



City of  
**ALACHUA**  
THE GOOD LIFE COMMUNITY

Tuesday, June 11, 2013

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**Chair** Sandy Burgess  
**Vice Chair** Virginia Johns  
**Member** Bob Page  
**Member** Zeria Folston  
**Member** Gary Thomas  
**School Board Member** April Griffin

**City Manager** Traci Cain  
**City Attorney** Marian Rush  
**Planning & Community  
Development Director** Kathy  
Winburn, AICP

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**MEETING STATISTICS:** A meeting of the City of Alachua Planning and Zoning Board was held in the James A. Lewis Commission Chambers of the City Hall, located at 15100 NW 142<sup>nd</sup> Terrace, Alachua, Florida, on Tuesday, April 9, 2013 with Chair Sandy Burgess presiding.

**BOARD MEMBERS PRESENT:** Chair Sandy Burgess, Bob Page, Gary Thomas, and Zeria Folston

**STAFF PRESENT:** Kathy Winburn, Director of Planning and Community Development; Marian Rush, City Attorney; Justin Tabor, Principal Planner; Matt Hirsch, Planning Assistant.

**OTHERS PRESENT:** Larry Wray, Mac McCarty, Bill Cason, Rusty Seaton, Lynn Coullias, Anette Coeer, Pamela Carrett, April Griffin

**CALL TO ORDER:** Chair Sandy Burgess called the meeting to order at 6:33 pm.

**INVOCATION:** Gary Thomas led the invocation.

**PLEDGE OF ALLEGIANCE:** The Board led the Pledge of Allegiance.

**ROLL CALL:** Chair Sandy Burgess did the roll call and there was a quorum.

**APPROVAL OF AGENDA:**

Bob Page motioned for approval of the Agenda as published.

Gary Thomas seconded the motion.

**Motion passed 4-0.**

**APPROVAL OF MINUTES:**

Gary Thomas motioned to approve the Tuesday, January 08, 2013 Minutes as published.

Zeria Folston seconded the motion.

**Motion passed 4-0.**

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. **SITE PLAN:** A REQUEST BY H. LARRY WRAY, P.E. OF CPH ENGINEERS, INC., AGENT FOR WAL-MART STORES EAST, LP, APPLICANT AND PROPERTY OWNER, FOR CONSIDERATION OF A SITE PLAN FOR PROPOSED MODIFICATIONS TO THE SUBJECT PROPERTY, ADDING ±1.28 ACRES OF IMPERVIOUS AREA (CONSISTING OF A NEW PAVEMENT AREA TO THE NORTH OF THE EXISTING BUILDING AND MODIFICATIONS TO THE ROUTING OF STORMWATER RUNOFF FROM THE EXISTING BUILDING) AND ASSOCIATED MITIGATION FOR THE REMOVAL AND REPLACEMENT OF EXISTING LANDSCAPING ON A ±231 ACRE SUBJECT PROPERTY AND WITHIN A ±11.72 ACRE PROJECT AREA, LOCATED AT 11815 NW 115<sup>TH</sup> AVENUE (TAX PARCEL # 03998-000-000); FUTURE LAND USE MAP (FLUM) DESIGNATION: INDUSTRIAL; ZONING: INDUSTRIAL GENERAL (IG). (QUASI-JUDICIAL)

Matt Hirsch, Planning Assistant, swore in all parties entering testimony in the hearing.

Justin Tabor, Principal Planner, presented the Staff Report containing the following recommendation:

Staff recommends that the Planning & Zoning Board approve the Site Plan, subject to the one (1) condition provided in Exhibit "A" of the Staff Report.

**BOARD COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**BOARD COMMENTS**

Bob Page motioned *"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 Site Plan, subject to the one (1) condition provided in Exhibit "A" of the Staff Report."*

Zeriah Folston seconded the motion.

Ms. Burgess opened up the Board for any additional comments.

**Motion approved 4-0.**

2. **Site Plan:** a request by Concept Construction, as agent for John C. Freeland & Kelly S. Freeland (Tax Parcels 05900-001-000 & 05900-001-001) and John C. Freeland & Ann Lynn Freeland Tanner (Tax Parcel 05895-001-000), owner, for site plan approval for a 9,100 square foot retail store, a parking lot and associated amenities. The ±2.22 acre subject property is located north of U.S. Highway 441, Wayne Frier Mobile Homes, Stanley Steamer, JD Sanders RV Center & Farm Credit of North Florida; south of NW 126<sup>th</sup> Avenue; west of NW County Road 237. FLUM: Commercial; Zoning: Community Commercial (CC) & Commercial Intensive (CI); Parcel Numbers 05895-001-000, 05900-001-000, and 05900-001-001. (Quasi-Judicial)

Matt Hirsch, Planning Assistant, swore in all parties entering testimony in the hearing.

