



City of
ALACHUA

THE GOOD LIFE COMMUNITY

**Special City Commission Meeting
Minutes
May 2, 2017**

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

City Manager Traci L. Gresham
City Attorney Marian Rush

The City Commission will conduct a
Special City Commission Meeting
At 6:00 PM
to address the item(s) below.

Meeting Date: May 2, 2017

Meeting Location: James A. Lewis Commission Chambers

CITIZENS PRESENT: Jo Wiggins, Charles Stephenson, Ken Hill, Rose Brown, Wilmon Brown, Hannah & Hazel McCullough, Wm Wuenstel, Joe Hancock, Lynn Coulias. STAFF PRESENT: Rob Bonetti, Adam Boukari, Joye Emerson, Alan Henderson, Chad Scott, Jesse Sandusky, Justin Tabor, Kathy Winburn, LeAnne Williams. Cap Wilson

I.

SPECIAL MEETING

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.

II. CALL TO ORDER

Called to order by Mayor Gib Coerper.

Commissioner Ben Boukari Jr moved to approve the Quasi-Judicial procedure for the public hearings noticed and placed on the agenda for this Special City Commission Meeting, May 2, 2017;

seconded by Commissioner Gary Hardacre.

Tamara Robbins voiced her objection to the meeting being held on a Tuesday. She submitted a letter for the record.

Passed by unanimous consent.

City Attorney Marian Rush read Item 2A, 2B, and 2C.

City Attorney Rush voir dired the commissioners.

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

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

Commissioner Hardacre moved to waive the Rules of Procedure; seconded by Mayor Chair Shirley Green Brown.

Mayor 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 Hearings which were noticed to be held and listed on the agenda for today's date, May 2, 2017 this Special City Commission Meeting as Public Hearings for Items A: The Special Exception Permit for a Large Scale Retail Establishment, Greater than or Equal to 80,000 Square Feet; Item B: A Special Exception Permit for Automobile Repair and Servicing as part of a Large Scale Retail Establishment; Item C: Site Plan for Construction of a 158,562 Square Foot Building for Retail Sales and Services.

Commissioner Robert Wilford moved to approve the recommended action; seconded by Vice Mayor Brown.

Mayor Coerper opened the floor for comments.

There were no comments.

Passed by unanimous consent.

City Attorney Rush recommended a temporary suspension of Rule 3A and 3B and Rule 21 of the Commissioners Rules of Procedure.

Vice Mayor Brown moved to approve the recommended action; seconded by Commissioner Boukari.

Mayor Coerper opened the floor for comments.

Ms. Robbins voiced objection to the commissioners being contacted by phone call regarding the Special City Commission Meeting.

City Attorney Rush address Ms. Robbins concerns.

Passed by unanimous consent.

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

III. AGENDA ITEM

Attorney Richard Davis, the Staff's representative, called for Principal Planner Justin Tabor to introduce Items A, B, and C. and list and describe the notices that have been provided for this meeting.

Principal Planner Tabor introduced Items A, B and C.

City Attorney Rush asked if the notices had the language of Public Hearings to be heard today, May 2, 2017 during this commission meeting. Principal Planner Tabor affirmed the language.

City Attorney Rush provided the verbiage of an Affected Party.

Mayor Coerper opened the floor to Affected Parties.

No comments were made.

Principal Planner Tabor provided the staff report for Item A.

Commissioner Boukari inquired regarding a small square of land marked out within the map. Principal Planner Tabor stated that this is a separate tax parcel that is not part of the proposed development.

Mayor Coerper opened the floor to questions from the Commission.

Commissioner Hardacre asked if this procedure would include a discussion on the Market and Impact Study. Principle Planner Tabor stated that, yes, it is part of the requirements for the Special Exceptions Permit, for a Building Greater or Equal to 80,000 Square Feet, and is part of this application, and that the applicant has experts available for questions.

Commissioner Hardacre inquired of the expert regarding page 21 of the study. Chris Jones, the economist of the applicant's consulting team, provided clarification.

Commissioner Boukari, referencing page 23, asked Mr. Jones if the position of the Market and Impact Study is that Alachua is currently under-served. Mr. Jones agreed with this conclusion, and provided clarification.

Commissioner Boukari asked if Wal-Mart changes its plan to include other services, what would then be the impact? Mr. Jones stated that because of the high demand, a change should not have a deleterious effect on the community.

