

Legislative Item No. 070399

**Development Review Board Minutes
and Final Order**

2. Petition 176SPA-06 DB Review of the Written Order of the Development Review Board pertaining to the following petition: 176SPA-06DB. Development plan review for expansion of the existing Fleet Maintenance Garage and relocation of a refueling station. Zoned: PS (Public Services). Located at 405 Northwest 39th Avenue.

Chair Higman stated that Staff has submitted a proposed final petition, along with language for the petition

The Board discussed and asked questions of staff and the board attorney regarding:

- Findings of Fact #2
- Permitted uses in relation to the Code

Motion By: Stephen Boyes	Seconded By: Joshua Shatkin
Moved To: Approve with the changes to: 1) Findings of Fact #2 - separate into two findings with the removal of the wordage "... and the use municipal service center is a permitted use". 2) New total of eight Findings of Fact. 3) Approve the Conclusions of Law as is.	Upon Vote: 5 – 0.

Chair Higman signed the Final Order.

3. Petition 129SPL-06 DB James Meehan, agent for Commercial Concepts, LLC. Development plan review for construction of a warehouse on approximately thirty-six acres. Zoned: I-1 (Limited industrial district) Located in the 4300 block of NE 2nd Way.

Continued.

4. Petition 045SPL-07 DB Eng, Denman and Associates, agent for Solomon Abraham. Development plan review for construction of a thirty-four unit multi-family development. Zoned: RMF-8 (Multiple-family medium density residential districts 8-30 du/acre.) Located at 3101, 3135 & 3155 SW Archer Road and 2628 and 2820 SW 31st Terrace.

Chair Higman stated that this petition was requested to be a formal Quasi- Judicial hearing by Azar Ali and Thong Tran and inquired if they were present. Neither of the two came forward voiding the request for a formal Quasi-Judicial hearing.

Joshua Shatkin stated that he will be abstaining from this petition and submitted a Conflict of Interest form.

Shenley Neely, Sr. Planner gave the Staff presentation and stated that the subject property is 2.75 acres and consist of a total of 32 units with seven different structures. Ms. Neely further stated that the applicant is requesting a parking reduction and staff is recommending approval with conditions.

CITY OF INTER-OFFICE
GAINESVILLE **COMMUNICATION**

DATE: July 12, 2007
TO: Development Review Board
FROM: Ralph Hillard, Planning Manager
SUBJECT: Proposed Final Order Petition 176SPA-06DB

Recommendation

1. Strike the underlined language in finding of fact number 2.
2. Approve the proposed order.

Explanation

Attached you will find the proposed final order for Petition 176SPA-06DB, development plan review for expansion of the existing fleet maintenance facility and relocation of a refueling station. The changes to the order recommended by the Development Review Board on June 14, 2007, are reflected by underline and strike-through text. Staff in the Board has reviewed this revised order with the City Attorney that represented the Development Review Board at the May 24, 2007 hearing on this issue. Both City Planning staff to the Board and the City Attorney's office individually reviewed the record of the meeting and the underlined language in the finding of facts statement number 2 is not reflected in the record of the May 24, 2007 public hearing on the issue. Finding of fact statement number 2 as written indicates that the Board made a finding that the ordinance which placed PS zoning classification on the subject parcel does not specify a motor vehicle repair facility as a specific use permitted on the parcel. Staff could not find where the Development Review Board made this finding during the hearing. There was lay testimony by Mr. Robert Pearce regarding the use of the property that was refuted by professional City Planning staff. There was a comment by a Board member on this issue, but the Board did not make a finding on that issue.

The order of the Board can only include the actual findings and conclusions made by the Board as a collective entity. The order can not be inconsistent with the action of the Board or go beyond the matters that were decided. Accordingly, as staff and counsel to the Board it is the City Attorney and Planning staff's recommendation that the underlined language in the finding of fact statement number 2, be stricken.

RH

Attachment

ORDER

Based upon the foregoing findings of fact and conclusions of law, the Development Review Board at its May 24, 2007 formal quasi-judicial hearing, denied Petition 176SPA-06DB development plan approval for expansion of the Fleet Maintenance building, relocation of the fuel dispensing station and construction of a new above-ground fuel storage facility.

Entered this 12th day of July, 2007.


Chair of Development Review Board

Attest:

Clerk of the Development Review Board

**IN THE MATTER OF PETITION 176SPA-06DB DEVELOPMENT
PLAN REVIEW FOR EXPANSION OF THE EXISTING FLEET
MAINTENANCE FACILITY AND RELOCATION OF A
REFUELING STATION. ZONED PS (PUBLIC SERVICES AND
OPERATIONS DISTRICT). LOCATED AT 405 NW 39TH AVENUE.**

PETITION 176SPA-06DB

ORDER

The Development Review Board of the City of Gainesville hold a formal quasi-judicial hearing on May 24th 2007, on Petition 176SPA-06DB, filed by Bentley Architects & Engineers, agent for the City of Gainesville, Fleet Maintenance Division (Petitioner).

