns, and that the development shall comply with Conditions 1 – 3 as stated herein.

Attached to this Order as Exhibit “A” and incorporated by reference is the April 18, 2017, staff report to the Planning & Board, also submitted to the City Commission at the May 2, 2017 Hearing, with all exhibits thereto.

DATED this 2nd day of May, 2017. This Order shall not be final until thirty days after the date of this Order.

City of Alachua
City Commission

By: _____
Gib Coerper, Mayor

Accepted and filed in the Official Records of
the City of Alachua, Florida, this ____ day of
_____, 20____.

By: _____
Traci L. Gresham, Clerk

Development Order for: Wal-Mart #3873 Special Exception Permit
Large-Scale Retail Establishment ≥80,000 square feet
Wal-Mart Stores East, LP
Tax Parcel Number 03869-013-000

DRAFT – 5/1/2017

CITY OF ALACHUA

City Commission

**IN RE: CPH, Inc.'s Application
 On behalf of Wal-Mart Stores East, LP
 For a Special Exception Permit
 For Automobile Repair & Servicing
 Located Tax Parcel Number 03869-013-000**

**ORDER GRANTING CPH, INC.'S APPLICATION
ON BEHALF OF WAL-MART STORES EAST, LP
FOR A SPECIAL EXCEPTION PERMIT FOR AUTOMOBILE REPAIR & SERVICING
WITH CONDITIONS**

On April 18, 2017, the City of Alachua Planning & Zoning Board ("PZB"), sitting as the Local Planning Agency ("LPA"), conducted a quasi-judicial hearing on an application for a Special Exception Permit to permit automobile repair and servicing on Tax Parcel Number 03869-013-000 ("Application") proposed by CPH, Inc., on behalf of Wal-Mart Stores East, LP ("Applicant") (herein referred to as the "PZB Hearing"). Based upon the competent substantial evidence presented at the PZB Hearing, the presentation before the PZB, and Staff's recommendation, the PZB transmitted the Special Exception Permit for automobile repair and servicing as part of a large-scale retail establishment to the City Commission with a recommendation to approve, subject to the four (4) conditions provided in Exhibit "A" and located on page 17 of the April 18, 2017, Staff Report to the Planning & Zoning Board.

On May 2, 2017, the City of Alachua City Commission ("Commission") conducted a quasi-judicial hearing on the Application (herein referred to as the "Commission Hearing"). Based upon the competent substantial evidence presented during the Commission Hearing, the Commission finds that the development proposed by the Application, when developed in accordance with its terms and the conditions of approval set forth below, is:

1. Consistent with the City of Alachua's ("the City") Comprehensive Plan; and,
2. In compliance with the City's Land Development Regulations ("LDRs.")

Accordingly, the Commission voted ____ - ____ to approve the Application with the following conditions:

CONDITIONS RECOMMENDED BY STAFF AND AGREED TO BY APPLICANT:

1. The applicant agrees it shall not use an outdoor speaker or public address system as part of the automobile repair and servicing use, as part of the outdoor garden center, or any other use occurring at the subject property.

Development Order for: Wal-Mart #3873 Special Exception Permit
Automobile Repair & Servicing
Wal-Mart Stores East, LP
Tax Parcel Number 03869-013-000

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2. The applicant agrees to perform all automobile repair and servicing activity in the proposed building, and that no repair and servicing shall occur within parking areas, drive aisles, or any other areas outside of the building.
3. The applicant agrees it shall obtain all other applicable local, state, and federal permits before the commencement of the development.
4. The applicant agrees that Conditions 1 – 4 as stated above do not inordinately burden the land and shall be binding upon the property owner, including any subsequent property owners, successors, or assigns, and that the development shall comply with Conditions 1 – 4 as stated herein.

Attached to this Order as Exhibit “A” and incorporated by reference is the April 18, 2017, staff report to the Planning & Board, also submitted to the City Commission at the May 2, 2017 Hearing, with all exhibits thereto.

