



**Board of Adjustment
&
Special City Commission Meeting
Minutes
May 2, 2017**

Mayor Gib Coerper
Vice Mayor Shirley Green Brown
Commissioner Ben Boukari, Jr.
Commissioner Robert Wilford
Commissioner Gary Hardacre

City Manager Traci L. Gresham
City Attorney Marian Rush

The City Commission will conduct a
**Board of Adjustment
&
Special City Commission Meeting**
At 5:00 PM
to address the item(s) below.

Meeting Date: May 2, 2017

Meeting Location: James A. Lewis Commission Chambers

CITIZENS PRESENT: Gussie M. Lee, H. Bryan Boukari, Jake Rush, Rudy Rothseiden, Richard & Janet Bridges, Holly Wilson, Douglas Hancock **STAFF PRESENT:** Adam Boukari, Joye Emerson, Alan Henderson, Justin Tabor, Chad Scott, Kathy Winburn, LeAnne Williams, Cap Wilson

<p>Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.</p>
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Board of Adjustment Meeting

CALL TO ORDER

Led by Chair Gib Coerper

Chair Coerper called for a motion for approval of Quasi-Judicial procedures for the Board of Adjustment Meeting in the City of Alachua for May 2, 2017.

Member Gary Hardacre moved to approve the recommended action; seconded by Vice Chair Shirley Green Brown.

Chair Coerper opened the floor for comments.

Tamara Robbins voiced her objection to the meeting being held without having first had a vote at a previous City Commission Meeting.

Passed 5-0 by roll call.

City Attorney Marian Rush voir dired the members.

City Attorney Rush addressed the concerns voiced by Ms. Robbins.

City Attorney Rush recommended a motion be made to waive the Rules of Procedure.

Member Ben Boukari Jr. moved to waive the Rules of Procedure; seconded by Vice Chair Brown.

Chair Coerper opened the floor for comments.

There were no comments.

Passed by unanimous consent.

Attorney Rush recommended a motion be made to hold the Public Hearing as advertised for this Board of Adjustment Hearing on today's date, May 2, 2017, and as listed on the agenda.

Member Boukari moved to approve the recommended action; seconded by Vice Chair Brown.

Chair Coerper opened the floor for comments.

There were no comments.

Passed by unanimous consent.

City Attorney Rush clarified the Rules of Procedure.

City Attorney Rush recommended a motion be made to waive the requirements in Rule 21 and Rule 3 (A) & (B).

Member Boukari moved to approve the recommended action; seconded by Vice Chair Brown.

Chair Coerper opened the floor for comments.

There were no comments.

Passed by unanimous consent.

Building Assistant Joye Emerson swore in the City Staff, City Consultants, Applicants, and Applicants Consultants.

PUBLIC HEARING

Zoning Variance Permit - Wal-Mart #3873: A request by Brian Cassidy, P.E., applicant and agent for Wal-Mart Stores East, LP, property owner, for consideration of a Variance Permit from Section 6.8.3(E)(2), to reduce the number of required pedestrian connections between the on-site pedestrian circulation system and the adjacent public sidewalk or greenway network, as required by Section 7.3.2(C). Tax Parcel Number 03869-013-000-000 (Quasi-Judicial Hearing).

Attorney Richard Davis, the Staff's representative, called for Principal Planner Justin Tabor to introduce Item A and list and describe the notices that have been provided for the public hearing.

Principal Planner Tabor introduced the item.

City Attorney Rush provided the verbiage of an Affected Party.

Chair Coerper opened the floor to Affected Parties.

After being sworn in, Rudy Rothseiden voiced his opposition to the development, referencing walking his dog. He was cross examined by Attorney David Theriaque, the Applicant's representative. Mr. Rothseiden was found by Chair Coerper to not be an Affected Party.

Member Boukari requested to hear the verbiage of an Affected Party again for clarification. City Attorney Rush provided the verbiage.