Commissioner Boukari asked about Mr. Jones's past experience with Wal-Mart. Mr. Jones informed the commissioners that he has done many other projects for Wal-Mart over the last 25 years.

Commissioner Boukari asked if Mr. Jones knew of a city that has a thriving, prosperous main street and also has a Wal-Mart Super Center. Mr. Jones referred to Deland, FL as having a thriving Wal-Mart and a thriving downtown.

Commissioner Wilford asked for clarification as to Wal-Mart expanding to a repair center and wanted to know

if there is a guarantee that they will keep it to tires and oil. Attorney Theriaque advised that this question should be directed to the engineer, Mr. Brian Cassidy. Commissioner Wilford withdrew the question until the next presentation.

Commissioner Wilford asked if lights will be going in on U.S. 441. Mr. Brian Cassidy of CPH, civil engineer for the applicant's team, affirmed that a traffic signal will be going in at the entrance road and U.S. 441.

Mr. Cassidy took the opportunity to address Commissioner Wilford's concerns regarding the automotive center. Mr. Cassidy informed the commissioners that Wal-Mart offers tires, oil, windshield wipers, and lights in the automotive center.

Mayor Coerper asked if someone is working with Florida Department of Transportation (FDOT) to coordinate the lights, especially in high traffic times. Mr. Cassidy stated that they are working with FDOT and the City of Gainesville. Mr. Cassidy informed the Commission that, once the store is open, a signal timing study will most likely be conducted.

Mayor Coerper voiced his desire to see this happen.

Commissioner Hardacre, referencing Table 4.2, asked if Wal-Mart will employ 403 people. Mr. Jones gave clarification.

Mayor Coerper expressed his pleasure with the employment projection.

Mayor Coerper asked the Commissioners for questions or comments.

There were no comments.

Mayor Coerper asked for questions from the applicant.

There were no questions.

Mayor Coerper asked if the applicant had a presentation.

Attorney Theriaque expressed that he was satisfied with the presentation from Principal Planner Tabor. He informed the commissioners that all of the experts who have worked on this application are present and available to answer any questions. He stated that Wal-Mart accepts the three (3) conditions for this Special Exception, and asked that the Commission approve the Special Exception application.

Commissioner Boukari asked staff if there will be a full presentation for Item C. City Attorney Rush informed the commissioners that there will be a full hearing on each of the applications. She then asked if Principal Planner Tabor's full presentation is being submitted into evidence.

Attorney Davis stated that Principal Planner Tabor's reports have been introduced into the evidence of this proceeding.

Commissioner Boukari moved based upon the competent substantial evidence presented at this hearing, the presentation before this Commission, and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and approves the Special Exception Permit for a large-scale retail establishment greater than or equal to 80,000 square feet, subject to the three (3) conditions provided in Exhibit "A" and located on page 24 of the April 18, 2017, Staff Report to the

Planning & Zoning Board; seconded by Commissioner Hardacre.

Mayor Coerper opened the floor for comments.

Kathy Schibuola, after being sworn in, voiced her opposition to the statements regarding competition. She suggested that the city write to Bentonville regarding funding for extra police. She then expressed concern regarding the large parking lot.

Mayor Coerper commented on the landscaping requirements for the site.

Principal Planner Tabor referred to the City's Land Development Regulations and gave details as to the landscaping requirements.

Ms. Robbins, after being sworn in, asked for clarification as to why the City of Gainesville is involved with our city's traffic light. She expressed concern about the outside storage of tires, parking lot run off going into TK Basin, the requirement for pervious surfaces, thermal heating, etc.

Stan Richardson, after being sworn in, voiced his opposition to the statement that Wal-Mart will have no impact on other businesses. He expressed his displeasure with the statements regarding I-75 pollutants. He stated that his main concern with this is the storm water run-off.

Lynn Coulias, after being sworn in, expressed her concern with Wal-Mart going in on a cave sensitive parcel, stating that it will be going in where a strategic eco-system is found. She expressed concerns about water run off.

Rudy Rothseiden, after being sworn in, voiced his concern that this development will change the face of Alachua, that the commission and staff are planning privately, that the natural beauty of Alachua will be lost, that the storm water run-off will pollute Alachua's water system, the buildup of traffic on U.S. 441, etc.

Doug Hancock, after being sworn in, took issue with the statement that Wal-Mart will help the small businesses. He questioned the issuing of a variance permitting the project to go from 80,000 to over 165,000 square feet.

Mayor Coerper asked the Commission for questions or comments.

There were no comments.

