



City of Alachua Variance Permit Application

Reference City of Alachua Land Development Regulations Article 2.4.7

FOR PLANNING USE ONLY

Case #: _____
Application Fee: \$ _____
Filing Date: _____ Acceptance Date: _____
Review Type: P&Z CC BOA

Type of Variance: Zoning Variance
 Subdivision Variance

A. PROJECT

- Project Name: Walmart #3873-00
- Address of Subject Property: SE Quadrant of Intersection of US 441 and I-75
- Parcel ID Number(s): 03869-013-000 , 03869-014-000
- Existing Use of Property: Vacant
- Existing Zoning Classification: Planned Unit Development (PUD)
- Existing Future Land Use Map Designation: Commercial (COMM)
- Number of Acres: 31.26

B. APPLICANT

- Applicant's Status Owner (title holder) Agent
- Name of Applicant(s) or Contact Person(s): J. Chris Callaway Title: Regional V.P.
Company (if applicable): Walmart Stores East, LP
Mailing address: 2001 SE 10th Street
City: Bentonville State: Arkansas ZIP: 72716-0550
Telephone: (479-273-4000) FAX: (479-273-4107) e-mail: chris.callaway@wal-mart.com
- If the applicant is agent for the property owner:
Name of Owner (title holder): N/A
Mailing Address: _____
City: _____ State: _____ ZIP: _____

Please be sure to read this application in full. The application must be signed and notarized on the last page.

C. ADDITIONAL INFORMATION

- Is there any additional contact for sale of, or options to purchase, the subject property? Yes No
If "yes," list names of all parties involved: N/A
Is the contract/option contingent or absolute? Contingent Absolute

D. ATTACHMENTS

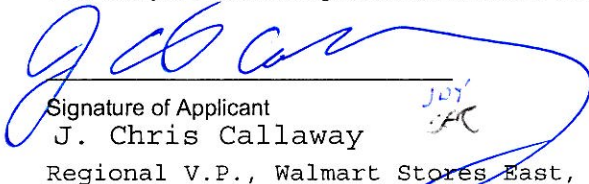
- Statement of variance
 - Variance to Zoning Regulations-include the section of Articles 5 and/or 6 of the Land Development Regulations under which the variance is sought and stating the grounds on which it is requested, with particular reference of the types of findings which the Board of Adjustment must make (Article 2.4.7, LDR).
 - Variance to the Subdivision Regulations-include the section of Article 7 of the Land Development Regulations under which the variance is sought and stating the grounds on which it is requested, with particular reference of the types of findings which the Planning & Zoning Board and City Commission must make (Article 2.4.7, LDR).
- Pursuant to Section 2.4.7(C)(4) and Section 2.4.7(D)(4), address how the variance will meeting the following standards:
 - Extraordinary and Exceptional Conditions-** There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of a parcel of land) pertaining to the particular piece of land for which the variance is sought, that do not generally apply to other land or structures in the vicinity.

If you have any questions, please call the Planning and Community Development Department at (386) 418-6121.

- b. **Not Result of Action by Applicant-** The special circumstances are not the result of the actions of the applicant.
 - c. **No Special Privilege-** The granting of the variance will not confer any special privilege on the applicant that is denied to other lands or structures in the same zone district.
 - d. **Strict Application Deprives Use-** Because of the conditions in subsection (a) above, the application of these LDRs to the land would effectively prohibit or unreasonably restrict the utilization of the land and result in unnecessary and undue hardship.
 - e. **Minimum Variance-** The granting of the variance is the minimum action that will make possible the reasonable use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of these LDRs.
 - f. **Not Detrimental-** The authorization of the variance will not result in substantial detriment to adjacent land, and the character of the zone district in which the land subject to the application is located.
 - g. **Consistency with these LDRs-** The granting of the variance will be generally consistent with the purposes and intent of these LDRs and the public interest.
3. A current aerial map or plat of the property. (You may obtain this from the Alachua County Property Appraisers Office.)
 4. Labels (**3 sets**) of all property owners within 400 feet of the subject property boundaries, **even if property within 400 feet falls outside of City limits.** (Obtain through the Alachua County Property Appraisers Office)
 5. Legal description with tax parcel number.
 6. Proof of ownership or agent authorization. (Property Owner Affidavit Form)
 7. Proof of payment of taxes.
 8. Fee. Please see fee schedule for fee determination. No application shall be accepted for processing until the required application fee, or reduced fee established by Ordinance 07-43, is paid in full by the applicant. Additional reviews of site and development plans based on review comments, beyond the initial engineering review, will be billed to the applicant at the hourly rate of the reviewing entity. The invoice shall be paid in full prior to any legislative and/or quasi-judicial action of any kind on the petition, appeal, or development application.