DATED this 2nd day of May, 2017. This Order shall not be final until thirty days after the date of this Order.

City of Alachua
City Commission

By: _____
Gib Coerper, Mayor

Accepted and filed in the Official Records of
the City of Alachua, Florida, this ____ day of
_____, 20____.

By: _____
Traci L. Gresham, Clerk

Development Order for: Wal-Mart #3873 Special Exception Permit
Automobile Repair & Servicing
Wal-Mart Stores East, LP
Tax Parcel Number 03869-013-000

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CITY OF ALACHUA

City Commission

IN RE: CPH, Inc.'s Application
On behalf of First Street Group, L.C. and Wal-Mart Stores East, LP
For a Site Plan for a ±158,562 square foot building
And associated infrastructure improvements
Located Tax Parcel Numbers 03066-000-000, 03869-000-000,
03869-013-000 and 03869-014-000

ORDER GRANTING CPH, INC.'S APPLICATION
ON BEHALF OF FIRST STREET GROUP, L.C., AND WAL-MART STORES EAST, LP
FOR A SITE PLAN FOR A ±158,562 SQUARE FOOT BUILDING
AND ASSOCIATED INFRASTRUCTURE IMPROVEMENTS
WITH CONDITIONS

On April 18, 2017, the City of Alachua Planning & Zoning Board ("PZB"), sitting as the Local Planning Agency ("LPA"), conducted a quasi-judicial hearing on an application for a Site Plan for the construction of a ±158,562 square foot building for retail sales and services, with associated parking, stormwater management facilities, utility infrastructure, and supporting site improvements on Tax Parcel Numbers 03066-000-000, 03869-000-000, 03869-013-000, and 03869-014-000 ("Development") proposed by CPH, Inc., on behalf of First Street Group, L.C. and Wal-Mart Stores East, LP ("Applicants") (herein referred to as the "PZB Hearing"). Based upon the competent substantial evidence presented at the PZB Hearing, the presentation before the PZB, and Staff's recommendation, the PZB transmitted the Site Plan to the City Commission with a recommendation to approve, subject to the ten (10) conditions provided in Exhibit "A" and located on pages 37 and 38 of the April 18, 2017, Staff Report to the Planning & Zoning Board. The PZB's recommendation is contingent upon the Board of Adjustment's approval of the applicant's companion zoning variance permit application and the City Commission's approval of the companion Special Exception Permit applications for automobile repair & servicing and for a large-scale retail establishment greater than or equal to 80,000 square feet in area.

On May 2, 2017, the City of Alachua City Commission ("Commission") conducted a quasi-judicial hearing on the Development (herein referred to as the "Commission Hearing"). Based upon the competent substantial evidence presented during the Commission Hearing, the Commission finds that the Development proposed by the application, when developed in accordance with its terms and the conditions of approval set forth below, is:

1. Consistent with the City of Alachua's ("the City") Comprehensive Plan; and,
2. In compliance with the City's Land Development Regulations ("LDRs.")

Development Order for: Wal-Mart #3873 Site Plan
First Street Group, L.C. and Wal-Mart Stores East, LP
Tax Parcel Numbers 03066-000-000, 03869-000-000,
03869-013-000, and 03869-014-000

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Accordingly, the Commission voted ____ - ____ to approve the Development with the following conditions:

CONDITIONS RECOMMENDED BY STAFF AND AGREED TO BY APPLICANT:

