

City of Gainesville

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



Meeting Minutes

Tuesday, May 4, 2010

6:00 PM

City Commission Special Meeting

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)
Commissioner Lauren Poe (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (District 4)
Commissioner Thomas Hawkins (At Large)
Commissioner Jeanna Mastrodicasa (At Large)*

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

CALL TO ORDER - 6:10 PM

NOTE: Mayor-Commissioner Pro Tem Henry entered the meeting room at 6:12 PM.

ROLL CALL

Present: Pegeen Hanrahan, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe and Thomas Hawkins

MOMENT OF SILENCE

The City Commission observed a moment of silence.

ADOPTION OF THE AGENDA

Commissioner Hawkins moved and Commissioner Lowe seconded to adopt the agenda and waive the rules to accept late power point presentations from Jamie Kennedy from Bosshardt Realty and John Hudson.

(VOTE: 7-0, MOTION CARRIED)

Mayor Hanrahan recognized Jamie Kennedy and Rob Brinkman who spoke to the matter.

CITY MANAGER

090906. Appeal of Development Review Board Decision - Highway 441 Super Wal-Mart (B)

This item is an appeal filed challenging the Development Review Board's decision to grant Preliminary Development Plan approval of Petition DB-10-6 SPL for construction of a Wal-Mart retail supercenter with outparcels on property located in the 5800 block on the west side of NW 34th Street.

NOTE: At the April 1, 2010 City Commission Meeting, Commissioner Thomas Hawkins stated that he had no conflict of interest regarding this appeal and would be participating in this matter.

INTRODUCTIONS: City Attorney Marion Radson made introductory comments.

MOTION: Commissioner Lowe moved and Commissioner Poe seconded that the City Commission affirms that it does have jurisdiction over this item.

(VOTE: 7-0, MOTION CARRIED)

DISCLOSURE OF EXPARTE' COMMUNICATION: Commissioner Mastrodicasa stated that she had no ex parte' communication.

SWEARING - IN OF THE WITNESSES: The Clerk of the Commission swore in the

witnesses for Wal-Mart, John Hudson and the City of Gainesville, collectively.

STAFF PRESENTATION: Senior Planner Scott Wright gave a presentation.

APPLICANT (WAL-MART): Attorney for the applicant Karl Sanders, Engineer Larry Ray, Professional Planner Clay Sweger, Realtor Mike Ryals and Neighborhood Representative John Butler gave presentations.

APPELLANT PRESENTATION: Attorney for the appellant Mac McCuller, Gene Boles, Dr. Earl Starnes and John Hudson gave presentations.

REBUTTAL: Attorney for the applicant Karl Sanders made rebuttal comments.

RECESS: 8:59 PM

RECONVENE: 9:14 PM

CITIZEN COMMENT: Mayor Hanrahan recognized the following citizens who spoke to the matter.

1. Gary Anglin
2. Jeff McAdams
3. Robert Ackerman
4. George Huber
5. Jamie Kennedy
6. Forest Hope
7. John Thomas
8. Jacqueline Davidson
9. Beau Berry
10. Don Marsh
11. Mike Ryals
12. Walter Willard
13. Paul Reese
14. Armando Grundy
15. Harry Arrington
16. Mary Reid
17. Rob Brinkman
18. John Butler
19. Lee Pinkoson
20. Betsy Whitaker
21. Leslie Farrow
22. Dave Farrow

NOTE: Commissioner Mastrodicasa stated that she had no conflict of interest regarding this item and would be voting on the issue.

FIRST MOTION: Commissioner Poe moved and Commissioner Mastrodicasa seconded that the City Commission agrees that under the MU-2 Zoning the Wal-Mart development is an allowable use by right.

(VOTE: 7-0, MOTION CARRIED)

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

Public Works Design Engineer Rick Melzer made comments.

*SECOND MOTION: Commissioner Poe moved and Commissioner Mastrodicasa seconded that the City Commission grant an exception to the "build to" line on the basis of a hardship provision, based on the infrastructure along 34th St.
(VOTE: 4-3, Commissioners Poe, Mastrodicasa, Henry and Mayor Hanrahan - Yes: and Commissioners Donovan, Hawkins and Lowe - No; MOTION CARRIED)*

*THIRD MOTION: Commissioner Hawkins moved and Commissioner Poe seconded that the building orientation and articulation are not eligible for an exception to the rule based on paragraph D2.
(VOTE: 7-0, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Poe moved and Commissioner Lowe seconded to waive the rules to extend the meeting to 11:45 PM.
(VOTE: 7-0, MOTION CARRIED)*

*FOURTH MOTION: Commissioner Poe moved and Commissioner Lowe seconded that the building orientation is amended by designating the main entrance on 34th Street and that the 34th street facade take on the appearance of a main entrance to be reviewed by staff at final site plan.
(VOTE: 7-0, MOTION CARRIED)*

*WAIVER OF RULES: Commissioner Poe moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 11:52 PM.
(VOTE: 7-0, MOTION CARRIED)*

*FIFTH MOTION: Commissioner Poe moved and Commissioner Henry seconded that the City Commission grant an exception to the articulation provision (glazing) based on meeting the overall intent of the Special Area Plan.
(VOTE: 3 -4, Commissioners Poe, Mastrodicasa, Henry and Commissioners Donovan, Hawkins, Lowe and Mayor Hanrahan - No; MOTION FAILED)*

*WAIVER OF RULES: Commissioner Lowe moved and Commissioner Hawkins seconded to waive the rules to extend the meeting to 12:00 Midnight.
(VOTE: 7-0, MOTION CARRIED)*

*SIXTH MOTION: Commissioner Poe and Commissioner Mastrodicasa moved to deny the exception for the glazing and that staff work with Wal-Mart to come up with a 25% minimum for the glazing provision.
(VOTE: 6-1 Commissioner Hawkins - No, MOTION CARRIED)*

RECOMMENDATION

Staff to City Commission: 1) hear presentations from staff, Wal-Mart (the applicant) and John Hudson (the affected party appellant); and 2) affirm or amend the decision of the Development Review Board.

Approved, as shown above - See Motion(s)

ADJOURNMENT - 12:00 Midnight

Kurt M. Lannon, Clerk of the Commission