

# **City of Gainesville**

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Minutes**

**Monday, June 21, 2004**

**6:00 PM**

**City Commission Special Meeting  
City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Tony Domenech (District 3)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
Commissioner Chuck Chestnut (District 1)  
Commissioner Ed Braddy (District 2)  
Commissioner Craig Lowe (District 4)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

## CALL TO ORDER - 6:01 PM

## ADOPTION OF THE AGENDA

*Commissioner Domenech moved and Commissioner Nielsen seconded to adopt the agenda with the following modifications:  
(VOTE: 7-0, MOTION CARRIED)*

### *MODIFICATIONS:*

- 1. Packet from the Law Offices of Smith, Hulsey and Busey, submitted by E. Owen McCuller, Jr., received June 16, 2004.*
- 2. Letter from Stephen Boyes of GeoSolutions received June 17, 2004.*
- 3. Petition of support submitted by Robert E. Davis, Sr., received June 17, 2004.*
- 4. Public Agency Response to Petitioner's Post-Plan Board Submittal - Received June 18, 2004.*
- 5. Letter to Dean Mimms from Mike Drummond of Alachua County Environmental Protection - Received June 21, 2004 at 11:16 A.M.*

## ROLL CALL

Present: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Edward Braddy, Tony Domenech, Rick Bryant and Craig Lowe

## CITY MANAGER

**031279**      **Petition 57LUC-04 PB. Wal-Mart Stores East, LP, agent for Michael S. Hartman. Amend the Future Land Use Map of the 2000-2010 City of Gainesville Comprehensive Plan from C (Commercial), SF (Single-Family, up to 8 units per acre), RL (Residential Low-Density, up to 12 units per acre), RM (Residential Medium-Density, 8-30 units per acre), and CON (Conservation) to PUD (Planned Use District) on 91.7 acres for a 250,000 square foot Wal-Mart Supercenter, 41,000 square foot of additional commercial development, 140 single-family residential units, a neighborhood park, and conservation areas. Located at the southwest corner of Northwest 53rd Avenue and US 441 intersection. Related to Petition 58PDV-04 PB. (B)**

*PRESENTATION BY STAFF: City of Gainesville Planning Manager Ralph Hilliard, Chief of Comprehensive Planning Dean Mimms, Alachua County Senior Environmental Specialist Betty Levin, Alachua County Senior Environmental Planner Michael Drummond and City Traffic Engineering Manager Brian Kanely gave presentations.*

*PRESENTATION BY THE PETITIONER: Attorney for the Petitioner Ron Carpenter, Ecological Consulting Firm Lotspeich and Associates Engineer Carl Lotspeich, Water and Air Research Engineer Bill Zegel, CPH Engineers Engineer Peter Sutch and Land Use Attorney Linda Shelly gave presentations.*

*PRESENTATION BY THE OPPOSITION: Attorney for certain affected parties David Russ, Developer John Hudson, Attorney Mac McCuller representing H.G. Hackney Co, and The Pantry, Inc. and others, Professional Geologist Bob Cohen, GeoSolutions Principal Hydrogeologist Steve Boyes and Kart Vaith of Camp, Dresser and McKee Engineers, Inc. gave presentations.*

*PRESENTATIONS BY CITIZENS: (Citizens Requesting more than 3 minutes) Citizens Doris Edwards, Rob Brinkman, Betsy Whitaker, Vernall James and Sue Grant gave presentations.*

*CITIZEN COMMENT: (Chair Hanrahan recognized the following citizens who stated they could not return Wednesday, June 23, 2004 for Citizen Comment.)*

- 1. Ann Bryan*
- 2. Odetta MacLeish-White*
- 3. Dan Millsaps*
- 4. William Mosby*
- 5. Beverly Thomas*
- 6. Susan Wright*
- 7. Kathleen Pagan*

*REBUTTAL: Attorney for the Petitioner Ron Carpenter made comments.*

*WAIVER OF RULES: Commissioner Braddy moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:10 PM.  
(VOTE: 7-0, MOTION CARRIED)*

