

# **City of Gainesville**

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



## **Meeting Agenda**

**October 27, 2016**

**6:30 PM**

**City Commission Auditorium**

## **City Plan Board**

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

**CALL TO ORDER****ROLL CALL**[160480.](#)

**City Plan Board Attendance Roster: May 26, 2016 through September 22, 2016 (B)**

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

[160480\\_CPBA Attendance\\_2016](#)

**APPROVAL OF THE AGENDA****APPROVAL OF MINUTES - SEPTEMBER 22, 2016**[160481.](#)

**Draft minutes of the September 22, 2016 City Plan Board Meeting (B)**

**RECOMMENDATION**

*Staff is requesting that the City Plan Board review the draft minutes from the September 22, 2016 meeting and vote to approve the minutes.*

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

[160481\\_CPBA 160922 Minutes draft\\_20161027](#)

**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**[160482.](#)

**Amend the City of Gainesville Future Land Use Map from Alachua County Office/Medical to City of Gainesville Office (O) (B)**

**Petition PB-16-141 LUC . City of Gainesville. Amend the City of Gainesville Future Land Use Map from Alachua County Office/Medical to**

**City of Gainesville Office (O). Located at 916 NW 66th Street. Related to PB-16-142 ZON.**

*Explanation:* This petition for a small-scale amendment of the Future Land Use Map pertains to a 0.91-acre property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. This property was voluntarily annexed into the City of Gainesville by Ordinance 160156 effective on September 15th, 2016. The property is currently developed with an existing 10,016 square foot CVS pharmacy and is surrounded by the North Florida Regional Medical Center (NFRMC) complex. The site also abuts existing commercial development along Newberry Road.

The proposed small-scale land use change from Alachua County Office/Medical to City of Gainesville Office (O) will allow a mix of residential and non-residential uses including medical offices and similar facilities that are consistent with the existing Alachua County land use designation.

This property abuts NFRMC properties with City of Gainesville Office land use to the north and the east, Alachua County Office/Medical land use to the west, and Alachua County Tourist/Entertainment to the south. The respective zoning designations for the adjacent properties are City of Gainesville Medical Services district (MD) to the north and east, Alachua County Hospital and Medical district to the west, and Alachua County Highway Oriented Business (BH) zoning to the south.

This petition is related to Petition PB-16-142 ZON, which proposes a zoning change from Alachua County Hospital and Medical district to City of Gainesville Medical Services zoning.

*Fiscal Note:* None.

**RECOMMENDATION**

Staff to City Plan Board - Staff recommends approval of Petition PB-16-141 LUC.

[160482\\_ Staff report and Apendices A-C\\_20161027](#)

[160483.](#)

**Rezone property from Alachua County Hospital medical (HM) district to City of Gainesville Medical services district (MD) (B)**

**Petition PB-16-142 ZON. City of Gainesville. Rezone property from Alachua County Hospital medical (HM) district to City of Gainesville Medical services district (MD). Located at 916 NW 66th Street. Related to PB-16-141 LUC.**

*Explanation:* This rezoning petition pertains to a 0.91-acre property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street. This property was voluntarily

annexed into the City of Gainesville by Ordinance 160156 effective on September 15th, 2016. The property is currently developed with an existing 10,016 square foot CVS pharmacy and is surrounded by the North Florida Regional Medical Center (NFRMC) complex. The site also abuts existing commercial development along Newberry Road.

The proposed zoning change from Alachua County Hospital and Medical district to City of Gainesville Medical Services zoning will allow a variety of medical uses along with a small selection of additional non-residential uses which are consistent with the allowable uses permitted within the existing Alachua County zoning.

This property abuts NFRMC properties with City of Gainesville Office land use to the north and the east, Alachua County Office/Medical land use to the west, and Alachua County Tourist/Entertainment to the south. The respective zoning designations for the adjacent properties are City of Gainesville Medical Services district (MD) to the north and east, Alachua County Hospital and Medical district to the west, and Alachua County Highway Oriented Business (BH) zoning to the south.

This petition is related to Petition PB-16-141 LUC, which proposes a small-scale land use amendment from Alachua County Office/Medical land use to City of Gainesville Office. The proposed rezoning to MD will implement the associated land use change.