Mayor Coerper asked for conclusions from the Staff or Applicant.

Attorney Davis asked Principal Planner Tabor if the staff simply just accepted the reports from Wal-Mart regarding the storm water plan. Principal Planner Tabor stated that the City had the reports reviewed by an independent consultant.

Attorney Davis asked if the independent constant had any conclusions. Principal Planner Tabor responded that, with the exception of one comment, the applicant had addressed everything. He stated that the one comment was concerning an issue that cannot be fully evaluated as it is based upon sub-surface conditions.

Attorney Davis asked if the one comment was concerning underdrains. Principal Planner Tabor affirmed this statement.

Attorney Davis asked if this is something that can only be addressed in the field while constructing the roads. Principal Planner Tabor affirmed this statement.

Attorney Davis asked if the City hired an economist to review the Market and Impact Study that Wal-Mart provided to the city. Principal Planner Tabor affirmed this statement.

Attorney Davis asked if the city's consultant concurred that Wal-Mart had met its burden regarding the Market and Impact Study criteria. Principal Planner Tabor affirmed this statement, and said that the determination was based on the standards within the Land Development Regulations.

Attorney Davis asked if Principal Planner Tabor learned today that the Suwannee River Water Management District (SRWMD) had approved the permit for Wal-Mart's project. Principal Planner Tabor affirmed this statement.

Mayor Coerper opened the floor for deliberation by the commissioners.

Commissioner Wilford asked if Wal-Mart's agreement with the county has something to do with storm water run-off.

Attorney Davis asked Brian Cassidy to detail some of the stipulations in the agreement.

Mr. Cassidy stated that there is pervious pavement in 25% of the parking stalls; there is a cistern that will catch the roof run-off, which will be used for irrigation; there is a forebay on the retention pond which allows the water to weep into the ground without leaving the site, etc.

Commissioner Wilford asked if these measures have been taken at other Wal-Mart sites where the measures were successful. Mr. Cassidy affirmed that these measures have been done before for the purpose of water quality and were successful.

Commissioner Boukari asked if the standards that are proposed the same as the County standards or are they above the county standards. Mr. Cassidy noted the pervious pavement, the cistern, and the forebay were all conditions that the county imposed. He stated that the project meets the city's standards and SRWMD's standards. He said that all of the documents have been submitted to the county for review, and they agree that all of the conditions have been met.

Commissioner Boukari referenced a lawsuit from adjacent property owners, who were concerned about the cave to Mill Creek and the flow of the water. He asked if this party is now satisfied with the storm water plan. Mr. Cassidy responded that it was his understanding that there is no longer opposition.

Mayor Coerper commented on the traffic in Alachua being from those who come from the north traveling to Gainesville. He stated that Main Street is a focus for the Commission. He stated that Alachua is a walkable community, even with the growth in the city. He addressed the concerns regarding water contamination and the concerns regarding the businesses.

City Attorney Rush added Rules 3, 21 and 31 into the record.

Passed 5-0 by roll call.

Attorney Davis called for Principal Planner Tabor to present Items B.

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

Principal Planner Tabor provided the introduction of Item B.

City Attorney Rush provided the verbiage of an Affected Party.

Mayor Coerper opened the floor to Affected Parties.

There were no comments.

Principal Planner Tabor provided the staff report for Item B.

Mayor Coerper asked the Commission for questions or comments.

Mayor Coerper noted that the windshield wipers and oil, both new and used, will be stored inside. He asked if the tires being stored outside will be covered. Brian Cassidy informed the commissioners that the tires will be covered.

Mayor Coerper asked the applicant for questions.

There were no questions.

Mayor Coerper asked if the applicant had a presentation.

Attorney Theriaque expressed that he was satisfied with the presentation from Principal Planner Tabor. He informed the commissioners that all of the experts who have worked on this application are present and available to answer any questions. He stated that Wal-Mart accepts the four (4) conditions for this Special Exception, and asked that the Commission approve the Special Exception application.

Commissioner Boukari moved based upon the competent substantial evidence presented at this hearing, the presentation before this Commission, and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and approves the Special Exception Permit for automobile repair and servicing as part of a large-scale retail establishment, subject to the four (4) conditions provided in Exhibit "A" and located on page 17 of the April 18, 2017, Staff Report to the Planning & Zoning Board; seconded by Commissioner Hardacre.

Mayor Coerper opened the floor for comments.

Mr. Rothseiden, after being sworn in, spoke of this week being Small Business Week. He questioned the need for this Wal-Mart to have a tire and oil change center.