All 8 attachments are required for a complete application. Upon submittal, please provide a total of eight (8) copies of all application materials. A completeness review of the application will be conducted within 5 business days of receipt. If the application is determined to be incomplete, the application and fee will be returned to the applicant.

I/We certify and acknowledge that the information contained herein is true and correct to the best of my/our knowledge.


 Signature of Applicant
 J. Chris Callaway
 Regional V.P., Walmart Stores East, LP
 Typed or printed name and title of applicant

 Signature of Co-applicant

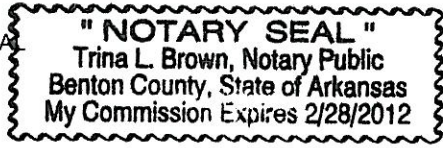
 Typed or printed name of co-applicant

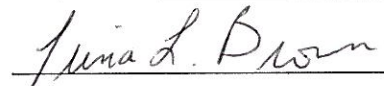
State of Arkansas County of Benton

The foregoing application is acknowledged before me this 13 day of August, 2009, by J. Chris

Callaway, who is/are personally known to me, or who has/have produced _____
 as identification.

NOTARY SEAL




 Signature of Notary Public, State of Arkansas

If you have any questions, please call the Planning and Community Development Department at (386) 418-6121.

INTERSTATE HWY. NO. 75



N 04°11'43" E
1184.62'

Walmart
C-150-SGL-NO

SUBJECT AREA
(SHOWN SHADED)

PROPOSED RETAIL PARCEL

(BUILDING AREA NOT TO EXCEED 11,500 S.F.)

N 04°11'43" W
1431.98'

PARK & RIDE TRACT

SELLER PROPOSED
TRACT 1

SELLER PROPOSED
TRACT 2

N 85°48'17" W
952.11'



Engineers Architects Surveyors
Planners Landscape Architects
Environmental Scientists
Construction Management
Design/Build

500 West Fulton Street
Sanford, FL 32771
Phone: 407.322.6841
Fax: 407.330.0639

Date: 8/12/09
Job No. W13392.1
Scale: 1" = 160'
File: VARIANCE EXHIBIT
Certificate of Authorization
No. 3215

