

bringing several major petitions before the board as a result of the committees' recommendations. He agreed that the public had the opportunity to speak, and there would be more opportunities for public comment as the matter progressed. He indicated that he did not wish to say that the issues had so much input that it should not have more.

Mr. Tecler stated that he hoped the persons speaking on the petition before the board were also involved in the earlier meetings. He suggested that it was a little unfair for Mr. Gold to characterize the petition as all for developers and business.

Mr. Reiskind asked if the earlier meetings since July 2004 had agendas made public, or if they were just general discussion on the matter.

Mr. Saunders indicated that public notice and an agenda would have been provided, however, the meetings would not have been advertised as extensively as when the matter came before the Plan Board and the City Commission.

Chair Cole asked who would receive the replies if a petitioner mailed letters about a workshop to the neighborhood.

Ms. Carolyn Morgan, Senior Planner, was recognized. Ms. Morgan explained that the developer mailed out notice of a neighborhood meeting and would receive the reply. She noted that staff was not involved in a development at that point, since no plans had been presented.

Mr. Saunders noted that 2 committees brought recommendations before the City Commission, the EDUCC, and the Community Development Committee. He discussed the recommendations of each committee.

Chair Cole noted that the board's packets contained recommendations from members of the Development Review Board. He asked if Mr. Saunders had reviewed those comments.

Mr. Saunders indicated that he had read the Development Review Board's recommendations.

Chair Cole opened the floor to public comment.

Ms. Monica Cooper, Chair of the Development Review Board, was recognized. Ms. Cooper indicated that comments from the DRB had been provided to the board. She noted that, while the comments were a majority opinion, other board members did have other ideas. She explained that the DRB was in agreement with a consent agenda for certain items, but only with the understanding that they could be pulled from consent if the board wished discussion on a project. Ms. Cooper stated that board members all disagreed with the 5-acre threshold for industrial developments. She explained that the board believed industrial development should be classified by nature of the operation, since some small projects could have a much greater impact than larger projects. Regarding the neighborhood meetings, she explained that the DRB wanted to encourage neighborhood participation. She noted that the board discussed a proposal to have earlier input from not just the neighbors, but from the community at large, who were also affected by development. She explained that the DRB recommended digital submissions that could be placed on the City's website for public review and comment. She discussed the concern that comment on development

plans was coming in after it was designed and difficult to change. Ms. Cooper explained that sometimes, when the DRB raised an issue, the developer was upset that things were being questioned so late in the process, and not open to comments. She noted that the board suggested that a site plan be posted on the site with the notice of meetings. She cited concerns that the proposed new professional requirements for specific board members would cause the removal of three natural scientists now sitting on the DRB. Ms. Cooper stressed the need for earlier input by the board on site plans, and that the neighbors be included.

Mr. Tecler indicated that he had experience with electronic submittals of comments. He noted that there were problems with identifying the persons making comments and their locations. He asked if digital submission of comments policy was adopted, would there be a way to access a person's phone number, address, email address, where they were located, orientation of business, or political action group.

Ms. Cooper indicated that, while the DRB members believed that the neighborhood meeting process should be kept, the electronic submissions would be something different. She suggested that, regardless of the identity of the person making an email comment, the process could screen out those that were not applicable. She indicated that the comments did not necessarily have to come from just the neighborhood.

Mr. Reiskind asked if the paper submissions made to the Planning Division were available to the public for examination.

Ms. Cooper stated that it was her understanding that people could come into Planning and examine plans as well as see the digital submission.

Mr. Reiskind asked if plans were submitted to planning before or after the neighborhood workshop.

Ms. Morgan indicated that plans were submitted after the neighborhood workshop. She noted that, at the time of the neighborhood workshop, staff had neither seen nor reviewed, any plans. Regarding the membership of the DRB, she explained that the current language in the Code stated that a professional with experience in natural and environmental sciences was listed as a desired member of the board, and there was no suggestion to change that language. She noted that the language merely indicated that other professionals should be listed.

