

From: Gary Pappas <gmpfish@outlook.com>
Subject: Farmlands: Objection to time change for July 27th City Commission meeting
Date: July 8, 2026 at 9:48:40 AM EDT
To: "commissioners@cityofalachua.org" <commissioners@cityofalachua.org>

Good morning Mr. Mayor, Madam Vice-Mayor, and fellow Commissioners,

I have just heard a rumor that the Commission will be holding a special meeting tomorrow night, Thursday July 9th, to discuss changing the start time of the July 27th regular Commission meeting from the normal time of 6 pm to 12 noon. I do not see any notice of such a meeting on the City's website. If the rumor is true, the following are my concerns and objections.

As you know, I am an adversely affected party to the Farmland's zoning change application who is in the middle of his presentation in a quasi-judicial hearing. My expert hydrogeologist, Steve Boyce, has not completed his testimony yet. Under these circumstances, I would have expected to be directly notified of the proposed time change and the meeting tomorrow night. I would have also expected to be provided the rationale for the proposed time change and the party(ies) who requested the change so I could prepare my response and objections. I am confident you understand that any such time change will negatively impact the ability of witnesses — as well as the working general public — to attend the meeting. That seems demonstrably anti-democratic and is disappointing to me — again, all assuming the rumor I have heard is true. Furthermore, I have longstanding plans to be out of town for a week beginning tomorrow morning, so I cannot attend a meeting tomorrow night if one does take place. Since I will be traveling all day tomorrow, I would have had no ability to note my objections on the record but for hearing a rumor this morning

In conclusion, if a meeting does take place tomorrow evening to propose a time change of the July 27th meeting from 6 pm to 12 noon (or any other time besides 6 pm), I object for the reasons stated above. Thank you.

Gary Pappas
gmpfish@outlook.com

Begin forwarded message:

From: Gary Pappas <gmpfish@outlook.com>
Subject: Farmlands: Objection to time change for July 27th City Commission meeting
Date: July 8, 2026 at 9:48:39 AM EDT
To: <commissioners@cityofalachua.org>

Good morning Mr. Mayor, Madam Vice-Mayor, and fellow Commissioners,

I have just heard a rumor that the Commission will be holding a special meeting tomorrow night, Thursday July 9th, to discuss changing the start time of the July 27th regular Commission meeting from the normal time of 6 pm to 12 noon. I do not

see any notice of such a meeting on the City's website. If the rumor is true, the following are my concerns and objections.

As you know, I am an adversely affected party to the Farmland's zoning change application who is in the middle of his presentation in a quasi-judicial hearing. My expert hydrogeologist, Steve Boyce, has not completed his testimony yet. Under these circumstances, I would have expected to be directly notified of the proposed time change and the meeting tomorrow night. I would have also expected to be provided the rationale for the proposed time change and the party(ies) who requested the change so I could prepare my response and objections. I am confident you understand that any such time change will negatively impact the ability of witnesses — as well as the working general public — to attend the meeting. That seems demonstrably anti-democratic and is disappointing to me — again, all assuming the rumor I have heard is true. Furthermore, I have longstanding plans to be out of town for a week beginning tomorrow morning, so I cannot attend a meeting tomorrow night if one does take place. Since I will be traveling all day tomorrow, I would have had no ability to note my objections on the record but for hearing a rumor this morning

In conclusion, if a meeting does take place tomorrow evening to propose a time change of the July 27th meeting from 6 pm to 12 noon (or any other time besides 6 pm), I object for the reasons stated above. Thank you.

Gary Pappas
gmpfish@outlook.com

Re: Farmlands: Objection to time change for July 27th City Commission meeting

Gary Pappas <gmpfish@outlook.com>

Wed 7/8/2026 10:18 AM

To: scott@foldswalker.com <scott@foldswalker.com>; Rodolfo Valladares <ro_valladares@cityofalachua.org>; Bryan Thomas <br_thomas@cityofalachua.org>;

As a follow up to below, I now see that an agenda has been posted on the City website for the special meeting tomorrow night to change the start time of the regular July 27th meeting. I object for the reasons stated in my earlier email below.

