

Quasi-Judicial Registration Form

Name: (please print) RICHARD KROLL/PMA AUTOMOTIVE, INC.

Address: PO Box 730095 ORMOND BEACH, FL 32179

Telephone Number: 904/615-8066

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 19PDA-00 PB, I hereby request that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the public hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission—Mail Station 19, Quasi-Judicial Hearing, Petition 19PDA-00 PB, P.O. Box 490, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

2000 MAR - 6 PM 2:29
CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

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CITY OF GAINESVILLE
CITY COMMISSION
Quasi-Judicial Registration Form

Name: (please print) Greg Bishop - Pinewood Apartments

Address: 4800 W.W. 29th Ave -

Telephone Number: 352-372-0950

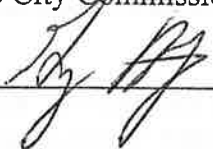
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Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

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Quasi-Judicial Registration Form

CITY OF GAINESVILLE
CITY COMMISSION

Name: (please print) Ruth Brumbaugh

Address: 4113 NW 44 Ct. Gainesville, FL 32606

Telephone Number: 352-373-2513

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

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Signature: Ruth Brumbaugh

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991284
~~-960941~~

Petition 19PDA-00 PB, Legislative Matter No. 991180
Plan Board and Staff Recommendation
March 16, 2000

Conditions as modified from original Ordinance Number 960941.

Condition 32: A traffic impact study, prepared by a professional engineer, registered in the State of Florida, shall be performed at the sole cost and expense of the owner/developer to determine the impact of this development on N.W. 39th Avenue prior to development plan review of the first phase. The development shall be designed to encourage turning movements to utilize the existing traffic signal at the intersection of N.W. 39th Avenue and N.W. 51st Street. The traffic impact study shall analyze existing intersections and proposed intersections. It shall include, but not be limited to, a capacity analysis of the intersections, geometric recommendation for intersections (i.e. auxiliary lanes, bus bays, etc.). The results of the traffic study shall be used for traffic safety and concurrency management purposes. If it is determined by the City's Traffic Engineer that, based on the traffic study, additional conditions are deemed necessary, an amendment to this ordinance may be required. The inclusion of Pod I into the Magnolia Parke PD shall require an update to the existing traffic study concerning trip generation, internal capture, pass-by trips, trip distribution, and any other factors deemed necessary by the Public Works Department. A traffic study update shall also be conducted to account for additional allowable uses on Pod G. Final development plan approval of Pod I shall not be granted until the traffic study updates have been approved by the Community Development and Public Works Departments.

~~Condition 4: The self-storage use shall be buffered from uses located to the east by a 50 foot natural buffer. This buffer must achieve an opacity of 75% within two to five years of planting. Additional landscape material shall be planted within the buffer to supplement existing vegetation where the natural buffer does not meet this requirement. If Pod G is developed with a self-service storage use, a 50 foot buffer shall exist along the eastern boundary of the property where it abuts tax parcel number 6063-000-000 (Bellamy Forge Condominiums). The buffer shall remain in its natural state except: 1) where it is necessary to provide a drainage swale based on existing conditions; or 2) where landscape materials are required to meet adjacent use buffer requirements for an industrial use, as required by the Land Development Code. If the property is developed with a use other than self-service storage, the building shall be setback 50 feet and the buffering requirements of Section 30-253 of the Land Development Code shall apply where the property abuts tax parcel number 6063-000-000. The exterior wall of the storage facility shall not exceed 10 feet in height above finished floor elevation and shall be designed with architectural relief a maximum of every 50 feet. There shall be no entrance or exit or other break in the outside wall along the east or north sides of the building.~~

Condition 25: The total amount of non-residential use for the development shall not exceed ~~216,000~~ 246,000 square feet of gross floor area, not including the square footage allocated to self-storage on Pod G. (Exhibit C). If Pod G is developed with a non-residential use other than self-storage, the total amount of non-residential use for the development shall not exceed 290,000 square feet of gross floor area.

