

# County and City in dispute

**REZONING:**  
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rezoned parcel. The petition filed by the NSS also states concern that the shift from PUD to CI increases the "maximum development intensity of the Subject Property from 290,000 square feet of commercial and business uses under the PUD to a maximum development intensity of approximately 3 million square feet permitted by the CI, CC and GF zonings, a more than 10 times square foot increase in development potential permitting development about 3 times the size of the Oaks Mall."

The document links the NSS property as an affected party stating "As the Subject Property surface and subsurface are closely linked, allowing direct connection between development-related pollutants carried in stormwater and the Floridian aquifer, the intense development permitted by the Rezoning Orders implicate water quality issues."

During the hearings leading up to the approval of the rezoning, the NSS claims it tried to establish affected party status but the request was opposed by Land Use Attorney David Theriaque who represented all owners of the parcel. The City of Alachua Commission also rejected approval of NSS' request to obtain affected party status.

The NSS states in the documents that as an affected party located within 400 feet of the land subject to change, the City failed to send written notice of the rezoning hearings and that as an affected party the NSS was not "afforded a reasonable opportunity to present testimony and evidence

in support of or in opposition to the application, and to ask questions of the applicant and the applicant's representatives and the City staff and City staff's representatives."

In the document prepared by law firm Bogin, Munns & Munns of Gainesville, the Petitioner (NSS) "respectfully request that this Court quash the Rezoning Orders."

The document conclusion claims that the City violated the NSS' due process or notice and opportunity to be heard and that "no competent, substantial evidence in the Record to support the City Commission's finding that the Rezoning Orders would not result in any significant impacts on the natural environment, including water."

**County vs. City**

In the "Complaint for Declaratory Judgement and Injunctive Relief" filed by Alachua County, the County identifies itself as the Plaintiff v. City of Alachua the Defendant.

The County asks the court to: "Declare that the Development Orders are inconsistent with the City of Alachua's Comprehensive Plan and, therefore, invalid."

"Declare that the Development Orders are inconsistent with Sections 163.3194 and 163.3215, Florida Statutes, and, therefore invalid."

"Temporarily and permanently enjoin the Defendant, the City of Alachua, from implementing the Developmental Orders."

"Grant such other and further relief as the Court may deem just, proper, and necessary."

The County writes that it is an "aggrieved or adversely affected party...in that it will suffer an adverse

effect to an interest protected or furthered by the City's Comprehensive Plan, including, but not limited to, an adverse effect to the health and safety of its citizens and the natural resources of Alachua County."

The County further claims it has an interest as owner and operator of Santa Fe Hills Water System located northwest of the rezoned property. "As a public water system, Alachua County must meet the standards set by the State of Florida and found in Chapter 62-550 Florida Administrative Code, regarding drinking water standards, monitoring, and reporting."

The County refers to the Cave and Conduit that allows water to flow beneath the rezoned property to the Santa Fe Hills Water System and Hornsby Spring which can carry any stormwater runoff and pollutants associated with impervious surfaces.

The increase in intensity from 290,000 square feet to an allowance of 3 million square feet of floor area will negatively impact the structural integrity, hydrology, biodiversity and other functions of the Cave and Conduit, the County states in its claim.

Assistant City Manager of Alachua Adam Boukari said on June 2, that the City had not been served documents notifying them of a petition from the NSS but the City had received documents from the County.

"As far as with Alachua County, the City will comply with the intergovernmental dispute process and follow the Statute as it relates to that process," Boukari said.

"That's all we can say at this point."

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# LaCrosse, Alachua County to explore fire/rescue options

**LACROSSE:**  
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\$350,000, less than half of what it would cost to run a three-person, 24/7 station and \$150,000 less than the county's minimum cost to run a two-person, 24/7 station.

"We thought there might be money remaining in this fiscal year's budget that could be used to accommodate our needs," said Vice-Mayor Ewing. "While the commission could instruct the county manager to use some of the money set aside in the reserve funds, that amount would have to be replenished in the next fiscal year," said Northcutt.

Niblock sent the Town of LaCrosse back to the drawing board, telling them he would not recommend that amount of increase to the County Commission.

In defense of the amount requested, McDavid and Ewing both pointed to National Fire Protection Agency Standard enacted in 1971 which requires that personal protective gear be replaced every 10 years.

"Our equipment was manufactured in 2004. It was out of date as of 2014. I cannot ask my people to go out and fight a fire with equipment that does not meet those standards," said McDavid. However, he points out once the equipment is replaced, that \$27,000 cost would not be included in next year's budget.

In addition, Ewing pointed to a Florida State Fire Marshall's requirement which will become effective July 1, requiring all fire department buildings to comply with local building codes. Ewing said the town has been shifting money for building maintenance of their fire department

structure to salaries to try to keep their fire/rescue personnel paid. McDavid points out again, that once the building is brought up to code, "the cost of building code improvements would not be included in next year's budget either."

No one seems to know, or is willing to say, how much of an increase the county manager would approve.

What he asked LaCrosse to do is to provide additional information via email. The first item is a budget listing exactly what it costs the town to run fire/rescue services now. The second item was a list of how much of an increase would be needed in each category to run the department all of the time.

Several options were mentioned as possible scenarios according to Northcutt. The first was that the county could choose to operate a station to serve the area.

The county could pay the town an increase that would allow them to operate with two people on duty for all three shifts. (Currently, there is only one person on duty after 8 p.m.) Another option is to close the LaCrosse station and have the Alachua and Waldo stations service the area. The fourth option is to have the station close at 8 p.m. each night and have the Alachua and Waldo stations service the area at night.

The last option would reduce the level of protection to properties within the 84-sq.-mile district at night. Any other changes would require an increase to the Municipal Service Taxing Unit (MSTU) and would mean a property tax increase in order to accomplish it, said Northcutt.

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City of ALACHUA

## NOTICE OF BOARD VACANCY

The City of Alachua is currently accepting applications for the following Board:

**Planning and Zoning Board:** The Planning and Zoning Board (PZB) consists of five voting members and a non-voting School Board representative. The PZB provides recommendations to the City Commission on various development applications, such as comprehensive plan amendments, rezonings, and subdivisions, and reviews and makes decisions on certain development applications as provided for within the City's Land Development Regulations. The PZB is also authorized by the City Commission to provide recommended policies and guiding action affecting development in the City, including amendments to Land Development Regulations, special studies, and other proposals which promote orderly development.

- Applicants must be a resident of the City of Alachua.
- Meetings are typically held at 6:30 p.m. on the second Tuesday of the month, in the James A. Lewis Commission Chambers in City Hall.

Applications may be obtained in person at City Hall, located at 15100 NW 142nd Terrace, on any regular business day (Monday through Thursday) between the hours of 7:30 a.m. and 6:00 p.m., or by visiting the City's website at [www.cityofalachua.com](http://www.cityofalachua.com). Completed applications must be received by the Planning and Community Development Department no later than 6:00 p.m. on **June 11, 2015**. Applications may be submitted in person at City Hall or by mail to the following address: City of Alachua, Planning and Community Development Department, P.O. Box 9, Alachua, FL 32616. Questions may be directed to the Planning and Community Development Department at (386) 418-6121.

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