Gary Pappas
gmpfish@outlook.com

On Jul 8, 2026, at 10:15 AM, Gary Pappas <gmpfish@outlook.com> wrote:

Good morning Mr. Valladares, Mr. Walker, and Mr. Thomas:

I have just heard a rumor that the Commission will be holding a special meeting tomorrow night, Thursday July 9th, to discuss changing the start time of the July 27th regular Commission meeting from the customary time of 6 pm to 12 noon. I do not see any notice of such a meeting on the City's website. If the rumor is true, the following are my concerns and objections.

I am an adversely affected party to the Farmland's zoning change application who is in the middle of his presentation in a quasi-judicial hearing. My expert hydrogeologist, Steve Boyce, has not completed his testimony yet. I intend on calling additional witnesses. Under these circumstances, I would have expected to be directly notified of the proposed time change and of the meeting tomorrow night. I would have also appreciated knowing the rationale for the proposed time change and the party(ies) who requested the change so I could prepare my responses and objections. I am confident you all understand that any such time change will likely have a negative impact on the ability of witnesses — as well as the working general public — to attend the meeting. That seems demonstrably anti-democratic and is disappointing to me — again, all assuming the rumor I have heard is true. Furthermore, I have longstanding plans to be out of town for a week beginning tomorrow morning, so I cannot attend a meeting tomorrow night if one does take place. I will be traveling all day tomorrow, and as a result I would have been unable to note my objections on the record but for hearing a rumor this morning.

In conclusion, if a special City Commission meeting does take place tomorrow evening to propose a time change of the July 27th regular meeting from 6 pm to 12 noon (or any other time earlier than 6 pm), please make sure my objections as stated above are included in the record of the proceedings. Thank you.

Gary M. Pappas
gmpfish@outlook.com

Terrell K. Arline
Attorney at Law

July 7, 2026

Walter Welch, Mayor
City of Alachua
City Hall
15100 N.W. 142nd Terrace
Alachua, FL 32615
(Via electronic mail to commissioners@cityofalachua.org)

Re: Farmlands Planned Development

Honorable Mayor Welch:

I have been retained by Our Santa Fe River, Inc. regarding the process the City utilized to amend the City's Future Land Use Map ("FLUM") for the proposed Farmlands Planned Development. It is my understanding that the City Commission held only one (1) public hearing before adopting the proposed FLUM because it was a "small-scale development amendments adopted pursuant to Chapter 163.3187, Florida Statutes." On behalf of Our Santa Fe River, Inc. I respectfully disagree with the process the City is using to adopt this plan amendment. It is my opinion that pursuant to the City's Comprehensive Plan the City Commission must hold two (2) public hearings for comprehensive plan amendments. Let me explain.

The City of Alachua is considering a FLUM amendment and a rezoning for a development called Farmlands Planned Development, which would increase density and intensity of development on 46.70-acre parcel. Admittedly, the minimum requirements of Section 163.3187(2) Fla. Stat. require only "*one public hearing before the governing board*" to adopt a "*small scale development amendment*," which is less than fifty (50) acres. The City's Ordinance 26-09 on this proposed FLUM amendment specifically cites this statutory provision to limit the number of public hearings.

However, the City of Alachua's Comprehensive Plan at "*Administration and Implementation Element Section IV*" sets forth the "*PROCESS & PROCEDURES FOR PUBLIC PARTICIPATION*" and at page 2-18 requires two (2) public hearings for plan amendments stating:

*2. The City Commission **shall hold two Public Hearings for Comprehensive Plan amendments** as follows: A) First reading of the ordinance and Transmittal Hearing; B) second reading of the ordinance including final adoption of the proposed amendments.*

(Emphasis added.)

Walter Welch, Mayor
July 7, 2026
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Section IV of the City's Comprehensive Plan specifically states:

*In order to provide for and encourage public participation throughout its comprehensive planning process, **the City will adhere to the public participation procedures adopted by the City Commission and contained within this document.***

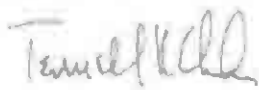
(Emphasis added.)