Condition 26: If Pod G is developed with a ~~The self-storage building use~~, the building shall not exceed 30,000 square feet in gross floor area. If Pod G is developed with a non-residential use, the maximum gross floor area shall be 44,000 square feet.

Condition 42: Pod "G" (Exhibit "C"), if developed with a self-storage use, shall be issued a building certificate of occupancy only after a certificate of occupancy has been issued for a minimum of 1) one building in Pod "A"; 2) two buildings in Pod "B" and 3) 15,000 gross square feet of gross floor area including residential development in Pod "C". The development of Pod F shall be completed no later than the completion of Pod "C".

Additional new staff conditions agreed to by the City Plan Board:

Condition A: Permitted uses for Pod G shall include self-service storage, as permitted by ordinance number 960940, and those uses listed in Table 4 of the PD Report.

Condition B: The development standards for Pod C, as provided in the Magnolia Parke PD Report, shall apply to Pod G if developed as a use other than self-service storage, unless otherwise provided for in this ordinance and associated PD Report.

CITY
OF
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 6

TO: City Plan Board

DATE: March 16, 2000

FROM: Planning Division Staff

SUBJECT: Petition 19PDA -00 PB, Patrice Boyes, Esq., agent for the Denney Family Limited Partnership. A planned development amendment to amend regulations related to Pod G of the Magnolia Parke PD. Zoned PD (planned development district). Located at 4620 Northwest 39th Avenue. Related to Petition 29PDV-00PB.

Recommendation

Planning Division staff recommends approval of Petition 19PDA-00PB, with conditions.

Explanation

This petition involves amendments to the Magnolia Parke Planned Development (PD) related to Pod G, a 2.9 acre area located on the eastern portion of the Magnolia Parke PD (See Exhibit A). The PUD land use overlay for Pod G previously limited the use of Pod G to self-service storage. The associated land use petition (194LUC-99PB scheduled for first reading of the ordinance on March 13, 2000) amended the approved PUD to expand the allowable uses and amend conditions related to a buffer area. To account for these changes, several of the conditions of the Magnolia Parke PD are proposed for amendment, as included below.

The amended PD Report and PD Layout Plan included with associated Petition 29PDV-00PB are also amended to incorporate changes associated with Pod G, and as such are incorporated into this petition by reference.

In considering a proposed planned development or planned development amendment for approval, the city plan board and the city commission shall evaluate the proposal in consideration of the following criteria; (please note that conditions identified numerically are proposed amendments to the Magnolia Parke PD, and conditions identified alphabetically are proposed new conditions to be incorporated into the Magnolia Parke PD).

(1) Conformance with the Comprehensive Plan

The proposed planned development amendment to amend conditions of the Magnolia Parke PD related to Pod G is not contrary to any policy of the Comprehensive Plan, and is therefore in conformance with the Comprehensive Plan.

(2) Concurrency

The original Magnolia Parke PD (including Pod G), was granted preliminary concurrency approval for a period of five years from the effective date of the original ordinance (October 13, 1997). Pod G, as well as the remainder of the Magnolia Parke PD, excluding Pod I, is included in the City's recently adopted Transportation Concurrency Exception Area. The associated land use amendment for Pod G included an amended condition to account for this as well as a provision for a traffic study update to account for additional allowable uses on Pod G. As indicated in the land use petition for Pod G (194LUC-99PB), if Pod G were to be developed as a 30,000 square foot self-service storage facility, the trip generation would be 78 trips per day and 8 p.m. peak hour trips. If Pod G were to be developed based on the maximum lot coverage permitted by the land use overlay district (35%) for a general office, 487 average daily trips and 65.8 p.m. peak hour trips would be generated. If Pod G were to be developed as a specialty retail center, 1,798 average daily trips and 144 p.m. peak hour trips would be generated. If Pod G were to be developed with 43 residential multi-family dwelling units, 285 average daily trips and 27 p.m. peak hour trips would be generated. Due to the proposed expansion of allowable uses, the Magnolia Parke Traffic Study will need to be amended to account for other possible uses in addition to self-service storage.