PROPOSED DRIVEWAY
VARIANCE EXHIBIT

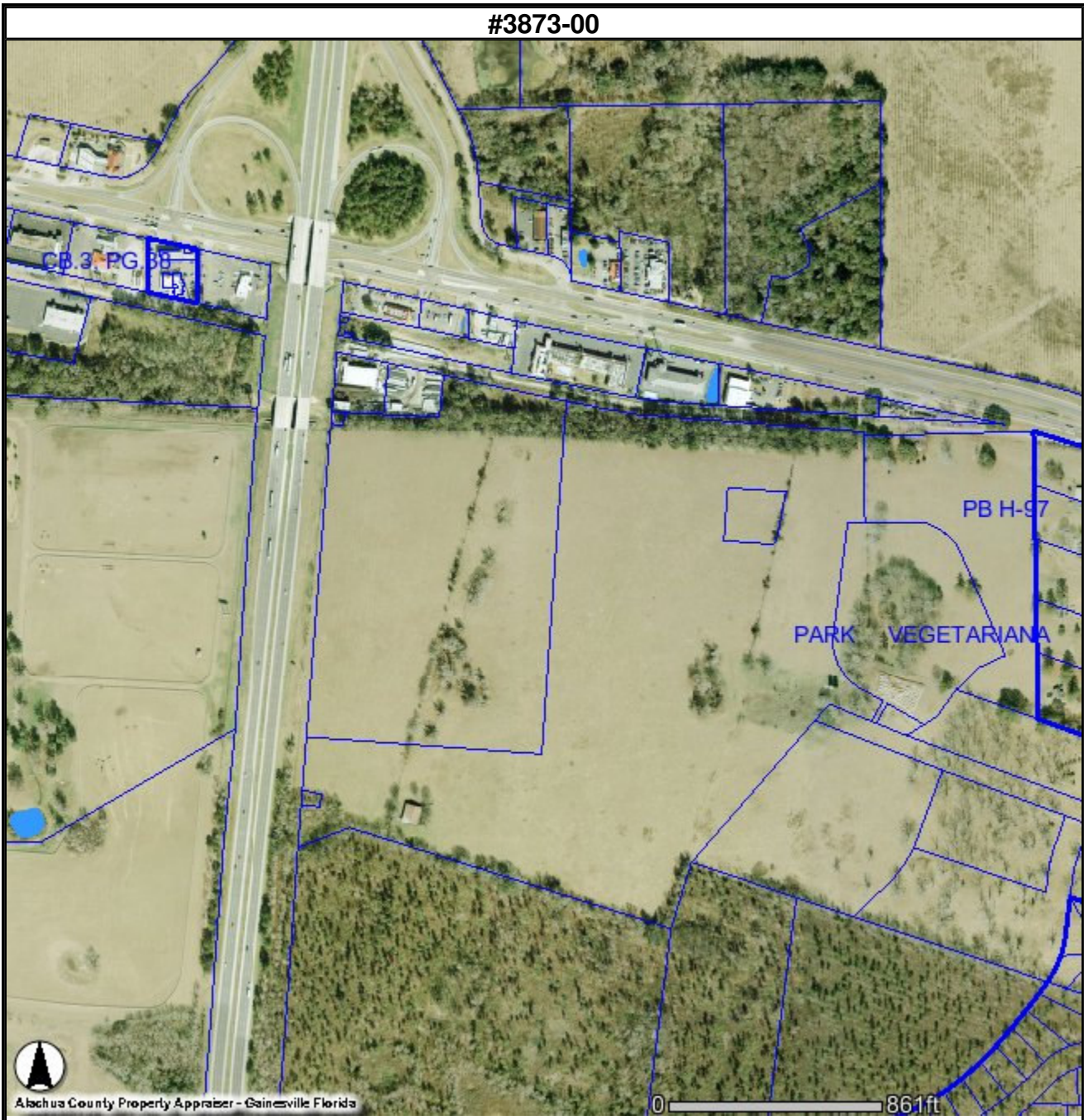


STORE NO. 3873-00, ALACHUA, FLORIDA

EXHIBIT
A

© 2009

#3873-00



Alachua County Property Appraiser - Gainesville Florida

0 861ft



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The Alachua County Property Appraiser assumes no legal responsibility for the information contained on this map or in this website.



<http://WWW.ACPAFL.ORG>

WAL MART PARCEL
TAX IDENTIFICATION NUMBER: 03869-013-000

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 FOR THE POINT OF REFERENCE AND RUN S.00°51'49"E., A DISTANCE OF 3.91 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD (200 FOOT RIGHT OF WAY); THENCE RUN N.88°37'47"W., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 790.35 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (300 FOOT LIMITED ACCESS RIGHT OF WAY) AND THE TRUE POINT OF BEGINNING; THENCE RUN N.04°30'53"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 49.91 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2122, PAGE 2203 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S.88°32'46"E., A DISTANCE OF 49.98 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2122, PAGE 2203 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN N.04°58'37"E. ALONG THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2122, PAGE 2203 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 50.15 FEET TO THE CENTERLINE OF THE AFOREMENTIONED ABANDONED SEABOARD COASTLINE RAILROAD; THENCE RUN S.88°36'33"E., ALONG SAID CENTERLINE, A DISTANCE OF 379.41 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1620, PAGE 1020 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING HEREINAFTER REFERRED TO AS PARCEL "A"; THENCE RUN N.04°14'21"E., A DISTANCE OF 179.48 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE RUN S.79°38'59"E., ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 505.22 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE RUN S.88°35'59"E., ALONG THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED ABANDONED SEABOARD COASTLINE RAILROAD, A DISTANCE OF 19.74 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN S.04°11'43"W., A DISTANCE OF 1431.98 FEET; THENCE RUN N.85°48'17"W., FOR A DISTANCE OF 952.11 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (300 FOOT LIMITED ACCESS RIGHT OF WAY); THENCE RUN N.04°11'43"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 1184.62 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 30.19 ACRES MORE OR LESS.

