

**FINAL ORDER OF THE CITY OF GAINESVILLE, FLORIDA (Legistar No. 110147)**

**IN THE MATTER OF APPEAL OF PRELIMINARY DEVELOPMENT PLAN  
APPROVAL GRANTED BY THE DEVELOPMENT REVIEW BOARD FOR JACK'S  
BAR (PETITION NO. DB-11-38 SPA)**

**Historic Gainesville, Inc., "Appellant"**

**Eng Denman & Associates, Inc., as Agent for William Chick, Jack's Bar, "Petitioner"**

**PRELIMINARY STATEMENT OF APPEAL**

On May 12, 2011 and June 9, 2011, the Development Review Board (the "DRB") held an informal quasi-judicial hearing and considered Petition No. DB-11-38 SPA (the "Petition") which sought development plan approval for conversion of an existing office space to a bar (alcoholic beverage establishment) with an associated outdoor cafe located at 16 South and 24 South Main Street within the City of Gainesville. The DRB approved the Petition, by a vote of 4-0, granting preliminary development plan approval with staff conditions.

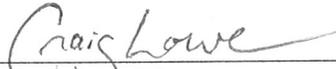
On June 27, 2011, the Appellant filed an appeal with the City challenging the approval granted by the DRB. Pursuant to the Special Area Plan for the Traditional City Area in Appendix A, Section 4, Exhibit B of the City's Land Development Code, the City Commission of the City of Gainesville (the "City Commission") has limited jurisdiction to hear such an appeal brought by a "person aggrieved" by a reviewing board decision.

The City Commission was scheduled to hear the appeal at its regular meeting on August 4, 2011. The appeal and other agenda items were unable to be heard on that date due to time constraints and, upon vote of the City Commission, the meeting was continued to August 9, 2011. On August 9, 2011, the City Commission heard the appeal and first considered the preliminary procedural issue of standing. After receiving legal argument and fact-based testimony from City Staff, the Appellant and its representatives and the Petitioner and its representatives, the City Commission rendered a decision. As required by City Code, the decision is hereby reduced to writing and shall constitute final administrative review by the City.

**ORDER**

The City Commission, by a vote of 4-2, finds the Appellant failed to demonstrate it was an "aggrieved person" and the appeal is dismissed for lack of standing. This written order constitutes final administrative action by the City on the appeal.

Entered 8/23/2011, 2011.

  
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Craig Lowe, Mayor

Attest:   
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Kurt M. Lannon, Clerk of the Commission

Copies furnished to: Historic Gainesville, Inc., Appellant  
Eng Denman & Associates, Inc., Agent for the Petitioner