As provided in associated petition 29PDV-00PB, condition 32 of the Magnolia Par PD is proposed for amendment as follows:

Condition 32: A traffic impact study, prepared by a professional engineer, registered in the State of Florida, shall be performed at the sole cost and expense of the owner/developer to determine the impact of this development on N.W. 39th Avenue prior to development plan review of the first phase. The development shall be designed to encourage turning movements to utilize the existing traffic signal at the intersection of N.W. 39th Avenue and N.W. 51st Street. The traffic impact study shall analyze existing intersections and proposed intersections. It shall include, but not be limited to, a capacity analysis of the intersections, geometric recommendation for intersections (i.e. auxiliary lanes, bus bays, etc.). The results of the traffic study shall be used for traffic safety and concurrency management purposes. If it is determined by the City's Traffic Engineer that, based on the traffic study, additional conditions are deemed necessary, an amendment to this ordinance may be required. The inclusion of Pod I into the Magnolia Parke PD shall require an update to the existing traffic study concerning trip generation, internal capture, pass-by trips, trip distribution, and any other factors deemed necessary by the Public Works Department. A traffic study update shall also be conducted to account for additional allowable uses on Pod G. Final development plan approval of Pod I

shall not be granted until the traffic study updates have been approved by the Community Development and Public Works Departments.

(3) Internal and External Compatibility

Staff finds that the proposed amendment, which allows uses other than self-service storage, as provided in Table 4 of the PD Report, could potentially result in the development of uses which are more compatible with adjacent uses and those internal to the Magnolia Parke Planned Development. As part of the land use amendment petition associated with this property (194LUC-99PB- scheduled for first reading of the ordinance on March 13, 2000), a request was made by the petitioner to revise a condition related to buffering on the east side of Pod G. A portion of the northern part of Pod G abuts a multi-family development (Bellamy Forge Condominiums) on the east side. Since the remainder of the eastern boundary of Pod G abuts the 3.71 acre "Pod I", which is now owned by the petitioner and proposed for incorporation into the Magnolia Parke PD, the petitioner requested that a condition of the PUD overlay for Pod G be amended to remove the 50 foot buffer requirement in this area. Based on an agreement between the petitioner and the Bellamy Forge Condominium Association, the condition of the PUD overlay was further amended to provide a 50 foot building setback where Pod G abuts the Bellamy Forge property line. It is recommended that Condition 4 of the Magnolia Parke PD be amended to reflect the amendments to the PUD overlay district for Pod G.

Condition A: Permitted uses for Pod G shall include self-service storage, as permitted by ordinance number 960940, and those uses listed in Table 4 of the PD Report.

Condition B: The development standards for Pod C, as provided in the Magnolia Parke PD Report, shall apply to Pod G if developed as a use other than self-service storage, unless otherwise provided for in this ordinance and associated PD Report.

Condition 4: The self-storage use shall be buffered from uses located to the east by a 50 foot natural buffer. This buffer must achieve an opacity of 75% within two to five years of planting. Additional landscape material shall be planted within the buffer to supplement existing vegetation where the natural buffer does not meet this requirement. If Pod G is developed with a self-service storage use, a 50 foot buffer shall exist along the eastern boundary of the property where it abuts tax parcel number 6063-000-000 (Bellamy Forge Condominiums). The buffer shall remain in its natural state except: 1) where it is necessary to provide a drainage swale based on existing conditions; or 2) where landscape materials are required to meet adjacent use buffer requirements for an industrial use, as required by the Land Development Code. If the property is developed with a use other than self-service storage, the building shall be setback 50 feet and the buffering requirements of Section 30-253 of the Land Development Code shall apply where the property abuts tax parcel number 6063-000-000. The exterior wall of the storage facility shall not exceed 10 feet in height above finished floor elevation and shall be designed with architectural relief a maximum of every 50 feet. There shall be no entrance or exit or other break in the outside wall along the east or north sides of the building.