Mr. Gold noted that Chair Cooper had indicated that she thought the DRB members should attend neighborhood meetings, and Plan Board members had been informed that they were not to do so because of concern for quasi judicial proceedings and ex parte communications.

Ms. Cooper explained that the board members did not wish to attend neighborhood meetings, but would like to have input via electronic submissions. She explained that the problem was that the DRB was at the end of the process, and members believed they needed to be involved earlier.

Ms. Morgan pointed out that there was a method currently in the Land Development Code to allow early discussion of development plans. She indicated that a concept review process allowed boards and neighbors input very early in the development stages. She explained that the meeting would be noticed and a simple basic plan presented to the board and public before it was fully drawn.

Ms. Laura Collopy, member of the Development Review Board, was recognized. Ms. Collopy explained that, while she did not believe DRB members should comment on the petitions before they came to all members in their packets, board members should have citizen's digital comments in their packets just as they have emails and letters at the present time. Ms. Collopy suggested that it was important to have an at large member on the DRB along with the recommended professionals.

Ms. Beverly Hill, 3826 SW 5th Place, was recognized. Ms. Hill stated that while she believed development should be facilitated, it should not be done at the expense of the citizens. She stated that neighborhood notices should still be sent out to neighborhood associations as well as the advertisement in the Gainesville Sun. She noted that she had attended neighborhood meetings with only 2 people, however, those people represented a number of other people. She indicated that there were problems with only notifying persons who own property within 400 feet, since those property owners often did not live in Gainesville.

Dr. Paul Wheeler was recognized. Dr. Wheeler cited concerns about removing the neighborhood meeting requirement.

Mr. Mike Castine was recognized. Mr. Castine presented a letter to the board. He explained that the DRB reviewed projects that already had the correct land use and zoning, and it was not their role determine whether a project should go in a particular location. He stated that the Development Review Board's responsibility was to determine if a project met the City's requirements for development as stated in the Land Development. He indicated that, based upon his experience, he believed proposed changes to the neighborhood notification meetings were appropriate.

Ms. Mary Helen Wheeler was recognized. Ms. Wheeler indicated that it was important to have the neighborhood meetings.

Mr. Joe Schmid, board member of the University Park Neighborhood Association was recognized. Mr. Schmid indicated that the neighborhood notification program seemed to be working very well. He pointed out that, while the City Commission committee meetings on the issues were noticed, they were held in the afternoon when most citizens had to work. He suggested that there didn't seem to be a problem that needed to be fixed. Mr. Schmid stated that the entire petition seemed to be about cutting out citizen participation in the development process.

Mr. Sam Harris, 1722 NW 5th Avenue, was recognized. Mr. Harris explained that he was once a member of the Plan Board. He stated that the petition before the board was undoing hard won gains in a 20 year process for development in Gainesville. He noted that the development community could come to meetings at any time, but the citizens who were most affected became involved only at the end of the process. He indicated that 400 feet was not a large enough area to notify affected persons of development. He stated that meeting requirements should not change nor should thresholds be raised, and membership on the DRB should be based upon citizen interest and ability to participate, not on professional affiliation and membership in the development community.

Mr. Gary Ihas, 3705 SW 3rd Place, was recognized. Mr. Ihas urged the board to strengthen the neighborhood meetings and encourage involvement during the entire process. He suggested that the neighborhood meetings were left too much in the hands of a developer, and should be more controlled.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.

Chair Cole closed the floor to public comment.

Mr. Reiskind stated that he had several suggestions for modifications to the petition, however, he was not sure if it could be sufficiently modified to preserve and strengthen citizen participation. He stated that Section 30-350(b)(3), proposed that the applicant provide notification by mail to all owners of property located within 400 feet of the subject property and to all neighborhood associations registered with the city. He suggested that the notification area be expanded from 400 feet to 1,000 feet. Mr. Reiskind noted that under the proposed new language, a workshop would be held only if 5 or more meeting notices were returned to the applicant. He indicated that he would hope that the meeting notices would include stamped postcards so there would be no expense to the citizen for their return. He suggested that the procedure require a workshop if 5 or more persons within 1,000 feet, or 1 or more neighborhood associations returned notices. Mr. Reiskind further suggested that planning staff have person responsible for citizen advocacy, who would be in touch with the citizens and neighborhoods from the beginning to the end of the process. He indicated he could support the petition if it was modified, but not as currently presented.

