

# City of Gainesville

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



## **Meeting Agenda**

**September 28, 2017**

**6:30 PM**

**City Commission Auditorium**

## **City Plan Board**

*Stephanie Sutton - Chair  
Bob Ackerman - Vice Chair  
Erin Condon - Member  
Bryan Williams - Member  
Dave Ferro - Member  
Adam Tecler - Member  
Terry Clark - Member  
Robert Hyatt - School Board Representative*

**CALL TO ORDER****ROLL CALL**[170408.](#)

**City Plan Board Attendance Roster: February 23, 2017 through August 24, 2017 (B)**

*Explanation: City Plan Board attendance roster for Board Members to review.*

[170408\\_CPB Attendance .2017\\_20170928.pdf](#)

**APPROVAL OF THE AGENDA****APPROVAL OF MINUTES - JULY 27, 2017**[170407.](#)

**Draft minutes of the July 27, 2017 City Plan Board Meeting (B)**

**RECOMMENDATION**

*Staff is requesting that the City Plan Board review the draft minutes from the July 27, 2017 meeting and vote to approve the minutes.*

*Staff to the City Plan Board - Review and approve the draft minutes*

[170407\\_CPB 170727 Minutes draft\\_20170928.pdf](#)

**ANNOUNCEMENT: Section 30-353 of the Land Development Code establishes the Plan Board, including its membership; rules of procedure; and functions, powers and duties. The Plan Board is advisory to the City Commission on most planning petitions. Appeals of Plan Board decisions concerning Special Use Permits are to a hearing officer within 15 days of the decision (see Sec. 30-234(h) of the Land Development Code). The procedure for an appeal is set forth in Sec. 30-352.1.**

**REQUEST TO ADDRESS THE BOARD****OLD BUSINESS****NEW BUSINESS**[160386.](#)

**Request for an Extension of a Special Use Permit (SUP) with Development Plan Review to allow the Construction of a 5-Story Apartment Building for the Elderly (B)**

**Petition PB-16-93 SUP. City Plan Board. Parametric Design & Development, agent for Beach 220 LLC, owner. Request for an extension of a Special Use Permit (SUP) with development plan review to allow the construction of a 5-story apartment building for the elderly. Zoned: MU-1 (8-30 units/acre mixed-use low intensity district). Located at 2420 SE Hawthorne Road.**

*Explanation: This is a request to extend an approved Special Use Permit (SUP) and associated preliminary development plan that the City Plan Board approved on September 22, 2016 under Petition PB-16-93 SUP. This petition involves the construction of a 5-story apartment building that will contain 84 affordable dwelling units for the elderly (i.e., 55 years of age and older). Other proposed amenities include landscape material, stormwater facilities, utilities, lighting, off-street parking, sidewalks, and signage. This petition also involves the approval of density bonus points that will allow the applicant to build the proposed development at a density of 28.96 dwelling units per acre.*

*The property is 2.90 (MOL) acres in size and located on the north side of SE Hawthorne Road (SR 20), just east of SE 24th Street. The property is currently undeveloped and heavily vegetated with trees.*

*Public notice was published in the Gainesville Sun on September 12, 2017.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - The City Plan Board approve an extension of time for the Special Use Permit (SUP) and the associated preliminary development plan not to exceed one-year from the September 22, 2017 expiration date for the reasons stated in the applicant's letter (see Exhibit A).*

[160386 Staff report and Appendices A-F 20160922](#)

[160386 Staff report w Exhibit A 20170928.pdf](#)

[170426.](#)

**Special Use Permit with Development and Master Plan Review to allow a 4-Story, Multi-Family Development and a Future Medical/Office Development (B)**

**Petition PB-16-191 SUP and PB-17-069. CHW, Inc. agent for The Village of Sabal Oaks, LLC. A Special Use Permit with development and master plan review to allow a 4-story, multi-family development and a future medical/office development. Zoned: OF (General office district) and RMF-7 (8-21 units/acre multiple-family residential district). Located at 2801 SW Williston Road.**

*Explanation: N/A*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - The City Plan Board approve petitions PB-16-191 (Special Use Permit with Development Plan) and PB-17-069 (Master Plan) subject to conditions listed in the staff report and Appendix B.*

[170426 Staff Report w Appendices A-D\\_20170928.pdf](#)

[170427.](#)

**Rezone Property from Alachua County Agriculture (A) District to City of Gainesville Planned Development District (PD) to allow for Single Family Residential, Multi-Family Residential, Mixed-Use Development, and Conservation Management Areas (B)**