WAL-MART OUT PARCEL
TAX IDENTIFICATION NUMBER: 03869-014-000

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 FOR THE POINT OF REFERENCE AND RUN S.00°51'49"E., A DISTANCE OF 3.91 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED SEABOARD COASTLINE RAILROAD (200 FOOT RIGHT OF WAY); THENCE RUN N.88°37'47"W., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 790.35 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 75 (300 FOOT LIMITED ACCESS RIGHT OF WAY); THENCE RUN N.04°30'53"E., ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 49.91 FEET; THENCE RUN S.88°32'46"E., A DISTANCE OF 49.98 FEET; THENCE RUN N.04°58'37"E., A DISTANCE OF 50.15 FEET TO THE CENTERLINE OF THE AFOREMENTIONED ABANDONED SEABOARD COASTLINE RAILROAD; THENCE RUN S.88°36'33"E., ALONG SAID CENTERLINE, A DISTANCE OF 379.41 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1620, PAGE 1020 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING HEREINAFTER REFERRED TO AS PARCEL "A"; THENCE RUN N.04°14'21"E., A DISTANCE OF 179.48 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE RUN S.79°38'59"E., ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 505.22 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE RUN S.88°35'59"E., ALONG THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED ABANDONED SEABOARD COASTLINE RAILROAD, A DISTANCE OF 852.24 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN S.10°38'41"W., A DISTANCE OF 127.20 FEET; THENCE RUN S.02°06'51"W., A DISTANCE OF 33.71 FEET; THENCE RUN S.10°38'41"W., A DISTANCE OF 104.50 FEET TO THE POINT OF BEGINNING; THENCE RUN S.10°38'41"W., A DISTANCE OF 191.52 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 25.00 FEET, THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 83°33'02" AN ARC DISTANCE OF 36.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN N.85°48'17"W., A DISTANCE OF 186.42 FEET; THENCE RUN N.04°11'43"E., A DISTANCE OF 212.50 FEET; THENCE RUN S.85°48'17"E., A DISTANCE OF 232.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1.07 ACRES MORE OR LESS.