Mr. Gold stated that he could not support the petition. He suggested that it was part of a movement to eliminate citizen input and standing on development, to which he was strongly opposed. He indicated that it appeared that the persons who drafted the proposals were involved in the development community. He stated that he was opposed to specific professional membership of the DRB, since the boards were to provide citizen input into the development process. Mr. Gold cited a concern about raising the thresholds for review. Regarding the requirement that 5 or more citizens respond in order to have a workshop, he indicated he also had serious concerns about the developer being the person responsible to state the number of responses received. Mr. Gold indicated that, given the cost of most developments, the cost of a newspaper ad and a workshop was insignificant. He stated that he was opposed to moving any neighborhood meetings to the downtown area rather than in the impacted neighborhood where it would be accessible to citizens. He stated that he believed the comments of the Community Development Committee were more acceptable than the comments of the Economic Development Committee. Mr. Gold stated that too many changes would be required in the petition for him to support it. He stated that it appeared that the petition was an attempt to have more review done by staff, and in his experience with staff as a citizen, staff was very pro development.

Mr. Cohen indicated that he did not agree that developers could not be trusted to have a neighborhood meeting based upon the number of responses. He stated that he did, however, agree with Mr. Reiskind and Mr. Gold on the matter of neighborhood meetings, and noted that he found them to be very useful. He suggested that the requirement for a newspaper ad be retained, however, the size of the ad could be adjusted to lower some of the cost. Mr. Cohen indicated that he believed a response of 2 or 3 requests for a workshop would be more appropriate than 5, with internet responses accepted. He agreed that 400 feet for notification mailings was a fairly small distance. He noted that staff and the DRB had agreed that some adjustment in the thresholds was appropriate. Regarding the specific professional designations for DRB members, he pointed out that the City Commission chose board members and specific designations might not be productive.

Mr. Tecler stated that he believed the proposal was a good idea. He stated that there was a great deal of discussion of citizen comment and that citizens were not being involved in the process, however, he did not believe it was the fault of government or the developer that citizens did not show up at meetings. Mr. Tecler indicated that he believed electronic comments were appropriate if the information received could be

verified. He stated that economics dictated areas of entry into a marketplace and as regulations increased, so did the expense involved with a project. He cited a concern that cost and regulation would discourage small business development. He agreed with the proposal for specific professional positions on the DRB. Mr. Tecler cited concerns about the proposal for a citizen advocate in government. He explained having City employees in advocacy positions would endanger the fairness of the process, and the City should try to remain as neutral as possible. He indicated that he believed that the 400-foot notification radius was adequate, and citizen input should be from the neighborhood around a proposed development.

Chair Cole suggested that it was important to remember that architects and planners were also citizens. He explained that he was not concerned about the cost of a newspaper advertisement. He cited a concern that a 1,000-foot notification radius would be excessive and would significantly increase the cost of postage. He agreed with the suggestion for a stamped post card so citizens could return their workshop requests, however, he did not believe it was logistically possible to have such a card returned to the City rather than the developer. Chair Cole pointed out that it was in the interest of a developer to have a workshop to learn of possible problems that might arise later. He indicated that he could support the petition with minor changes.

Mr. Gold indicated that the orange signs posted on development site were technical in nature and did not adequately explain the proposed development or land use and zoning change. He suggested that the idea of an image on the sign of the proposed development would be helpful.

Ms. Morgan explained that it would not be logistically possible to post signs with elevations the day after plans were presented to staff. She noted that a great deal of information had to be verified that staff and was posting the signs as soon as possible. She discussed the process of receiving and reviewing plans.

Chair Cole asked if there were any of the proposals that Ms. Morgan believed were valuable.