**Petition PB-17-65 PD. eda engineers-surveyors-planners, Inc., agent for Weyerhaeuser NR Company. Rezone property from Alachua County Agriculture (A) district to City of Gainesville Planned Development district (PD) to allow for single family residential, multi-family residential, mixed-use development, and conservation management areas. Located east and west of SR 121, north of NW 77th Avenue and south of 122nd Place.**

*Explanation: N/A*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - The City Plan Board to continue PB-17-65 PD to October 26, 2017 City Plan Board meeting.*

[170427 Continuance Staff Report\\_20170928.pdf](#)

[160685.](#)

**Amend the Land Development Code regarding Medical Marijuana Dispensing Facilities by deleting and amending definitions, and by adding Medical Marijuana Dispensing Facilities as a use by right in various zoning districts and by Special Use Permit in several other zoning districts (B)**

**Petition PB-16-185 TCH. City Plan Board. Amend the Land Development Code regarding Medical Marijuana Dispensing Facilities by deleting and amending definitions, and by adding Medical Marijuana Dispensing Facilities as a use by right in the Urban 6 (U6) and Urban 7 (U7) transect zoning districts, Automotive-Oriented Business (BA), Tourist-Oriented Business (BT), Business Industrial (BI), Warehousing and Wholesaling (W), and Airport Facility (AF) zoning districts, and as a use allowable by Special Use Permit in the Corporate Park (CP), Limited Industrial (I-1), and General Industrial (I-2) zoning districts.**

*Explanation: In June 2017, the Florida Legislature enacted SB 8-A, which implemented Article X, Section 29 of the Florida Constitution approved by Florida voters (Amendment 2) in November 2016. This new state law (reflected in updated F.S. 381.986) essentially: 1) increased the type and kind of medical marijuana available for qualifying patients; 2) increased the class of patients that qualify for medical marijuana in the state; and 3) limited the zoning authority of local governments related to medical marijuana dispensing facilities by mandating that jurisdictions choose between banning such facilities, or, allowing and regulating them the same as pharmacies.*

*The proposed Land Development Code (LDC) amendment will allow Medical marijuana dispensing facilities in the City of Gainesville and will regulate them as if they were pharmacies. This amendment will update the definition of Medical marijuana dispensing facility in accordance with current state law and will add it as an allowable use, either by right or by Special Use Permit, to a number of zoning districts, which were chosen because these additional zoning districts are those that already allow general retail uses such as pharmacies (pharmacies are regulated in the LDC as a general retail use). Not included in the proposed amendment because it is preempted to the state per F.S. 381.986 (11) (c), is the required 500-ft. minimum distance between such facilities and public or private elementary, middle, or secondary schools.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - Staff recommends that the Plan Board either recommend approval of Petition PB-16-185 TCH, or, alternatively, denial (which would result in a prohibition of additional Medical marijuana dispensing facilities until such time as pertinent State of Florida law or regulations may change).*

*Dean Mimms, Andrew Persons, Wendy Thomas and Captain Campos made presentations.*

*David Coffey, Robert Wallace, Kim Rivers, Joel Davis and Donald Shepherd spoke to the matter.*

*Motion by Commissioner Carter, seconded by Mayor-Commissioner Pro Tem Warren to waive the rules and extend the meeting to 10:30 PM. Motion passed 7-0.*

*Amendment: Approve staff recommendation for the approved zoning districts, separations, and the reference to State Statute, and before coming back for first reading, there will be a recommendation on how to resolve the non-conforming status of the facilities that have already received approval for the 2014 standard.*

[160685 Staff report and Appendices A&B 20170126](#)

[160685A Staff report and Appendices A&B 20170302](#)

[160685B Letter to City 20170302](#)

[160685C Sumter County FL Ordinance 2017-01 20170302](#)

[160685D CPB minutes draft 20170302](#)

[160685E Staff ppt 20170302](#)

[160685E MOD Staff ppt 20170302](#)

[160685 Staff Report w Exhibits A-B 20170928.pdf](#)

## **VIII. Information Item:**

### **A. Staff Report Format**

## **IX. Board Member Comments**

## **ADJOURNMENT**

**For further information, please call 334-5022. If any person decides to appeal a decision of this body with respect to any matter considered at the above-referenced meeting or hearing, he/she will need a record of the proceedings, and for such purposes it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities who require assistance to participate in the**