(4) Intensity of Development

The original land use overlay for Pod G limited development to 30,000 square feet of self service storage use. The amended land use overlay allows Pod G to have a maximum lot coverage of 35%, if developed with a use other than self-service storage, or a maximum of 15 dwelling units per acre if developed as residential. The petitioner has proposed, within Table 1 of the PD Report, that if Pod G is developed with a non-residential use other than self-service storage, the maximum square footage permitted would be 44,000 square feet. Because of this amendment and the amendment to include Pod I, condition 25 and 26 are proposed for amendment as follows:

Condition 25: The total amount of non-residential use for the development shall not exceed ~~216,000~~ 246,000 square feet of gross floor area, not including the square footage allocated to self-storage on Pod G. (Exhibit C). If Pod G is developed with a non-residential use other than self-storage, the total amount of non-residential use for the development shall not exceed 290,000 square feet of gross floor area.

Condition 26: If Pod G is developed with a non-residential use, the maximum gross floor area shall be 44,000 square feet. ~~The self-storage building use, the building shall not exceed 30,000 square feet in gross floor area. If Pod G is developed with a non-residential use, the maximum gross floor area shall be 44,000 square feet.~~

(5) Usable open spaces, plazas and recreation areas

The proposed amendment does not impact the approved open spaces, plazas and recreation areas approved as part of the original Magnolia Parke PD ordinance.

(6) Environmental constraints

There are no environmental constraints which would be affected by the proposed PD amendment related to Pod G.

(7) Internal and external transportation access

The internal and external transportation access for Pod G will not change as a result of this petition. Staff has proposed that the development standards that are provided in the PD Report for Pod C shall apply to Pod G if developed with a use other than self-service storage (see Condition B). The development standards include provisions related to setbacks from sidewalks, minimum 7 foot sidewalk widths, sidewalk connections, and auto circulation as provided on the PD Layout Plan.

(8) Provision for the range of transportation

The amendments related to Pod G will not affect the provision for the range of transportation for the Magnolia Parke PD.

(9) Development Time Limits

Since the uses allowed in Pod G will no longer be limited to self-storage, the following condition is recommended for amendment:

Condition 42: Pod "G" (Exhibit "C"), if developed with a self-storage use, shall be issued a building certificate of occupancy only after a certificate of occupancy has been issued for a minimum of 1) one building in Pod "A"; 2) two buildings in Pod "B" and 3) 15,000 gross square feet of gross floor area including residential development in Pod "C". The development of Pod F shall be completed no later than the completion of Pod "C".