Ms. Morgan stated that the neighborhood meeting was excellent for early input, but if the DRB needed early input on petitions, concept review was an alternative. She explained that a petitioner was able to submit a limited sketch plan for concept review for a fee of \$200. She indicated that staff would send out notices to property owners within 400 feet, post the site with a sign, place an ad in the newspaper, and list it as a concept review petition on the DRB regular agenda. She noted that a concept review would be heard at a regular meeting with minutes that would be in the public record. Ms. Morgan stated that the language in the Code stated that the concept review was solely to alert the petitioner to problems that may arise with the project, and solicit comments from the board and citizens. She explained that a petitioner could not count the concept review as an approval or denial. She also discussed the Neighborhood Advisory Board, which had been in place a number of years before being sunsetted.

Chair Cole asked, of all the suggestions discussed, what would staff believe to be the most positive.

Mr. Saunders indicated that the recommendation by the Development Review Board that a web page associated with development could be explored.

Chair Cole asked that those board members who could support the petition with changes make specific suggestions.

Mr. Reiskind pointed out that, since the board was advisory to the City Commission, it had the ability to make suggestions without necessarily approving exact wording. He asked if it was possible for the board to give a conceptual opinion to the Commission.

Ms. Morgan explained that the board could continue the petition and give conceptual opinion to staff and staff could rewrite the petition, based upon the board's wishes.

Mr. Cohen noted that the proposed professional positions on the DRB were recommendations and an extension of the existing recommendations. He stated he had no objection to those recommendations.

Chair Cole suggested that the board approve the petition with specific changes where there was consensus, and if there was no consensus, the board could make suggestions on those items.

Mr. Cohen suggested that the motion be to accept petition 107TCH-05 PB, accepting DRB comment #1 be accepted, DRB comment #2 be accepted, DRB comments #3 and #4, be transmitted as recommendations. He referred to Page 5 of the staff report and indicated that the proposed language in Section 30-350(b)(2), read "For those applicants for which workshop notice had resulted in (change proposed 5 to 2) or fewer responses...." Referring to Page 6 of the staff report, Section 30-350(b)(3), #1, change proposed 5 to 2, and the language, "In the event a workshop is cancelled due to lack of interest, the applicant shall provide a written cancellation to the (change 4 to the person) ~~or fewer persons~~ that may have responded." He indicated that the language crossed through for deletion regarding the newspaper advertisement should be added back to the text language. Mr. Cohen stated that his motion included a recommendation to staff to assure that the specifications for the newspaper advertisement were the minimum possible to avoid excess costs.

Chair Cole suggested that Mr. Cohen make his motion in the form of a recommendation so board members could discuss the matter.

Mr. Reiskind indicated that he believed it would be best to continue the petition and allow staff to consider the board's comments. He suggested that it would be better than the board trying to fine-tune the proposal. He indicated that he would like to see the area of notification enlarged and some guarantee of response from citizens. He agreed that neighborhood associations had greater weight than individuals and response from the citizens was important. Mr. Reiskind stated that some developments had a much wider impact than just the noticed area.

Mr. Tecler suggested that procedural rules would allow the board move the petition on to the City Commission without a recommendation. He noted that it could be sent without a recommendation, and with the inclusion of each board member's suggestions to the City Commission.

Chair Cole stated that he would prefer that the board come to some agreement on the petition. He asked if there were specific areas Mr. Tecler wished to address.

Mr. Tecler indicated that he supported an electronic comment system as long as it was done in a regulatory fashion so it could be determined where the comments originated. He stated that he did not support expanding the 400-foot notification requirement. He indicated that he saw no need to add DRB comments #2 or #4.

Mr. Cohen explained that his recommendation was that DRB comments #1 and #2 be specifically incorporated in the petition and #3 and #4 be transmitted to staff as recommendations for implementation, and not be part of the petition.

Mr. Gold stated that he was in support of the Community Development Committee's recommendations. He indicated that he was opposed to any language that would eliminate neighborhood meetings. He noted that most of the board was interested in keeping as much neighborhood participation as possible. He suggested that the thresholds for review were too high.

There was discussion of the possible thresholds.