*Fiscal Note: None.*

**RECOMMENDATION** Staff to City Plan Board - Staff recommends approval of Petition PB-16-142 ZON.

[160483\\_Staff report and Appendices A-C\\_20161027](#)

[160486.](#)

**Amend the Comprehensive Plan policies related to the location of gasoline service stations and placement of fueling pumps (B)**

**Petition PB-16-143 CPA. City Plan Board. Amend the City of Gainesville Comprehensive Plan policies related to the location of gasoline service stations and placement of fueling pumps.**

*Explanation: This petition is proposing to amend Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element of the Comprehensive Plan to provide greater flexibility for the placement of fueling pumps and associated canopies within proximity to residential zoning districts and PD zoned properties limited to residential uses.*

*This petition was initiated at the direction of the City Commission at their August 18th hearing by a unanimous vote (6-0 Chase absent) (see Exhibit C). The Commission directed Planning staff to amend the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties and to amend the Land Development Code*

*prohibit the placement of gasoline stations when abutting single family neighborhoods (Petition PB-16-144 TCH). The Commission direction to staff was initiated as a result of the discussions related to a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood (Petition PB-16-34 SUP) by Murphy USA, a national gas station and convenience store chain. At the August 18th hearing, the Commission heard testimony from adjacent property owners and residents. The citizens present at the meeting expressed concern regarding the proposed gas station and its proximity to the nearby single family residential neighborhood. Concerns raised at the meeting included impacts from lighting, noise, hours of operation, proximity to residences, and environmental considerations.*

*Policies 10.3.2 and 10.4.9 of the Transportation Mobility Element regulate gasoline stations and the placement of fuel pumps within the City. Currently, Policy 10.3.2 requires that all fuel pumps be located to the rear of buildings. The intent of the policy is to bring service station and associated convenience store buildings closer to the street and public sidewalk in order to provide a consistent street edge, improve pedestrian safety, improve site aesthetics, and comply with City requirements for building placement stipulated in many of the City's Special Area Plans. However, as illustrated with the Murphy USA petition, this requirement can result in fueling pumps and associated canopies, underground gasoline storage tanks, and loading and vehicular use areas being located closer to residential areas under certain circumstances. The proposed comprehensive plan text change proposes to amend this requirement to allow fueling pumps to be located at the side or the front of the building where a gasoline service station is located within 50' (straight line measurement) of a property with a residential zoning district or a PD zoning that is restricted to residential uses. Using the Murphy USA example, this amendment would permit the applicant greater flexibility to locate the canopies and fueling stations further away from the adjacent Greater Duval neighborhood. Planning staff recommends that this amendment apply within a 50' radius in order to account for intervening right-of-way between the gas station and residential neighborhoods as was the case with the Murphy USA example. Typical local street right-of-way widths range within the City between 36'-50' on average.*

*Planning staff has analyzed the existing operational gasoline service stations within the City limits and have determined that approximately 7 stores are located within a 50' proximity to residential zoning (see Exhibit B). All seven of these stations were built prior to the City implementing regulations within the Transportation Mobility Element requiring gasoline stations and convenience store facilities with fuel pumps to place fueling stations behind the service station building. As a result, the stations fuel pumps are currently considered legal non-conforming structures but would be rendered conforming with this amendment.*

*Fiscal Note: None.*

**RECOMMENDATION**

**Staff to City Plan Board - Staff recommends**

approval of Petition PB-16-143 CPA.

[160486 Staff report and Exhibits A-F 20161027](#)

[160484.](#)

**Amend the City of Gainesville Land Development Code Section 30-93 Gasoline and alternative fuel service stations (GN-554) and food stores (MG-54) with accessory gasoline and alternative fuel pumps to prohibit such facilities when adjacent to property designated for single-family residential on the Future Land Use Map (B)**

**Petition PB-16-144 TCH. City Plan Board. Amend the City of Gainesville Land Development Code Section 30-93 Gasoline and alternative fuel service stations (GN-554) and food stores (MG-54) with accessory gasoline and alternative fuel pumps to prohibit such facilities when adjacent to property designated for single-family residential on the Future Land Use Map.**

*Explanation: This petition is proposing to amend Land Development Code Section 30-93. - Gasoline and alternative fuel service stations (GN-554), and food stores (MG-54) with accessory gasoline and alternative fuel pumps to prohibit the siting of these facilities when abutting property designated with Single-Family (SF) or Residential Low (RL) land use as depicted on the Future Land Use Map.*

*This petition was initiated at the direction of the City Commission at their August 18th hearing by a unanimous vote (6-0 Chase absent) (see Exhibit C). The Commission directed Planning staff to prepare amendments to the Land Development Code to prohibit the placement of gasoline stations when abutting single family neighborhoods and to amend the Transportation Mobility Element of the Comprehensive Plan to include additional flexibility for the placement of fuel pumps when proximate to residential zoned properties (Petition PB-16-143 CPA). The Commission direction to staff was initiated as a result of the discussions related to a request to construct a gasoline service station with 12 fueling positions near the Greater Duval neighborhood (Petition PB-16-34 SUP) by Murphy USA, a national gas station and convenience store chain. At the August 18th hearing, the Commission heard testimony from adjacent property owners and residents. The citizens present at the meeting expressed concern regarding the proposed gas station and its proximity to the nearby single family residential neighborhood. Concerns raised at the meeting included impacts from lighting, noise, hours of operation, proximity to residences, and environmental considerations.*