Ms. Robbins, after being sworn in, voiced concerns that this center not be a repair center. She stated that she appreciated the Mayor getting clarification regarding the tires being covered. She requested that the Commission place in the motion that Wal-Mart must have a cover over the tire storage, as she is concerned that it is not in the current plans. She also requested that the dumpster area be covered. She states that the Commission should not grant the variance to a store over 80,000 square feet, but should stick to the Land Development Regulations.

Mayor Coerper read part of the storm water plan, which addressed many of the stated concerns.

Mayor Coerper asked the Commission for questions or comments.

Passed 5-0 by roll call.

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

Attorney Davis called for Principal Planner Tabor to present Item C.

Principal Planner Tabor provided the introduction of Item C.

City Attorney Rush provided the verbiage of an Affected Party.

Mayor Coerper opened the floor to Affected Parties.

There were no comments.

Principal Planner Tabor provided staff report for Item C.

Mayor Coerper asked the Commission for questions or comments.

Commissioner Boukari asked where the loading dock will be located. Principal Planner Tabor informed the Commission of the location.

Commissioner Boukari asked if there will be buffering on the back of the site so that passersby on I-75 do not see the back side of the store. Principal Planner Tabor stated that the grading provides for a slope downward.

Commissioner Boukari asked if there was fencing or buffering. Principal Planner Tabor stated that, while there isn't a fence, there are two (2) berms and, on I-75, they are required to provide arterial screening, which is mostly landscape material.

Vice Mayor Brown congratulated Principal Planner Tabor and the staff for the job that they have done. She then expressed her support of small businesses and the Alachua community.

Vice Mayor Brown moved based upon the competent substantial evidence presented at this hearing, the presentation before this Commission, and Staff's recommendation, this Commission finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and approves the Site Plan, subject to the ten (10) conditions provided in Exhibit "A" and located on pages 37 and 38 of the April 18, 2017, Staff Report to the Planning & Zoning Board and to approve the order presented by staff and authorize the Mayor to sign the order; seconded by Commissioner Wilford.

Mayor Coerper opened the floor for comments.

Ms. Robbins, after being sworn in, questioned as to why a second owner was added to Item C.

Principal Planner Tabor explained that this owner is the owner of the property that will have a street placed on it.

Ms. Robbins asked if the small parcel of land was designated to the City of Alachua, as it is over the main cave system.

Attorney Theriaque stated that this conveyance is not triggered until after site plan approval.

Attorney Theriaque asked Principal Planner Tabor if the comments raised by Sergio Reyes are resolved by the issuance of the Suwannee River Water Management District (SRWMD) permit. Principal Planner Tabor stated that this was his understanding.

Mayor Coerper asked if the applicant had a presentation.

Attorney Theriaque expressed that he was satisfied with the presentation from Principal Planner Tabor. He informed the commissioners that all of the experts who have worked on this application are present and available to answer any questions. He stated that Wal-Mart accepts the ten (10) conditions for this Special Exception, and asked that the Commission approve the Site Plan application.

Commissioner Boukari inquired regarding language about a Liquor Box. Theresa Murray of BRR Architecture, the architect for this project, stated that the Liquor Box is a tenant inside the Wal-Mart Super Center. She stated that it has a separate entrance, with no doors leading between Wal-Mart and the liquor store.

Commissioner Boukari asked, if Wal-Mart must abide by the ordinances of the City of Alachua regarding selling liquor within the city limits, then is the idea that they will be selling liquor 24 hours a day a true or false statement. Principal Planner Tabor rejected the statement, and stated that there are City ordinances as well as State Statutes that regulate this activity.

Commissioner Boukari thanked Principal Planner Tabor and staff for all of their hard work. He expressed his support of small businesses and Alachua's Main Street. He addressed Mr. Rothseiden's concerns regarding growth vs. nature.

Mayor Coerper spoke about the land that has been designated to conservation within Alachua.

Passed 5-0 by roll call.

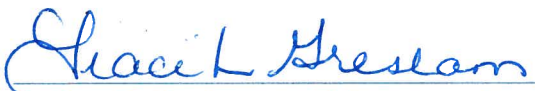
IV. ADJOURN

Commissioner Hardacre moved to adjourn; seconded by Vice Mayor Brown.

Passed by unanimous consent.

ATTEST:

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA


Traci L. Gresham, City Manager/Clerk


Gib Coerper, Mayor