Respectfully submitted,



Ralph Hilliard
Planning Manager

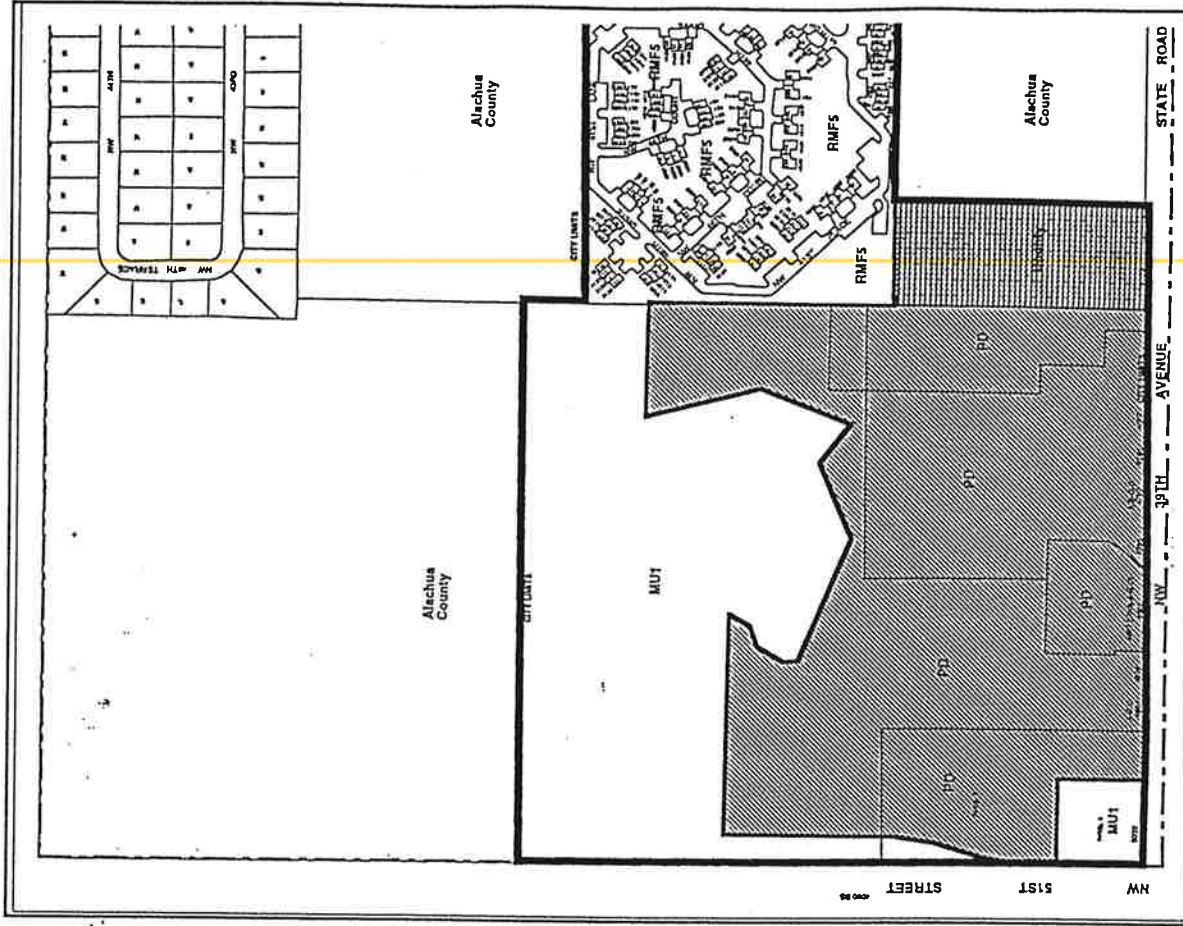
RH:KW

Zoning Districts

- RSF1 Single-family Residential (3.5 du/acre)
- RSF2 Single-family Residential (4.6 du/acre)
- RSF3 Single-family Residential (5.8 du/acre)
- RSF4 Single-family Residential (8 du/acre)
- RMF5 Single-family/Multiple-family Residential (12 du/acre)
- RMF6 Multiple-family Residential (8-15 du/acre)
- RMF7 Multiple-family Residential (8-21 du/acre)
- RMF8 Multiple-family Residential (8-30 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (20 du/acre)
- OF General Office
- BUS General Business
- BA Automotive-oriented Business
- BT Tourist-oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District (up to 150 du/acre)
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park
- PD Planned Development

- x— Historic Preservation/Conservation
- o— Special Area Plan
- · — Division line between two zoning districts
- City Limits

Area under petition consideration



ZONING

Name	Petition Request	Map(s)	Petition Number
Denny Family Limited Partnership	Amendment	3443	19PDA-00PB



LEGAL DESCRIPTION (POD "G")