*The proposed amendment would prohibit new gasoline service stations from locating on property abutting Single Family or Residential Low designated property on the Future Land Use Map. This would include property zoned for single family and other similar low density residential uses.*

*Planning staff has analyzed the existing operational gasoline service*

stations within the City limits and have determined that approximately 3 stores are located adjacent to the land use categories referenced in the table above (see Exhibit B). All three of these stations were built prior to the City implementing regulations within the Transportation Mobility Element requiring gasoline stations and convenience store facilities with fuel pumps to obtain a Special Use Permit and to place fueling stations behind the service station building. As a result, the stations are currently considered legal non-conforming uses. If the proposed amendment was adopted by the City Commission, these stations could continue to operate indefinitely, change ownership, and make minor decorative, functional or safety improvements to existing structures as legal non-conforming uses under the City's Land Development Code provisions.

*Fiscal Note:* None.

**RECOMMENDATION**      Staff to City Plan Board - Staff recommends approval of Petition PB-16-144 TCH.

[160484 Staff report and Exhibits A-F 20161027](#)

[160485.](#)

**Amend the City of Gainesville Sign regulations for consistency with Supreme Court decision in Reed vs Town of Gilbert (B)**

**Petition PB-16-145 TCH. City Plan Board. Amend the City of Gainesville Sign regulations to update, clarify and reorganize the signage regulations for consistency with Supreme Court decision in Reed vs Town of Gilbert.**

*Explanation:* This ordinance will update, clarify and reorganize the sign regulations in the Land Development Code. On August 7, 2014, the City Commission adopted Ordinance No. 130157 and amended the signage regulations in the City's Land Development Code after receiving substantial input from numerous stakeholders on ways to improve the signage regulations in effect at the time. On June 18, 2015, the Supreme Court of the United States, in *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218 (2015), addressed the First Amendment protections afforded to private speech in signage and elaborated on what it means to be "content-neutral" in signage regulations. Whereas the development of constitutional law has been fairly clear regarding what it means to be "viewpoint-neutral" and has deemed as impermissible any regulation of private speech in signage based on a particular viewpoint (e.g., allowing pro-UF messages but regulating anti-UF messages), regulations directed towards an entire subject (e.g., regulating all messages having anything to do with college, whether for or against UF the same) were often afforded more nuanced judicial review and could be considered content-neutral as long as the government did not enact the regulations out of animosity. In that case, the regulations were permissible as long as there was a substantial government interest in the regulation, the regulation was narrowly tailored and there were ample alternative avenues of communication. *Reed*, however, clarified the analysis and held that sign regulations are indeed "content-based" if they target a

*specific subject matter, regardless of the government's motive, content-neutral justification or lack of animus toward the ideas contained in the regulated speech. This is important because once a regulation of private speech in signage is deemed content-based, it will generally be subject to the highest judicial scrutiny and will be struck down unless the regulation is narrowly tailored to serve a compelling government interest.*

*Common examples of these types of content-based signage regulations are any provisions specifically tailored to "real-estate signs," "contractor signs," or "election/political signs." The clearest examples of content-neutral regulations are those regulating the size, location, lighting, number, and form of signs. In response to Reed, City staff has determined the need to further update, clarify, and reorganize the signage regulations in the City's Land Development Code. The most significant amendments include deleting subject matter regulations, including those for "contractor signs," "real estate signs," and "special-event signs," and instead regulating signage form based on "temporary signs" and "permanent signs."*

*This petition specifically amends the City's signage regulations as follows:*

- Delete, update, and clarify specific definitions of certain sign (i.e. contractor signs, trailer signs, snipe signs, permanent and temporary sign)*
- Eliminate special sign provisions for certain uses (i.e. farmers' markets, bed and breakfast, food distribution centers for the needy)*
- Removes A-frame signs from the list of prohibited sign types*
- Replace the "signs that contain no commercial message" provisions with generalized regulations controlling temporary signs not requiring a permit.*
- Retain provisions for non-residential properties to receive additional temporary signs with a no-cost permit.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - Staff recommends approval of Petition PB-16-145 TCH.*

[160485 Staff report and Exhibits A-C 20161027](#)

## **ELECTIONS OF OFFICERS**

### **INFORMATION ITEM:**

#### **A. Plan Board training by City Attorney's Office.**

## **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 meeting are requested to notify the Equal Opportunity Department at 334-5051 (TDD 334-2069) at least 48 hours prior to the meeting date.**