*RECESS: 11:05 PM, June 21, 2004*

*RECONVENE: 6:02 PM, June 23, 2004*

*CITIZEN COMMENT (Those who needed to speak before Commission Deliberation)*

- 1. Vivian Filer*
- 2. Richard Selwach*
- 3. Lori Douglas*
- 4. Mark Goldstein*
- 5. Walter Willard*
- 6. Brian McNab*
- 7. Phil Emmer*
- 8. Renee Hoffinger*
- 9. Robert Ackerman*
- 10. Teague Froscher*
- 11. Dwight Adams*
- 12. Ruth Steiner*
- 13. Kathy Cantwell*
- 14. Ron Chandler*

15. James Nicholas
16. Elizabeth Howard
17. Sandra Durham

*COMMISSION DELIBERATION: Chair Hanrahan recognized Bill Zegel of Water and Air Research, Peter Sutch of CPH Engineers, Agent for the Petitioner Quenta Vettel, City Community Development Director Tom Saunders, Michael Drummond of Alachua County Environmental Protection, David Auth of the Land Conservation Board of Alachua County, Betty Levin of Alachua County Environmental Protection, Attorney for the Petitioner Ron Carpenter, City Traffic Engineering Manager Brian Kanely, City Senior Planner Oneila Lazzari, Real Estate Broker Dick Tarbox, City Planning Manager Ralph Hilliard, who answered Commissioner's questions.*

*FIRST MOTION (MAIN MOTION): Commissioner Lowe moved and Commissioner Nielsen seconded to: 1) Approve the Plan Board's recommendation to deny Petition 57LUC-04-PB; and 2) direct the City Manager and the Economic Development Director to work with Wal-Mart to find a suitable location within the City. (VOTE: 5-2, Commissioner Bryant and Commissioner Braddy - No, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Bryant moved and Commissioner Chestnut seconded to waive the rules to extend the meeting to 11:30 PM. (VOTE: 7-0, MOTION CARRIED)*

*CITIZEN COMMENT:*

1. Robert E. Davis, Sr.
2. Glen Smerage
3. Diana Carroll
4. Christine Smith
5. Carl Borgmann
6. Ann Hudson
7. Charles Grapski
8. Cathy DeWitt
9. Fred Sowder
10. Scott Goorman
11. Betsy Hurst
12. William VanSickle

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Bryant seconded to extend the meeting to 12:00 PM. (VOTE: 6-0, Commissioner Braddy - Absent, MOTION CARRIED)*

*CITIZEN COMMENT (Continued)*

13. Amy Richard
14. Dan Rochelle
15. Anthony Ackrill
16. Janet Woods
17. Harold Kegelman
18. Mark Stowe
19. Michael Belle

20. John Schert  
21. Noam Shitama

*WAIVER OF RULES: Commissioner Domenech moved and Commissioner Braddy seconded to extend the meeting to 12:15 AM.*

*(VOTE: 7-0, MOTION CARRIED)*

*CITIZEN COMMENT (Continued)*

22. Sarah Poll  
23. Ray Bennett

*SUBSTITUTE MOTION: Commissioner Braddy moved and Commissioner Bryant seconded to approve the petition with the 32 conditions.*

*(VOTE: 3-4, Commissioner Lowe, Commissioner Domenech, Commissioner Nielsen, Mayor Hanrahan - No, MOTION FAILED)*

*MOVE THE PREVIOUS QUESTION MOTION: Commissioner Braddy moved Commissioner Domenech seconded to move the previous question.*

*(VOTE: 5-2, Commissioners Nielsen and Mayor Hanrahan - No, MOTION CARRIED)*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission deny Petition 57LUC-04 PB. Plan Board vote 6-1*

*Staff to Plan Board - Deny Petition 57LUC-04 PB.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Denied (Petition). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Warren Nielsen, Chuck Chestnut, Tony Domenech and Craig Lowe  
Nay: Edward Braddy and Rick Bryant

**ADJOURNMENT - 12:14 AM**

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Kurt M. Lannon, Clerk of the Commission