1. The extension of a potable water main, as prepared by Brian P. Cassidy, of CPH, Inc., and depicted on plans entitled "Proposed U.S. Highway 441 Watermain Extension", dated February 17, 2015, as may be revised, shall be constructed, inspected by the City, completed, and accepted, in accordance with the City's Requirements for Design and Construction, prior to the final inspection for any building permit associated with this Site Plan.
2. The applicant agrees it shall notify the Public Services Department no less than five (5) business days prior to any excavation, grading, or other construction activities related to excavation in the right-of-ways of the access roads labelled as "Entrance Road", "Seller Road 1", "Seller Road 2" on the Site Plan, and within the right-of-way of the extension of NW 151st Boulevard. The Public Services Department shall be authorized to determine if any underdrain(s) shall be installed within the specified areas, in accordance with the recommendations of the independent third-party geotechnical review performed by Kenneth L. Hill, P.E., of GSE Engineers and Consultants, Inc., as further described in a letter dated December 15, 2016, and found in Exhibit "B" – Supporting Application Materials Submitted by City Staff to the Planning & Zoning Board.
3. The applicant agrees it shall revise the Site Plan to comply with any conditions of the companion variance permit and special exception permits, including but not limited to revisions necessary to provide five foot (5') sidewalks within the right of way of "Seller Road 2" to the north and south the road, as depicted and labeled on Sheet C-6B of the Site Plan, and to provide a 5 foot (5') sidewalk and any necessary crosswalks from the terminus of the right-of-way of "Seller Road 2" connecting said sidewalks along "Seller Road 2" to the primary customer entrances of the development.
4. The applicant agrees it shall not use an outdoor speaker or public address system as part of the automobile repair and servicing use, as part of the outdoor garden center, or any other use proposed by this Site Plan.
5. The applicant agrees it shall provide Public Utilities Easements as depicted on the Site Plan. Public Utilities Easements shall include a legal description of each easement area and a boundary sketch of each described easement. The applicant shall prepare legal descriptions and sketches of each Public Utilities Easement. Public Utilities Easements as depicted on the Site Plan shall be approved by the City and recorded in the Public Records of Alachua County prior to applying for a building permit. The applicant shall incur all costs associated with the preparation and recordation of such public utility easements.
6. The applicant agrees it shall comply with all comments issued by the Public Services Department as provided in a memorandum from Rodolfo Valladares, P.E., Public Services

Development Order for: Wal-Mart #3873 Site Plan

First Street Group, L.C. and Wal-Mart Stores East, LP

Tax Parcel Numbers 03066-000-000, 03869-000-000,
03869-013-000, and 03869-014-000

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Director, dated December 15, 2016 and found in Exhibit "B" – Supporting Application Materials Submitted by City Staff to the Planning and Zoning Board.

7. The applicant agrees it shall comply with all recommendations provided by Sergio Reyes, P.E., of EDA Engineers – Surveyors – Planners, Inc., in a letter dated December 15, 2016 and found in Exhibit "B" – Supporting Application Materials Submitted by City Staff to the Planning and Zoning Board.
8. The applicant agrees it shall comply with all recommendations provided by Kenneth L. Hill, P.E., of GSE Engineering and Consulting, Inc., in a letter dated December 15, 2016 and found in Exhibit "B" – Supporting Application Materials Submitted by City Staff to the Planning and Zoning Board.
9. The applicant agrees it shall obtain all other applicable local, state, and federal permits before the commencement of the development.
10. The applicant agrees that Conditions 1 – 10 as stated above do not inordinately burden the land and shall be binding upon the property owner, including any subsequent property owners, successors, or assigns, and that the development shall comply with Conditions 1 – 10 as stated herein.

Attached to this Order as Exhibit "A" and incorporated by reference is the April 18, 2017, staff report to the Planning & Board, also submitted to the City Commission at the May 2, 2017 Hearing, with all exhibits thereto.

DATED this 2nd day of May, 2017. This Order shall not be final until thirty days after the date of this Order.

City of Alachua
City Commission

By: _____
Gib Coerper, Mayor

Accepted and filed in the Official Records of
the City of Alachua, Florida, this ____ day of
_____, 20____.

By: _____
Traci L. Gresham, Clerk

Development Order for: Wal-Mart #3873 Site Plan
First Street Group, L.C. and Wal-Mart Stores East, LP
Tax Parcel Numbers 03066-000-000, 03869-000-000,
03869-013-000, and 03869-014-000

DRAFT – 5/1/2017