

City of Gainesville

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



Minutes

June 23, 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
Leanetta McNealy - School Board Representative*

CALL TO ORDER**ROLL CALL**[160131.](#)

City Plan Board Attendance Roster: December 1, 2015 through May 26, 2016 (B)

Attachments: [160131_CPBA Attendance 2015.2016](#)

APPROVAL OF THE AGENDA (Note: order of business subject to change)

Motion By: Adam Tecler Seconded By: Bob Ackerman

Moved To: Approve the agenda

Upon Vote: 5-0

APPROVAL OF MINUTES - N/A

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**[160133.](#)

Review of the Glazing Requirements for a Hotel in the MU-1 Zoning District (B)

Petition PB-15-12 SUP eda engineers-surveyors-planners, inc., agent for H.I. Resorts. A review of the glazing requirements for a hotel in the MU-1 zoning district. Zoned: MU-1 (8-30 units/acre mixed use low intensity). Located at 3245 SW Archer Road

Attachments: [160133_Staff report and Attachments](#)

RECOMMENDATION

Staff to City Plan Board - The City Plan Board approve the wavier to the building wall articulation glazing requirement for the Candlewood Hotel Special Use Permit.

Stephanie Sutton recused herself from voting on this petition, stating that she previously submitted Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers). Planning Manager Ralph Hilliard gave the staff presentation.

Motion By: Bob Ackerman Seconded By: Adam Tecler

Moved To: Approve Petition PB-15-12 SUP, approve the waiver for the glazing, and find that the petition meets the seven criteria of Section 30-233 for issuance of special use permit.

Upon Vote: 4-0 (Stephanie Sutton recused)

160134.

Special Use Permit Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store (B)

Petition PB-16-34 SUP. Greenberg Farrow (John Vecchio, P.E.) agent for Walmart Stores East, owner. A special use permit with an intermediate development plan to allow construction of a gas station with a convenience store. Zoned: MU-2 (12-30 units/acre mixed use medium intensity). Located at 1800 NE 12th Avenue.

Estimated presentation time 15 minutes

Attachments: [160314_Staff report and Attachments A-C_20160623](#)
 [160134A_Staff report and Attachments A-C_20160818](#)
 [160134B_CPB minutes draft_20160818](#)
 [160134C_Staff ppt_20160818](#)
 [160134_QJ Form_20160818.pdf](#)
 [160134_MOD_petiton form_20160818.pdf](#)
 [160134_MOD Greater Duval Neighborhood Assoc_20160818.pdf](#)

RECOMMENDATION

City Plan Board to City Commission- Approve Petition PB-16-34 SUP with staff conditions, Technical Review Committee (TRC) comments, the associated development plan , and two additional conditions: 1)relocate the underground tanks from the south side to the west side of the development and; 2) add an oil/water separator to the stormwater management system of the site.

Staff to City Commission - Approve the City Plan Board's recommendation.

Staff to City Plan Board - Approve Petition PB-16-34 SUP with conditions, TRC comments and the associated development plan.

Lead Planner Lawrence Calderon gave the staff presentation. He explained that this is a continuation of the Special Use Permit petition hearing that was held on May 26, 2016. During the public comments portion of the May 26th hearing, neighborhood residents stated that they did not receive notice of the neighborhood meeting conducted by the applicant and that they did not receive notice of the May 26th City Plan Board from the City. Some

neighborhood representatives expressed opposition to several aspects of the development, particularly the location of the fuel tanks and proximity of the development to the residential neighborhood. Others spoke in support of the overall concept and the positive benefits to the community.

Mr. Calderon said that the Plan Board asked staff to confirm whether proper notice of the May 26th Plan Board meeting had been provided, and, whether the neighborhood meeting had been conducted and properly advertised. Staff has reviewed the record and determined that both meetings were properly noticed. He noted that some of the residents who spoke at the May 26th Plan Board meeting are not on the list of property owners administered by the Property Appraiser's office. He added that subsequent to the May 26th meeting staff reviewed some modifications to the design of the site and hosted a meeting with the neighbors and the applicant.

