



SUNSHINE CITY LAW

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City of Alachua Planning and Zoning Board
City of Alachua
15100 NW 142 Terrace
Alachua, FL 32615
RE: Tara April Special Exception

November 17, 2025

Re: Tara April Objections from National Speleological Society, Inc.

Dear Planning and Zoning Board members,

I am writing on behalf of my client, the National Speleological Society, Inc, (“NSS”) to provide information on its affected party status, procedural and substantive objections, and evidence relating to the Tara April Special Exception Application #PSE22-0002 (“Tara April”), to be considered by the Planning and Zoning Board on November 18 2024. Based on the foregoing, NSS respectfully requests the Board denies Tara April.

I. Affected Party Status

NSS is a non-profit membership organization dedicated to the scientific study of caves and karst; protecting caves and their natural contents through conservation, ownership, stewardship, and public education; and promoting responsible cave exploration and fellowship among those interested in caves. NSS owns an 8.58-acre parcel of land bordering Tara Forest in close proximity to the Tara April project known as the Mill Creek Sink Nature Preserve. As a national association dedicated to the study of caves and as neighboring property owner by the Tara Forest and Tara April Special exception, NSS is a uniquely affected party which will suffer special injury by the introduction of stormwater areas in a karst area, increasing susceptibility to cave collapse and impacts on the ecological system within the Mill Creek Sink. NSS will suffer as both as a neighboring property owner from direct impact to the value of its property, as well as organizationally through harm to the cave system and its members' opportunity for safe cave exploration in the area.

Section 2.3 of the City of Alachua Land Development Regulations affords any affected party a reasonably opportunity to present testimony in opposition to the application and to ask questions of the applicant. NSS respectfully requests 30 minutes presentation time for November 18, 2025 hearing, which will include 1) Jane Graham, attorney, speaking to legal argument for 10 minutes, 2) Prof. Thomas Sawicki, PhD., speaking to subterranean biodiversity and impacts from the proposed Tara April project for 10 minutes; and 3) Stephen Boyes, P.G., speaking about how changing land use drainage patterns dramatically increase the risk of sinkhole related subsidence



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and collapse for 10 minutes. NSS also reserves time for cross examination and rebuttal of Applicant and City witnesses.

II. Application fails to meet threshold procedural requirements for a special exception and must be considered as part of the Tara development plan

Without delving into the politics and controversy surrounding the recent history of the Tara development projects, it is clear that the Tara April stormwater project is procedurally insufficient. As former city manager Mike DaRoza wrote to Mr. Moukhtara on June 29, 2022, in reference to Tara Forest West, Tara April, and Tara Phoenicia,

[N]umerous aspects and requirements from them are inextricably intertwined or dependent on other prerequisites before they can be considered for final approval. In other words, none of the above projects stands on their own merit, but instead, they are dependent on the approval of the other application.

As such, Staff, including Planning and Community Development and Public Services, will not be proceeding with further review of each of these projects in their current form, as it does not appear that any of them can receive ultimate final approval standing individual on their own merit. (Staff Report at 34).

Nevertheless, since then, the City has considered these projects in a piecemeal fashion without adequately accounting for their interdependence. The Tara April application omits any transparent accounting of how much stormwater capacity/floodplain compensation is needed for future commercial development on the Tara April parcel versus how much is proposed to support the other Tara projects, such as Tara Phoenicia.

Section 2.4.4(A) of the City's LDRs states that uses that require a special exception permit are those which are, "...generally compatible with the other uses permitted in a zone district, but require individual review of their location, design, configuration, density, intensity, and public facility impact to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses." Here, it is impossible and premature to determine the design, configuration, density, intensity, and appropriateness of the use on the particular site and compatibility with adjacent uses because there is no information on how the commercial areas of the Tara April site will be developed in the future, and how it will be connected, or not, with the other Tara projects. The Community



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Commercial use, per Section 4.1, table of uses, covers a wide variety of uses, including various residential uses, intensive commercial uses like hospitals and medical clinics, convention center, nursing home, and numerous others. It is impossible to know whether the design and configuration of the minor utility is appropriate, given the fact that the stormwater needs of the development are unknown. The Board needs to know what they are mitigating for first, and then can decide whether the proposal is appropriate.

III. Application fails to meet the criteria under Section 2.4.4(D)

The Applicant has the burden to meet, and fails the required criteria under Section 2.4.4(D) of the City's Land Development Regulations (LDRs), which provides:

Special exception standards. A special exception permit shall be approved only upon a finding the applicant demonstrates all the following standards are met:

- (1) *Complies with use specific regulations.* The proposed special exception complies with all relevant standards in [Section 4.3](#), Use specific standards, or Section 5.2.3(B), as applicable.
- (2) *Compatibility.* The proposed special exception is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zone district.
- (3) *Design minimizes adverse impact.* The design of the proposed special exception minimizes adverse effects, including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.
- (4) *Design minimizes environmental impact.* The proposed special exception minimizes environmental impacts and does not cause significant deterioration of light, water and air resources, wildlife habitat, stormwater management, scenic resources, and other natural resources.



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(5) *Roads and other public facilities.* There is adequate public facility capacity available to serve the proposed special exception, and the proposed special exception use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

(6) *Not injure neighboring land or property values.* The proposed special exception will not substantially injure the use of neighboring land for those uses that are permitted in the zone district, or reduce land values.

(7) *Drawings.* A site plan (Subsection 2.4.9 of this section) or preliminary plat (Subsection 2.4.10(G)(3) of this section) has been prepared that demonstrates how the proposed special exception use complies with the other standards of this subsection.

(8) *Complies with all other relevant laws and ordinances.* The proposed special exception use complies with all other relevant City laws and ordinances, State and Federal laws, and regulations.