Finally, Section 163.3161(8), Fla. Stat., which governs the process to amend a local comprehensive plan recognizes that it sets forth the "*minimum requirements*" stating:

*(8) The provisions of this act in their interpretation and application are declared to be **the minimum requirements necessary** to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.*

(Emphasis added.) As a valid plan amendment is a condition precedent to a valid rezoning, and because this issue is apparently a matter of great public concern, on behalf of Our Santa Fe River, Inc. I request that the City Commission schedule an additional, duly noticed public hearing before considering whether to adopt the proposed FLUM amendment for the Farmlands Planned Development.

Thank you.



Terrell K. Arline

Cc: City Attorney Scott Walker at scott@foldswalker.com
Mr. Bryan Thomas, AICP, Planning & Community Development Director at
br_thomas@cityofalachua.org
Clay Sweger, AICP, LEED AP at csweger@edafl.com
Client

July 9, 2026

Mayor Walter Welch
wa_welch@cityofalachua.org
City of Alachua
15100 NW 142nd Terrace
Alachua, FL 32615

Re: Ordinance 26-09 (PSSC26-0002, "Farmlands Commercial" Small-Scale Comprehensive Plan Amendment) — Failure to Hold the Second Public Hearing Required by the City's Comprehensive Plan

Dear Mayor Welch:

This letter concerns the procedure by which the City of Alachua adopted Ordinance 26-09, the small-scale Future Land Use Map amendment for the ±46.68-acre "Farmlands Commercial" property (PSSC26-0002). We write to request, respectfully, that the City conduct the second City Commission public hearing that the City's own adopted Comprehensive Plan requires before this amendment is treated as adopted. While Florida State Statute 163.3187 requires only one hearing that statute does not displace the City's own more demanding procedure as outlined in the City's Comprehensive Plan, which the City is independently bound to follow.

I. Background

The City processed PSSC26-0002 as a small-scale amendment under Section 163.3187, Florida Statutes. The Planning and Zoning Board, sitting as the Local Planning Agency, held a hearing on April 21, 2026, and recommended approval. The City Commission then held a single "first and final reading" and adopted Ordinance 26-09, which recites adoption "upon first and final reading" pursuant to Section 163.3187. Based on the agenda materials, that adoption occurred on a divided (3–2) vote. The companion Planned Development rezoning has been continued to a later quasi-judicial hearing, apparently on the understanding that the plan amendment is complete.

The City Commission thus held *one* hearing on the amendment and the City's adopted Comprehensive Plan requires *two*.

II. The City's Comprehensive Plan Requires Two City Commission Hearings for Plan Amendments

The Administration and Implementation Element of the City of Alachua Comprehensive Plan (effective December 9, 2024), under the heading "Comprehensive Plan Public Hearings," establishes a two-track hearing structure. First, it provides that the Planning and Zoning Board, acting as the Local Planning Agency, "shall conduct a public hearing prior to the transmittal hearing for the purpose of making a recommendation to the City Commission." Separately, and in addition, it provides that "[t]he City Commission shall hold two Public Hearings for Comprehensive Plan amendments as follows: A) First reading of the ordinance and Transmittal Hearing; B) second reading of the ordinance including final adoption of the proposed amendments."

On its face, that language imposes two obligations at the City Commission level, not one, and it does so for “Comprehensive Plan amendments” as a category. The Element’s own Definitions section defines “Amendment” broadly as “any action of a local government that has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan or plan element or map or map series.” A small-scale Future Land Use Map amendment plainly falls within that definition. Nothing in the Element carves small-scale amendments out of the two-hearing requirement.

The City Commission’s single “first and final reading” therefore satisfied, at most, one of the two hearings the Comprehensive Plan requires. The LPA hearing does not cure the deficiency, because the Plan lists the LPA hearing as a separate requirement from the Commission’s two hearings.