Member Boukari requested clarification regarding the Chair's authority to declare someone an Affected Party. City Attorney Rush confirmed that the Chair makes the determination.

Member Robert Wilford inquired if the comments from Mr. Rothseiden will be included with the non-affected party comments. City Attorney Rush confirmed that Mr. Rothseiden's comments can be made during the Public Comment portion of the hearing.

After being sworn in, Tamara Robbins made comments on the public notices and voiced her opposition to the development, referencing Alachua being a walkable community. She was cross examined by Attorney Theriaque. Ms. Robbins withdrew her request for an Affected Party status.

Attorney Davis, called for Principal Planner Tabor to give the presentation.

Principal Planner Tabor provided the staff report.

Member Boukari asked for clarification regarding the exact location of the roads and the surroundings. Principal Planner Tabor provided clarification.

City Attorney Rush asked Principal Planner Tabor if the Land Development Regulations require a public hearing. Principal Planner Tabor informed the Board that it is required.

City Attorney Rush asked if the City Staff provided all of the notices required under the Land Development Regulations for a public hearing for a variance. Principal Planner Tabor confirmed that this regulation has been satisfied.

City Attorney Rush asked if it is a requirement to mail notices for a variance under the Land Development Regulations. Principal Planner Tabor stated that there is not a "mail notice" requirement in the Land Development Regulations.

Chair Coerper asked the Board for questions or comments.

Member Boukari asked if the applicant is required to put in sidewalks on property that they do not own. Principal Planner Tabor reference the Application section 6.8.3 E(2) and gave clarification.

Member Hardacre asked for clarification between the new sidewalks and the existing sidewalks. Principal Planner Tabor provide clarification.

Chair Coerper inquired regarding property ownership on the map provided. Principal Planner Tabor addressed the inquiry.

Chair Coerper asked about a request that was made for parking rights, and if it was still in effect. Principal Planner Tabor informed the Board that this request is not part of this proposal.

Chair Coerper opened the floor to questions from the Applicant.

There were no questions.

Chair Coerper asked the Applicant if they had a presentation.

Attorney Theriaque expressed that he was satisfied with the presentation from Principal Planner Tabor. He informed the Board that all of the experts who have worked on this application are present and available to answer any questions.

Chair Coerper asked the Board for questions or comments that they might have for the experts.

There were no comments.

Member Boukari moved based upon the competent substantial evidence presented at this hearing, the presentation before this Board, and Staff's recommendation, this Board finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and approves the Zoning Variance Permit, subject to the one (1) condition provided in Exhibit "A" and located on page 7 of the May 2, 2017, Staff Report to the Board of Adjustment, and approves the proposed order provided by staff and authorizes the Chair to the Board of Adjustments to sign; seconded by Member Hardacre.

Chair Coerper opened the floor for comments.

Mr. Rothseiden made comments in opposition to the development.

Ms. Robbins made comments in opposition to the development, referencing a County Agreement and TK Basin.

City Attorney Rush addressed the comments regarding the County agreement with the applicant.

Principal Planner Tabor address the comments regarding TK Basin.

City Attorney Rush remarked that all of the applications were presented to the County 30 days prior to this hearing.

Attorney Theriaque addressed the comments.

Chair Coerper asked for conclusions from the Staff or Applicant.

There were no comments.

Chair Coerper asked the Board for questions or comments.

Member Boukari commented that the late Wes Skiles said that I-75 will do more harm to Mill Creek Sink than any other development.

Passed 5-0 by roll call.

AGENDA

AGENDA ITEMS

ADJOURNMENT OF BOARD OF ADJUSTMENT HEARING

Member Hardacre moved to adjourn; seconded by Vice Chair Brown.

Passed by unanimous consent.

ATTEST:


Traci L. Gresham, City Manager/Clerk

BOARD OF ADJUSTMENT OF
THE CITY OF ALACHUA,
FLORIDA


Gib Coerper, Chair