Brandon Stubbs, Planner, presented the Staff Report containing the following recommendation:  
Staff recommends that this Board approve this application for a Site Plan upon making the following motion:

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 this application for a Site Plan based upon the following condition, along with any conditions this board deems necessary.

- 1) The applicant shall complete a partial vacation of the Town of Hague as recorded in Deed Book "P", Pages 424 and 425 of the Public Records of Alachua County, Florida for the property subject to site plan approval in accordance with Florida Statute 177.101(4) prior to the issuance of a building permit for any construction of the subject property.

Guy Parola, Causseux, Hewett, and Walpole Inc., presented the Applicant's report.

### **BOARD COMMENTS**

The Board asked for clarification of the property's location in the Town of Hague.

Mr. Stubbs explained that the property is in the City of Alachua's limits, the Town of Hague is currently recorded in the Deed Book "P", Pages 424 and 425 of the Public Records of Alachua County, Florida.

The Board requested the name of the company that planned to use this property for retail.

Mr. Parola explained that if they give out the primary user for the property then people get their hopes up, and if something were to contractually breakdown the engineers do not want feelings to get hurt. He stated that the applicant also would like everything to be viewed on the surface.

The Board asked why this site has been selected to build a retail store.

The applicant explained that this site has the proper Zoning district and the proper Future Land Use category, so the business is allowed to be on the site per the Land Development Regulations.

The Board asked if the applicant was open to having any reasonable changes that might be brought to the attention of the applicant by the public.

The Applicant and Staff explained that they have presented the evidence that shows that the application meets the requirements of the Land Development Code. Staff reminded that the applicant should only be judged on the evidence.

The Board asked for clarification on concurrency relating to traffic for State roads and County roads and should the Board rely on the permitting from those entities.

Mr. Stubbs explained that, that is correct and that if it is a County road, it is going to be permitted by the County and if it is a State road, it is going to be permitted by the State.

### **PUBLIC COMMENTS**

Laverne Kelly explained that her son owns the property adjacent to the site and her property is adjacent to her son's. Ms. Kelly asked if the cemetery and Methodist Church across from the site was taken into consideration during the proposition of developing this site; concerning funerals, Sunday church services, traffic, and the quietness of the neighborhood.

Lynn Coullias explained that she has been a resident of The Oaks of Hague for over 30 years and presented a letter from the former Clerk, Carol Walker, which was written by Ms. Coullias to former City Manager, Clovis Watson, on September 22, 2003. Ms. Coullias indicated her letter detailed her inquiry of the destruction of the land being used for this proposed site, she stated that the cemetery across from the site is in the Historic State of Florida, and Ms. Kelly's land is protected under the Domingo Fernandez Land Grant. Ms. Coullias went on to explain that parcel 05900-001-001 is listed as miscellaneous residential according to the Alachua County Property Appraiser records. Ms. Coullias stated that this site is in a flood zone, and hosts a historical monument; when the former structure on the site was demolished 2 septic tanks and a well were covered up. Ms. Coullias state that the Oaks of Hague neighborhood should have also been informed about all of the neighborhood workshops and meetings when the zoning was changed.

Pamela Garrett, indicated that her son was killed in 2005 at the County Road 235A and US 441. Ms. Garrett stated that there needs to be a traffic light or a caution sign to prevent further accidents from occurring.

Jeanette Hinsdale, indicated that she drives through the area frequently and did attend the neighborhood workshop. Ms. Hinsdale expressed her concern about the traffic the retail store would bring and the lighting from the retail store disturbing those people who are visiting gravesites at the cemetery across the street. Ms. Hinsdale proposed that the applicant create a buffer that will help the area maintain its beauty.

Linda Koon, explained that she is a resident on 126<sup>th</sup> AVE and thanked the Board for looking out for the resident's best interest. Ms. Koon expressed her concern for the semi-trucks using 126<sup>th</sup> AVE.

Mac McCarty, indicated that he was representing MAS Holding and Mickey Singer, which owns the Medical Manger Complex. Mr. McCarty explained that despite Staff and the Applicant's thorough presentations, the Board did not have to approve the site plan and that there is an over-arching responsibility as Board members to protect the safety and welfare of the citizens of Alachua. Mr. McCarty suggested that the vote be pushed back, allowing more time for more investigations to take place in the area regarding traffic and safety. Mr. McCarty suggested that the Board require a traffic study that may lead to the Applicant performing modifications to the intersection at the site to insure the safety of the public. Mr. McCarty presented the summary of Medical Manager buildings to show the scope and size of that development and the trips that are generated by the development north of the site. Mr. McCarty suggested that traffic potentially produced from the northern development combined with the traffic produced by the site should be looked at more carefully. Mr. McCarty asked the applicant as to what extent has a traffic safety study been conducted and was Medical Manager taken into consideration during this study.