III. Section 163.3187 Sets a Floor, Not a Ceiling; It Does Not Excuse Compliance With the City’s Own Plan

We anticipate the response that Section 163.3187(2) requires “only one public hearing before the governing board” and that the City therefore needed to hold only one. That reading confuses a statutory minimum with a statutory maximum.

The Community Planning Act is expressly a floor. Section 163.3181(1), Florida Statutes, states that “[t]he provisions and procedures required in this act are set out as the minimum requirements” for public participation. Section 163.3187(2) says small-scale amendments “require only one public hearing” — language that guarantees a hearing will be held, not language that forbids a second. Nothing in Section 163.3187, or elsewhere in Chapter 163, prohibits a local government from requiring more process than the statutory minimum. Because a locality may lawfully demand a second hearing, there is no conflict between the statute and the City’s Plan, and thus no basis for the statute to “override” the Plan.

Once the more-demanding local procedure exists, the City is bound to follow it. Section 163.3194(1)(a), Florida Statutes, provides that after a comprehensive plan is adopted, “all actions taken in regard to development orders by[] governmental agencies” and all development “shall be consistent with such plan or element as adopted.” The Plan’s adopted public-participation procedures are part of the plan the City must follow. A local government does not comply with its comprehensive plan by adhering only to the less-protective state minimum while disregarding the more-protective procedure it adopted for itself.

IV. The “Transmittal Hearing” Language Does Not Limit the Requirement to Large-Scale Amendments

The City may argue that the two-hearing provision describes a “Transmittal Hearing” and a second reading — vocabulary associated with the large-scale amendment process under Section 163.3184, which involves transmittal to and review by the state land planning agency. Small-scale amendments under Section 163.3187 do not go through transmittal or state review; the single hearing is “an adoption hearing as described in s. 163.3184(11).” On this theory, the two-hearing provision was written with large-scale amendments in mind and should not be read to reach small-scale amendments.

That argument does not overcome the text. The provision applies by its terms to “Comprehensive Plan amendments,” without qualification, and the Element’s definition of “Amendment” contains no small-scale exception. Where the City intended to distinguish among amendment types, it knew how to say so; it did not do so here. At a minimum, if the City believes the transmittal language creates ambiguity as applied to

small-scale amendments, the appropriate course is to resolve that ambiguity in favor of the additional public participation the Plan and Section 163.3181(1) both favor, not to read an unstated exception into the Plan in order to eliminate a hearing.

V. Requested Action

We respectfully request that the City:

- (1) treat Ordinance 26-09 as not yet finally adopted, and schedule and conduct the second City Commission public hearing (final-adoption reading) required by the Administration and Implementation Element before the amendment is deemed effective; and
- (2) refrain from further action on the companion Planned Development rezoning that is premised on completion of the plan amendment until the second hearing has been held.

Curing the defect now is plainly preferable to litigating it. The amendment was approved on a 3-2 vote, and holding the second hearing the Plan already requires imposes little burden while eliminating a procedural vulnerability that would otherwise attach to both the amendment and every approval that depends on it. We would appreciate a response indicating whether the City will schedule the second hearing.

Please understand that this letter is not, and is not intended to be, a petition under Section 163.3187(5), and nothing in it waives or extends any deadline. We reserve all rights, including the right of any affected person to file a timely petition with the Division of Administrative Hearings within 30 days of adoption under Section 163.3187(5)(a).

Thank you for your attention to this matter. I am happy to discuss it at your convenience.

Respectfully,

Jeff Fitzgerald
Attorney at Law
Florida Bar #1072668
(312)482-6008
Jeff.Fitz1124@gmail.com

Copy to:

Planning Department, Planning@cityofalahua.org
Attorney Scott Walker, Scott@foldswalker.com
Commissioner Jennifer Ringerson, je_blalock@cityofalachua.org
Commissioner Shirley Green Brown, sh_brown@cityofalachua.org
Commissioner Jacob Fletcher, ja_fletcher@cityofalachua.org
Commissioner Jackson Youmas, ja_youmas@cityofalachua.org

An original signed copy to be provided via USPS.