Alachua County Tax Collector

generated on 8/6/2009 1:39:38 PM EDT

Tax Record

Last Update: 8/6/2009 1:38:40 PM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Tax Type	Tax Year		
03869-013-000	REAL ESTATE	2008		
Mailing Address WAL-MART STORES EAST LP PROPERTY TAX DEPT 8013 1301 SE 10TH ST STORE NO 1205-01 BENTONVILLE AR 72716-8013		Physical Address GEO Number 16-08-18-03869013000		
Assessed Value	Exempt Amount	Taxable Value		
\$1,315,100.00	See Below	See Below		
Exemption Detail	Millage Code	Escrow Code		
NO EXEMPTIONS	1700			
Legal Description COM SE COR FRAC SEC 9-8-18 S 00 DEG 51 MIN 49 SEC E 3.91 FT N 88 DEG 37 MIN 47 SEC W 790.35 FT POB N 04 DEG 30 MIN 53 SEC E 49. 91 FT S 88 DEG 32 MIN 46 SEC E 49.98 FT N 04 DEG 58 MIN 37 SEC E 50.15 FT S 88 DEG 36 MIN 33 SEC E 379.41 FT N 04 DEG 14 MIN 21 SEC E 179.48 FT S 79 DEG 38 See Tax Roll For Extra Legal				
Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Amount
BOARD OF COUNTY COMMISSIONERS				
CNTY GENERAL	7.5708	0	\$1,315,100	\$9,956.36
CNTY DEBT LL	0.2500	0	\$1,315,100	\$328.78
ALACHUA CNTY LIBRARY DISTRICT				
LIBRARY GENERAL	1.2491	0	\$1,315,100	\$1,642.69
LIBRARY BONDS	0.0915	0	\$1,315,100	\$120.33
SCHOOL BOARD OF ALACHUA COUNTY				
SCHL GENERAL	5.2560	0	\$1,315,100	\$6,912.17
SCHL DISCRETIONARY	0.7080	0	\$1,315,100	\$931.09
SCHL BOND 4	0.2700	0	\$1,315,100	\$355.08
SCHL BOND 5	0.3750	0	\$1,315,100	\$493.16
SCHL CAP24 PROJECT	1.7500	0	\$1,315,100	\$2,301.43
SUWANNEE RIVER WATER MGT DIST	0.4399	0	\$1,315,100	\$578.51
CITY OF ALACHUA	4.6966	0	\$1,315,100	\$6,176.50
Total Millage		22.6569	Total Taxes	\$29,796.10
Non-Ad Valorem Assessments				
Code	Levying Authority	Amount		

Total Assessments		\$0.00
Taxes & Assessments		\$29,796.10
If Paid By	Amount Due	
	\$0.00	

Date Paid	Transaction	Receipt	Year	Amount Paid
11/18/2008	PAYMENT	9007125.0006	2008	\$28,604.26

Prior Years Payment History

Prior Year Taxes Due
NO DELINQUENT TAXES

Alachua County Tax Collector

generated on 8/6/2009 1:39:35 PM EDT

Tax Record

Last Update: 8/2/2009 12:01:22 PM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Tax Type	Tax Year		
03869-014-000	REAL ESTATE	2008		
Mailing Address		Physical Address		
WAL-MART STORES EAST LP PROPERTY TAX DEPT 8013 1301 SE 10TH ST STORE NO 1205-01 BENTONVILLE AR 72716-8013		GEO Number 15-08-18-03869014000		
Assessed Value	Exempt Amount	Taxable Value		
\$46,600.00	See Below	See Below		
Exemption Detail	Millage Code	Escrow Code		
NO EXEMPTIONS <u>Legal Description</u> COM SE COR FRAC SEC 9-8-18 S 00 DEG 51 MIN 49 SEC E 3.91 FT N 88 DEG 37 MIN 47 SEC W 790.35 FT N 4 DEG 30 MIN 53 SEC E 49.91 FT S 88 DEG 32 MIN 46 SEC E 49.98 FT N 04 DEG 58 MIN 37 SEC E 50.15 FT S 88 DEG 36 MIN 33 SEC E 379.41 FT N 04 DEG 14 MIN 21 SEC E 179.48 FT S 79 DEG 38 MIN 59 SEC See Tax Roll For Extra Legal	1700			
Ad Valorem Taxes				
Taxing Authority	Rate	Exemption Amount	Taxable Value	Amount
BOARD OF COUNTY COMMISSIONERS				
CNTY GENERAL	7.5708	0	\$46,600	\$352.80
CNTY DEBT LL	0.2500	0	\$46,600	\$11.65
ALACHUA CNTY LIBRARY DISTRICT				
LIBRARY GENERAL	1.2491	0	\$46,600	\$58.21
LIBRARY BONDS	0.0915	0	\$46,600	\$4.26
SCHOOL BOARD OF ALACHUA COUNTY				
SCHL GENERAL	5.2560	0	\$46,600	\$244.93
SCHL DISCRETIONARY	0.7080	0	\$46,600	\$32.99
SCHL BOND 4	0.2700	0	\$46,600	\$12.58
SCHL BOND 5	0.3750	0	\$46,600	\$17.48
SCHL CAP24 PROJECT	1.7500	0	\$46,600	\$81.55
SUWANNEE RIVER WATER MGT DIST	0.4399	0	\$46,600	\$20.50
CITY OF ALACHUA	4.6966	0	\$46,600	\$218.86
Total Millage		22.6569	Total Taxes	
			\$1,055.81	
Non-Ad Valorem Assessments				
Code	Levying Authority	Amount		