Regarding the thresholds, Ms. Morgan explained that the new classification, Minor Review II, included the thresholds that would go on the DRB consent agenda. She explained that nothing would change in the process except that the DRB would not be obligated to have a full discussion on consent agenda petitions unless some member had concerns. Ms. Morgan explained that the proposed changes had the potential to provide more time for the items that required more discussion.

Mr. Tecler asked if the consent agenda process would be the same as it was for the City Commission.

Ms. Morgan explained that the Development Review Board would have to adopt its own rules for a consent agenda. She noted that any item on the consent agenda would have to be a straightforward petition and not require a great deal of interpretation or discussion.

Mr. Tecler cited a concern that a petitioner might not attend a meeting thinking that because an item was on the consent agenda, it would not be heard.

Mr. Saunders stated that in most cases, the items that were removed from the City Commission consent agenda could be discussed that same day because the parties involved would be monitoring the situation. He noted that, because development did involve teams including architects, engineers and others, there would probably be rules that allowed the DRB to request whether the developer wished the item to be reviewed at that meeting or be continued. He suggested that if a developer was local, there would probably be a team ready to go that evening.

Mr. Reiskind asked if items listed under Minor Review could be placed on the DRB agenda if there were concerns. He pointed out that while some of the items, decks, patios, and pervious structures could have serious ramifications on a neighborhood.

Mr. Saunders explained that the items listed under Rapid and Minor Review did not come before the DRB. He explained that staff received as many Minor and Rapid Review petitions as those that went to the board. He stated that the smaller projects would continue to be handled by staff.

Chair Cole indicated that he could support leaving the 400-foot notification area as is.

Mr. Tecler stated that he could support the minimum cost newspaper notification with the 5-person request rule for neighborhood meetings.

Chair Cole indicated that he thought the 5-person request rule was reasonable, however, 3 or 4 would be acceptable.

Mr. Reiskind indicated that all of the items were connected in getting citizens involved in the process. He explained that expanding the 400 feet merely allowed more people to be notified and made them eligible to request the meeting. He stated that including a stamped post card in the notification would add to the likelihood of participation. He indicated that reducing the requirement of a 5-person response to a 2-person response compensated for not increasing the notification area.

Chair Cole indicated he believed a 4-person response for a meeting was acceptable, as was having a self-addressed, stamped envelope provided with the notice. He noted that the response could also be an email.

Mr. Cohen stated that his bottom line would be a 3-person response. He noted that he had been to meetings where substantial, significant work was done with 3 people present. He indicated that he would like to add the email notification as a method of response, as well as a stamped envelope. He noted that the actual details of a mailing was determined by the City Manager or designee, which would be the Planning Division, and he did not believe the board needed to specify such items in a motion. He suggested that recommendations could simply be forwarded to staff. Mr. Cohen explained that the real recommendation was to change the Land Development Code.

Chair Cole suggested that a response could be an email or a phone call.

Mr. Reiskind indicated that an email response was a reasonable alternative, but it wouldn't be sufficient since it was only available to certain segments of the population.

Mr. Tecler stated that he believed the R.S.V.P. system was better than leaving request open ended, since it was a commitment to attending a meeting.

Mr. Gold stated that if citizen participation was desired, the board should not recommend any minimum number of attendees. He stated that he wished the developer to have a neighborhood workshop to provide an opportunity for citizen input, even if no one attended. Mr. Gold stated that the current Code required a neighborhood meeting, and the proposal was that the developer be trusted to take the number of replies and state that the citizens did or did not want a meeting. He indicated that he was opposed to such a procedure.

Chair Cole stated that it was in a developer's best interest to have a workshop on what might be a contentious development project.

Mr. Sam Harris was again recognized. Mr. Harris pointed out that a deadline would have to be placed for when responses had to be returned. He noted that some persons affected by a development might not be on the mailing list and wouldn't know about a meeting until the day it happened. He explained that word of a meeting would have to filter through a neighborhood to those just outside the 400-foot radius.

Chair Cole indicated that Mr. Harris' comments had merit, however, he believed a 14-day notification before a meeting time was sufficient. He reiterated that a request for a meeting could be by phone as well as written and electronic reply.