Wayne Gibson of Murphy USA spoke on behalf of the applicant. John Veccio, P.E., of Greenberg Farrow, made a presentation as agent for the applicant in which he explained the modifications to the development plan that were made since the May 23rd meeting. The following members of the public spoke during the public comments portion of this SUP petition hearing: Carla Lewis; Andrew Miles; Pastor Earnestine Butler; Juanita Miles Hamilton; Carrie Parker-Warren; Gilbert Means; and, Yvette Clark.

During the Plan Board's deliberations on the Motion, Adam Tecler expressed his opposition to the recommended addition of an oil/water separator because it would be an added burden on the proposed business.

Motion By: Bob Ackerman Seconded By: Stephanie Sutton

Moved To: Approve Petition PB-16-34 SUP with staff conditions, Technical Review Committee (TRC) comments, the associated development plan, and two additional conditions:

- 1) Relocate the underground tanks from the south side to the west side of the development, and;
- 2) Add an oil/water separator to the stormwater management system of the site.

Upon Vote: 5-0

NEW BUSINESS

[160136.](#)

Special Use Permit Review to Construct a Commercial Development with Drive Throughs (B)

Petition PB-16-50 SUP: Boos Development Group/CHW, agent for Jeff Montgomery Associates, LLC, owner. Special use permit with development plan review for construction of a new commercial development with drive through. Zoned: MU-1 (8-30 units/acre mixed use low intensity). Located at 4322 NW 53rd Avenue.

Attachments: [160136_Staff Report and Attachments A-E_20160623](#)

RECOMMENDATION *Staff recommends approval of Petition PB-16-50 SUP with conditions and the related development plan.*

Plan Board member Bryan Williams, who had previously submitted Form 8b, recused himself because the property owner is a client of his employer. Lead Planner Lawrence Calderon gave the staff presentation. Board member Stephanie Sutton stated that the minutes from the neighborhood workshop were not in the packet. Robert Walpole, P.E., of CHW, made a presentation as agent for the applicant. He said that he did not know what happened to the minutes from the neighborhood workshop. Board member Bob Ackerman asked about light trespass, to which Mr. Walpole replied that there would be none onto adjacent residential property.

The following members of the public spoke (provided testimony) during this informal quasi-judicial hearing: Mark Spiller, Richard Watkins, Roxanne Watkins, Rick Daldrecht, Paula Guerrein, Terry Kann, JoAnn Stevener, Don West, Angus _____, and Charlie Fellows. Richard Ashcroft and Frank Orlando signed in to speak and may have spoken. Concerns expressed by the members of the public included light trespass, traffic (generation, turn movements), traffic impact on bicycle and pedestrian safety, noise, stormwater, and changes in the proposal subsequent to the neighborhood workshop that was held in March.

Mr. Walpole spoke to the concerns raised by the members of the public, and the Board then deliberated.

Motion By: Adam Tecler **Seconded By:** Bob Ackerman

Moved To: Approve Petition PB-16-50 SUP with the Conditions listed below, and find that this proposed special use meets the criteria of Section 30-233 for issuance of a special use permit.

Condition 1. The applicant shall be required to comply with all requirements of the Technical Review Committee as included in Attachment "A".

Condition 2. A minimum six-foot eight-foot wide sidewalk shall be provided along the west side of NW 43rd Street and along the north side of NW 53rd Avenue.

Condition 3. Light fixtures within 75 feet of the residential-zoned property boundary shall be reduced to 15 feet mounting height. (According to the Code this should be 75 feet; there is only one pole within the 75-foot area.)

Condition 4. The photometric plan shall be amended to reduce spill-over lighting onto the adjacent property to levels allowed by the code. Alternatively, appropriate screening methods shall be employed to reduce the impact of the ATM lighting on the adjacent property. All light fixtures shall be designed and placed so that there is no direct lighting onto the adjacent neighborhoods. An automatic system shall be provided to lower lighting to security levels after operating hours.