Robert Walpole, President of Causseux, Hewett, and Walpole Inc., stated that C.R. 237 is a County Road and the County engineers and the County's Public Services Director approved the project as it relates to traffic impacts in consultation with FDOT. He stated that the site and roadways would never meet a signal warrant from FDOT, and maintenance of the road is up to the County. He indicated that the County does not require a traffic study for this size of development, and that this site would also not require a traffic study even if it was on a DOT road.

Marian Rush, City Attorney, asked Mr. McCarty if it was his position that the site plan proposed did not meet the Land Development Regulations and if so, what regulation it is not meeting.

Mr. McCarty responded that he does not have a specific code that the site plan violates but he believes it violates the safety of the citizens.

Ms. Rush asked Mr. McCarty his opinion as to if a survey were performed and a need for a modification to the intersection was found, would the City of Alachua have the power and authority to make the modification to a County Road and/or State Road.

Mr. McCarty responded that he believes the City of Alachua would be influential in having the modifications performed by the County and/or State.

The Board asked the applicant what damages would be caused if the motion to approve the site plan was postponed.

Matt Cason, Concept Development, explained that they have reached an agreement with the tenant to have the project completed by a certain date. He stated that if they cannot meet the agreed upon date, Concept Development will meet significant damages.

Mr. McCarty listed off the 2 separate traffic incidents that resulted in a total of 3 fatalities.

The Board asked the applicant to address the lighting concerns of the citizens.

Mr. Cason explained that the applicant has maintained the largest buffer possible in between the commercial and residential properties. In addition to the buffer, the applicant has selected cut-off luminaire lighting that does not shine directly off the site, which can be viewed on the site plan. The property will also be enclosed in shrubs and trees.

Gerry Dedenbach, Planning Director of Causseux, Hewett, and Walpole Inc., explained that of all of the comments made this evening, none said that this site plan did not meet the Land Development Regulations or the criteria of the City of Alachua. Mr. Dedenbach reiterated that the citizens using the retail store will not be driving from across the City to shop there. In reference to the traffic accidents that have occurred, he stated that it only proves that traffic accidents do occur and they do not have any bearing on this site plan.

The Board asked which source is the authority for the zoning of the property.

Mr. Stubbs explained that the County does not control the City's Land Use or Zoning; the Property Tax Appraiser uses the current of the land, not the Future Land Use maps.

Kelly Freeland, attests that the property is zoned commercial intensive since approximately 2007.

Ms. Hinsdale suggested that loading and unloading times be regulated and coordinated with the church across the street.

Ms. Rush explained that the tenant would have to comply with the Code, and if they did not comply with Code there would be Code violations.

Linda Koon, asked about the purpose of the Planning and Zoning Board.

The Board explained that the Board is appointed by the City Commission to review applications for zoning and site plan applications for approval.

### **BOARD COMMENTS**

The Board thanked the Staff and the Applicant for doing an excellent job preparing the reports presented, as well as the citizens for voicing their concerns and being involved in the process.

The Board explained that Exhibits "A" and "B" for this Item are to be attached in the Minutes.

Gary Thomas motioned *"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 this application for a Site Plan based upon the following condition, along with any conditions this board deems necessary.*

*1) The applicant shall complete a partial vacation of the Town of Hague as recorded in Deed Book "P", Pages 424 and 425 of the Public Records of Alachua County, Florida for the property subject to site plan approval in accordance with Florida Statute 177.101(4) prior to the issuance of a building permit for any construction of the subject property."*

Bob Page seconded the motion.

**PUBLIC COMMENTS**

No members of the public in attendance.

**Motion passed 4-0.**

**3. COMPREHENSIVE PLAN CONSISTENCY REVIEW: REVIEW OF THE AMENDED COMMUNITY REDEVELOPMENT PLAN FOR CONSISTENCY WITH THE CITY OF ALACHUA COMPREHENSIVE PLAN. (LEGISLATIVE)**

Kathy Winburn, Planning and Community Development Director, presented the Staff Report containing the following recommendation: Staff recommends that the Planning & Zoning Board find that the proposed Amended Community Redevelopment Plan is consistent with the City of Alachua Comprehensive Plan and transmit such finding to the City Commission.

**BOARD COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**BOARD COMMENTS**

Bob Page motioned “*This Board finds that the Amended Community Redevelopment Plan is consistent with the City of Alachua Comprehensive Plan and transmits such finding to the City Commission.*”

Gary Thomas seconded the motion.

**Motion Passed 4-0.**

**OPEN DISCUSSION:**

Next meeting scheduled for July 9, 2013.

**ADJOURNED:**

Gary Thomas motioned for adjournment.

Bob Page seconded the motion.

Meeting adjourned at 8:37 p.m.

  
SANDY BURGESS  
CHAIR

  
KATHY WINBURN  
DIRECTOR OF PLANNING &  
COMMUNITY DEVELOPMENT