Mr. Reiskind indicated that he believed Mr. Gold was correct in his assertion that a workshop should be held, regardless of the number of attendees. He suggested that the workshop requirement be kept as is, and other methods of increasing attendance should be explored.

Chair Cole stated that he believed the neighborhood meetings were important, and if there was something so critical that it elicited at least 4 replies, it was something to be reviewed. He indicated that anything less than 4 replies could be just a few people who could take up their concerns personally with staff or the developer.

Mr. Reiskind suggested that the board recommend that the workshop language stand as adopted, and work on increasing participation. He noted that the worst that could happen was that no one would attend the meeting.

Chair Cole explained that meetings with no attendees was what the proposal was designed to eliminate.

Mr. Reiskind noted that, while he recognized there was a cost for the workshops, he thought they should still be held.

Mr. Cohen asked what percentage of meetings had no attendees.

Mr. Saunders indicated that he believed about a third of the meetings had no attendees.

Mr. Cohen explained that it was his experience that some persons from neighborhood associations represented a larger number of people. He suggested the neighborhood meeting procedure be kept as is, since the large majority of them did have attendees. He noted that one proposal was to a restructure to add an architectural review element in redevelopment and special area plan areas.

Chair Cole asked if staff thought the meetings should take place, even a third were unattended.

Mr. Mimms pointed out that there was great deal of City Commission contribution to the petition and it would go back before them with the board's recommendation.

Mr. Reiskind asked if there was general agreement to send the petition back to the Planning staff for rewording with the board's recommendations.

Chair Cole indicated that if there was agreement, the petition did not have to return to staff. He noted that it was the Plan Board's duty to make a decision and there was no need to send the petition back to staff if the majority of the board agreed that neighborhood workshops should continue, whether or not people attend.

Mr. Gold indicated that he had concerns about specific professions for DRB members. He stated that he did not wish the board membership to be purposely involved in the development community.

Mr. Reiskind suggested that the board go through the document and vote on each item they wish modified. He made a motion to approve the petition.

Mr. Tecler noted that the direction for the petition came from the City Commission and he suggested that the board vote for it as presented.

Mr. Reiskind withdrew his motion.

Mr. Cohen made a motion to approve the petition with modifications.

Mr. Gold requested that there be changes to the proposed thresholds.

Mr. Mimms, speaking to thresholds, noted that all plans except Rapid and Minor Review would go to the DRB either on consent or regular agenda, regardless of the stated thresholds. He pointed out that items on the consent agenda could be removed and discussed.

Mr. Gold made a motion to amend the motion and change the chart on Page 3 of the staff report under Minor Review II, to read: "...commercial or public service development that will create from 2,500 to ~~(10,000)~~ 5,000 non-residential square feet of floor area..." and "...Developments of 6 to ~~(50)~~ 25 dwelling units."

There was no second to the motion.

Chair Cole called for public comment on the motion.

Mr. Sam Harris was recognized. Mr. Harris asked if only a DRB member could take an item off the consent agenda and bring it to the floor for discussion, or could a citizen also request that an item be discussed.

Ms. Morgan explained that if a citizen spoke during the adoption of the agenda and requested that an item be discussed, a board member would have make a motion to remove that item from consent and it would be part of approval of the agenda.

<u>Motion By:</u> Mr. Cohen	<u>Seconded By:</u> Mr. Reiskind
<u>Moved to:</u> Approve Petition 107TCH-05 PB recommending that: (I) the language in Section 30-350 (b)(2) regarding required neighborhood workshops <u>remain as currently adopted</u> ; (II) on Page 6 of the staff report, <u>removing</u> proposed language Section 30-350(b)(3) 1, and <u>retaining</u> the proposed language Section 30-350(b)(3) 2, (If the proposed development is located in a community redevelopment district or in a special area plan district...); (III) change Section 30-352 (b) to read "...the board should include <u>at least</u> one of the following:"	<u>Upon Vote:</u> Motion Carried 4 – 1 Ayes: Cohen, Reiskind, Tecler, Cole Nay: Gold