Total Assessments		\$0.00
Taxes & Assessments		\$1,055.81
If Paid By	Amount Due	
	\$0.00	

Date Paid	Transaction	Receipt	Year	Amount Paid
11/18/2008	PAYMENT	9007125.0009	2008	\$1,013.58

Prior Years Payment History

Prior Year Taxes Due
NO DELINQUENT TAXES

WALMART SUPERCENTER – CITY OF ALACHUA

JUNE 17, 2010

STATEMENT OF VARIANCE – PRIMARY DRIVE AISLES

Walmart requests a variance from the requirements of Section 6.1.8(B)(3) of the City’s Land Development Regulations (“LDRs”), which states as follows:

Primary Drive Aisles

Primary drive aisles are required within off-street surface parking lots of 300 or more spaces, and shall be configured to appear as an extension of the public street network, through the provision of:

- (a) Sidewalks, parallel to the building façade located along both sides of the aisle;
- (b) At least one designated crosswalk connecting the sidewalks near the primary entrance of each building served;
- (c) Canopy trees, spaced no less than 40 feet on center, located on both sides of the aisle, within 3 feet of the curb, and extending the full length of the aisle;
- (d) Designated parallel parking spaces on both sides of the drive aisle; and
- (e) A road crown in the center of the aisle to encourage positive drainage and simulate a public street.

The requirements for Primary Drive Aisles would create unsafe pedestrian and vehicular conflicts in the drive aisle located directly in front of the proposed Walmart Supercenter. (See Exhibit “A”). Accordingly, Walmart requests a variance from these requirements in order to protect the health and safety of the public. If the City grants this variance request, Walmart will agree to plant the required number of “Primary Drive Aisle” trees elsewhere on the project site.

A. Extraordinary and Exceptional Conditions

The requirements for Primary Drive Aisles would create extraordinary and exceptional conditions regarding the proposed Walmart Supercenter. Installing trees in front of the proposed Walmart Supercenter would impede access and interfere with safe building operations. Additionally, the use of parallel parking spaces would create unsafe pedestrian and vehicular conflicts, and cause maneuvering hazards in the site traffic pattern.

B. Not Result of Action by Applicant

The safety concerns that Walmart is attempting to address through this variance request are not the result of any action by Walmart. Rather, such conditions would exist with any retail development at the size of the proposed Walmart Supercenter.

C. No Special Privilege

The granting of the variance will not confer any special privilege to Walmart. Rather, Walmart is requesting the variance in order to avoid hazardous interference to building access and operations, and to minimize unsafe traffic pattern conflicts.

D. Strict Application Deprives Use

Strict adherence to the requirements for Primary Drive Aisles would require the design of a hazardous site layout. Installing trees in front of the proposed Walmart Supercenter would impede access and interfere with safe building operations. Additionally, the use of parallel parking spaces would create unsafe pedestrian and vehicular conflicts, and cause maneuvering hazards in the site traffic pattern.

E. Minimum Variance

No actions are available to mitigate the potential hazards created by locating trees in front of the building or providing parallel parking spaces as required by Section 6.1.8(B)(3) of the City's LDRs. The granting of the variance would not be contrary to the public interest. Rather, the granting of the variance is necessary to protect the health and safety of the public.

Moreover, the elements described in Section 6.1.8(B)(3) of the City's LDRs, such as sidewalks, crosswalks, canopy trees, parking spaces, and drainage considerations, are all provided on-site in an alternative, safe configuration. Thus, the spirit of Section 6.1.8(B)(3) of the City's LDRs is maintained.

F. Not Detrimental

The granting of the variance will not adversely affect any adjacent properties, nor will it alter the character of such properties.

G. Consistency with these LDRs

By protecting the health and safety of the public, the granting of the variance will be consistent with the purpose and intent of the City's LDRs.