A. Fails to comply with use specific regulations (Section 2.4.4(D)(1))

The staff report analyzes this Application through the lens of Section 4.3.2(I)(4) for standards for minor utilities. Section 10.2 defines a minor utility as

infrastructure services that need to be located in or near the neighborhood or use type where the service is provided.

Thus, a minor utility provides a known infrastructure service for a specific use type. However, here the staff report explains,

The proposed Special Exception Permit is a request by Clay Sweger, AICP, LEED AP, of eda consultants, inc., applicant and agent for Tara Forest, LLC, property owner, for consideration of a Special Exception Permit **to allow the placement of a minor utility (stormwater management facilities) in the Agricultural (A) zoning**



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district that could potentially support future development on adjacent lands zoned Community Commercial (CC) on portions of Tax Parcel number 03020-000-000.

The use type is unknown, and at best, speculative. There is no known infrastructure service because while it is known generally that it “potentially” could support future development on lands zoned Community Commercial, we have no idea what that development will be, or what stormwater needs are associated with it. Given the Live Local Act, it could potentially be high density residential, which means the density, intensity, range of uses and needs are undefined and vague. Characterizing a stormwater pond as a “minor utility” fails on its face because it is unknown as to what it is providing infrastructure services.

Likewise, Section 4.3.2(I)(4)(a) requires a minor utility to be located within a reasonable proximity of the area to be served. If this project is “potentially” supporting future development on the CC parcel, but we understand may also be providing benefits to other Tara projects, how can we evaluate whether it is in reasonable proximity to the area to be served?

Section 4.3.2(I)(4)(a)(iii) requires the applicant to demonstrate that the development proposed by this Special Exception Permit would provide an enhanced natural or recreational functional use. The applicant has not demonstrated how the proposed trails surrounding the stormwater basins connections would result in a legitimate functional use, because the future commercial development and the City-owned property are not presently accessible to the public.

B. Fails to demonstrate compatibility (Section 2.4.4(D)(2))

The staff report finds that the proposed stormwater facilities, which include a series of walking trails, are relatively passive that are compatible with the uses in the surrounding area, agricultural zoning and vacant lands. The staff report correctly states that Compatibility is defined by the City’s Comprehensive Plan as, “a condition in which land uses or conditions can coexist in relative proximity to each other in a **stable fashion** over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”

In this case, as to be further explained regarding ecological impacts, there is nothing stable about adding a stormwater pond in close proximity to Mill Creek Sink Nature Preserve, which could potentially cave or suffer other catastrophic impacts. Without the appropriate scientific analysis, it is unknown whether the Application is compatible or whether NSS’s nearby property is negatively impacted.



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C. Fails to show design minimizes environmental impact. (Section 2.4.4(D)(4))

The Staff report admits

Additional data will be required at the infrastructure plan stage concerning minimization of environmental impacts, if any, to the subsurface conditions of the subject property.

The Applicant cannot punt the evaluation of subsurface impacts into a future evaluation, when it is a critical issue relating to environmental impacts now. Attached and during the hearing, NSS provides testimony from Prof. Thomas Sawicki on the subterranean ecosystem and potential impacts from Tara April.

D. Fails to show it does not injure neighboring land or property values. (Section 2.4.4(D)(6))

The staff report states,

It is not anticipated that the proposed special exception would have any substantial impact which would injure the use of neighboring land for the uses permitted in the current zoning districts or reduce land values.

NSS's use of its property and its value is contingent on its continued safe use of the Mill Creek cavern and cave system for its members and tourists. Without ground penetrating radar or electromagnetic imaging, it is impossible to know whether there will be impacts to the cave system and whether its members are at risk, with potentially fatal results. Attached and during the hearing, NSS provides testimony from Stephen Boyes, P.G., speaking about how changing land use drainage patterns dramatically increase the risk of sinkhole related subsidence and risks associated with those at Tara April and nearby properties.

E. Does not comply with all other relevant laws and ordinances.

The Application fails to demonstrate compliance with several policies of the City of Alachua Comprehensive Plan, notably:

Objective 1.7, Conservation and open Space Element

Geological Resources The City shall identify, protect and conserve significant geological resources and their natural functions.



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Because the Applicant fails to meet the burden of these criteria, Tara April must be denied.

IV. Evidence

Enclosed please find the following documents for submission into the record for this item:

1. National Speleological Society property deed	p.1
2. Alachua Property Appraiser's website, NSS Property in relation to Tara April	p.3
3. NSS website, Mission Statement, Mill Creek Sink Nature Preserve	p.4
4. NSS Mill Creek Sink Nature Preserve Management Plan	p.15
5. DaRosa letter, June 29, 2022	p.21
6. Wood Tara Forest, Tara Phoenicia, Tara Baywood Site Environmental Resource Assessment, December 2021	p. 23
7. Alachua County Environmental Protection Department, Protecting the Aquifer in the Vicinity of Mill Sink, Oct. 1, 2024	p. 52
8. Stephen Boyes Resume	p. 87
9. Sidebar 12-5, Sam Upchurch	p. 89
10. USGS Topo map of the Mill Creek drainage basin and its many sinkholes	p. 90
11. USGS map	p. 91
12. Tara Forest Soils map	p. 92
13. Mill Creek and Lee Sinks Dye Trace Alachua County, FL July-December 2005	p. 94
14. Thomas Sawicki resume	p. 265
15. Sawicki letter, November 15, 2025	p.277
16. Sawicki Presentation, Mill Creek Sink Biology	p.279

Thank you. We appreciate the opportunity to share our perspectives on this Application and the need to protect Alachua's future.

Sincerely,

Jane Graham, Esq.
Sunshine City Law