A PARCEL OF LAND SITUATED IN SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, GAINESVILLE, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, AND RUN N00025'25"W, ALONG THE WEST LINE OF THE SE 1/4 OF SAID SECTION 22, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.W. 39TH. AVENUE (100' R/W); THENCE RUN N89034'07"E, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1274.86 FEET TO THE POINT OF BEGINNING; / THENCE RUN N00025'59"W, A DISTANCE OF 102.89 FEET; / THENCE RUN S89034'07"W, A DISTANCE OF 87.00 FEET; / THENCE RUN N00025'59"W, A DISTANCE OF 152.10 FEET; / THENCE RUN S89'33'50"W, A DISTANCE OF 70.92 FEET; / THENCE RUN N00026'10"W, A DISTANCE OF 497.32 FEET; / THENCE RUN N89033'50"E, A DISTANCE OF 204.94 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SAID SE 1/4 OF SECTION 22; / THENCE RUN S00025'59"E, ALONG SAID EAST LINE, A DISTANCE OF 752.32 FEET TO A POINT ON THE SAID NORTH RIGHT OF WAY LINE OF N.W. 39TH. AVENUE; THENCE RUN S89034'07"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 47.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.919 ACRES, MORE OR LESS.

6. **Petition 19PDA-00 PB** Patrice Boyes, Esq., agent for The Denney Family Limited Partnership. A planned development amendment to amend regulations related to Pod G of the Magnolia Parke PD. Zoned: PD (planned development district). Located at 4620 Northwest 39th Avenue. Related to Petition 29PDV-00 PB.

Ms. Kathy Winburn was recognized. Ms. Winburn presented a drawing of the site plan and described it in detail. She explained that the previously adopted PD limited the use of Pod G to self-service storage. She noted that an associated land use petition was heard by the Plan Board in January and approved at first reading by the City Commission amended the approved PUD to expand the allowable uses and amended conditions related to a buffer area. Ms. Winburn explained that, because of the change, several of the Magnolia Parke conditions were to be amended. She stated that staff reviewed the petition based upon the criteria established in the Land Development Code for Planned Developments and found the petition to be in conformance with the Comprehensive Plan. Ms. Winburn indicated that, due to the expanded list of uses, the traffic study would need to be amended to account for those additional uses. She pointed out that the expansion of allowable uses in Pod G could potentially result in the development of uses more compatible with adjacent uses and those internal to the Magnolia Parke PD. She reviewed the proposed changes to the Magnolia Parke PD conditions. She offered to answer any questions from the board.

Ms. Patrice Boyes, agent for the petitioner, was recognized. Ms. Boyes indicated that the petitioner had no comments on the petition.

There was no public comment on the petition.

<u>Motion By:</u> Mr. Carter	<u>Seconded By:</u> Mr. Myers
<u>Moved to:</u> Approve Petition 19PDA-00 PB, with staff conditions.	<u>Upon Vote:</u> Motion Carried 5-0 Yeas: Carter, Fried, Myers, Polshek, Guy

Quasi-Judicial Registration Form

CITY OF GAINESVILLE
CITY COMMISSION

Name: (please print) Ruth Brumbaugh

Address: 4113 NW 44 Ct. Gainesville, FL 32606

Telephone Number: 352-373-2513

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 19PDA-00 PB, I hereby request that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: Ruth Brumbaugh

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the public hearing as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission—Mail Station 19, Quasi-Judicial Hearing, Petition 19PDA-00 PB, P.O. Box 490, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all rezoning petitions, the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.

CITY OF GAINESVILLE
CITY COMMISSION
Quasi-Judicial Registration Form

Name: (please print) Greg Bishop - Pinewood Apartments

Address: 4000 MAR - 7 AM 10: 19
4900 N.W. 89th Ave -

Telephone Number: 352 - 372 - 0950


Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

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Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

Quasi-Judicial Hearings

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Quasi-Judicial Registration Form

Name: (please print) RICHARD KROLL / PMA AUTOMOTIVE, INC.

Address: PO Box 730095 ORMOND BEACH, FL. 32173-0095

Telephone Number: 904/615-8066

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

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Signature: _____

Telephone Number: _____

2000 MAR - 6 PM 2: 29
CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Hearings

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