Condition 5. Security safety lighting (.5 foot candle) shall be provided along the sidewalk linking the adjacent development to the west.

Condition 6. There shall be no left turns onto NW 43rd Street from the development. The applicant shall add a no-left turn supplemental sign to the stop sign at NW 53rd Avenue for the development restricting left turns during school zones time for Talbot Elementary School. A note shall be placed on the approved plans to that effect.

Condition 7. The drive through communication at all five automobile service points shall be designed to prevent the transfer of such communications onto the adjacent residential areas.

Condition 8. Ambulance sirens shall only be used to enter and exit the site and not operated on site.

Condition 9. Because the development fronts two County Roads, NW 43rd Street and NW 53rd Avenue, approval from Alachua County Public Works must be obtained prior to final development plan approval from the City.

Upon Vote: 1-3 (Nays, Bob Ackerman, Stephanie Sutton, and Erin Condon. Bryan Williams recused.)

[160138](#)

Amend the City of Gainesville Future Land Use Map from Single-Family (up to 8 units per acre) (SF) to Urban Mixed-Use 1 (UMU-1: 8-75 units per acre; and up to 25 additional units per acre by special use permit) (B)

Petition PB-16-57 LUC. CHW, agent for Albert G. Fosmoe and Carmen S. Fosmoe, owners. Amend the City of Gainesville Future Land Use Map from Single-Family (up to 8 units per acre) (SF) to Urban Mixed-Use 1 (UMU-1: 8-75 units per acre; and up to 25 additional units per acre by special use permit). Located at 1217, 1227, 1237, and 1247 SW 11th Avenue. Related to PB-16-58 ZON.

Attachments: [160138 Staff report and Appendix A-C 20160623](#)
[160138A draft ordinance 20160901.pdf](#)
[160138B Staff report and Appendix A-C 20160901](#)
[160138C CPB minutes draft 20190901](#)
[160138D Staff ppt 20160901](#)
[160138 ordinance 20160906.pdf](#)

RECOMMENDATION *Staff to City Plan Board - Approve Petition PB-16-57 LUC.*

Lead Planner Dean Mimms, AICP, gave staff's combined presentation on this petition and the related zoning petition (PB-16-58 ZON).

Motion By: Bob Ackerman Seconded By: Adam Tecler

Moved To: Approve Petition PB-16-57 LUC

Upon Vote: 5-0

[160139.](#)

Rezone from RSF-1: 3.5 units/acre single-family residential district to

UMU-1: 8 to 75 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district (B)

Petition PB-16-58 ZON. CHW, agent for Albert G. Fosmoe and Carmen S. Fosmoe, owners. Rezone property from RSF-1: 3.5 units/acre single-family residential district to UMU-1: 8 to 75 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district. Located at 1217, 1227, 1237, and 1247 SW 11th Avenue. Related to PB-16-57 LUC.

Attachments: [160139_Staff report and Appendix A-C_20160623](#)
[160139A_draft ordinance_20160901.pdf](#)
[160139B_Staff report and Appendix A-C_20160901](#)
[160139C_CP B minutes draft_20160901](#)
[160139D_Staff ppt_20160901](#)
[160139_Bhosale_20160901.pdf](#)
[160139_ordinance_20160915](#)

RECOMMENDATION *Staff to City Plan Board - Approve Petition PB-16-28 ZON.*

Lead Planner Dean Mimms, AICP, gave staff's combined presentation on this petition and the related land use petition (PB-16-57 LUC). Ryan Thompson of CHW made a presentation as agent for the applicant.

Motion By: Bob Ackerman Seconded By: Adam Tecler

Moved To: Approve Petition PB-16-58 ZON

Upon Vote: 5-0

INFORMATION ITEM: N/A

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.