Petition 176SPA-06DB is a proposal to expand the Fleet Maintenance Facility from 11,760 square feet to 34,398 square feet, relocate the existing refueling station and to construct an additional above-ground fuel storage facility.

The Development Review Board accepted the following persons as affected parties: Jill Murphree-Leitner, Jennifer Hutchins, Barbara Ann Ruth, Maria Gerez, Dr. Michael Parsons, William P. Bradley, Deidre Bryan, Susanne Olivas, Richard I. Bradley, C.W. Swicord, Javier Alvarado, Selma Faucher, Thomas R. Williams, Patricia G. Williams, George L. Green, Christopher F. Burns, Dorothy A. Shields, Clara Horton, Susan Fairforest, Cheryl Nicholson, Altoria Kimbrough, Elizabeth Hamilton and Steve Slater. Robert Pearce, 714 N.W. 36th Avenue, was granted affected party status. Collectively these persons are hereinafter referred to as Affected Parties.

STATEMENT OF THE PETITION

Petition 176SPA-06DB, Development plan review for expansion of the existing fleet maintenance facility and relocation of a refueling station. Zoned: PS (Public Services and Operations District). Located at 405 Northwest 39th Avenue.

The subject property consists of approximately 32.51 acres, and is more particularly shown on the map, attached hereto as Exhibit "A" (Map of subject property).

PRELIMINARY STATEMENT

After hearing formal presentations, receiving evidence, and hearing testimony from City staff, the Petitioner, affected parties, all of whom were duly sworn, and receiving comments from the general public, the Development Review Board voted 5 - 0, to deny Petition 176SPA-06DB to expand the fleet maintenance facility, relocate the existing refueling station and to construct a new above-ground fuel storage facility.

FINDINGS OF FACT

Based upon the oral and documentary evidence presented at the formal quasi-judicial hearing and the entire record of this proceeding, the following findings of fact are made:

- 1) The subject property is located at 405 NW 39th Avenue and incorporates a total of approximately 32.51 acres.
- 2) The property is zoned Public Services and Operations District (PS), ~~and the use "municipal services center" is a permitted use~~ the ordinance that placed PS classification on the subject parcel does not specify a motor vehicle repair facility as a specific use permitted on the parcel.
- 3) The property is bounded on the north, south, east and west as follows:
 - a. On the north by NW 39th Avenue with commercial development along the street frontage
 - b. On the east by a railroad track, adjacent to a discontinued mobile Home Park
 - c. On the west by single-family residential development and;
 - d. On the south by undeveloped property, zoned Industrial.

5X) The existing facility is 11,760 square feet and is located on the northwest corner of the site, occupying 6.2 acres, which is 19.07% of the total 32.51 acres. The western edge of the existing building is 220 feet from the west common boundary with the residential development.

6X) The operation of the proposed development will generate noise. The operation of the proposed development will generate noise but there was insufficient information to determine the level of noise that would be generated.

7X) The proposed expansion would involve extending the vehicular use and vehicle storage area to within 74 feet from the west property line

8X) 4) Any proposed expansion must be compatible with surrounding land uses and be designed to minimize negative impacts on surrounding properties. Land Development Code Section 30-35(b), (3) and (4) as the determination to deny.

CONCLUSIONS OF LAW

Based upon the oral and documentary evidence presented at the formal quasi-judicial hearing and the entire record of this proceeding, the following conclusions of law are made:

1. The testimony and evidence presented shows that the proposed development will generate noise but there is insufficient evidence to determine the level of noise; thus this board is not able to conclude whether the proposed development is compatible with surrounding land uses.
2. The applicant has provided ~~There is~~ insufficient evidence to determine whether the proposed expansion complies with the requirements of the PS Zoning district, to provide buffering and screening commensurate with the degree of impact and compatibility with the surrounding residential developments.
3. The applicant has provided ~~There is~~ insufficient evidence to determine whether the proposed expansion mitigated through design, the adverse impacts of noise on adjacent residential properties.

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**City of Gainesville
Financial Cost Analysis**

COG Fleet Management Facility Analysis and Report

Stephen Foster Neighborhood & City of Gainesville

Name/Location of Site	Option A Current		Option A1 Relocate Recycled Materials Storage		Option B		Option C	
	PWC - East Side		PWC - East side		N.W. 53rd. Avenue & North Main Street		Plant Farm	
Acreage	10	10		10		13		13
Will Divide Property Yes/No	NA	NA		NA		No ⁶		Yes ⁶
Land Cost	None	None		None		\$2,300,000		\$2,210,000
Land Clearing/Demo Cost	None	None		None		\$195,000		\$195,000
Mitigation Cost	\$2,080,000 ¹			\$80,000 ²		Need Technical Studies		Need Technical Studies
Transition Cost	None			\$2,500,000 ⁴		None, if timely		None, if timely
Total Construction/Design Cost	\$4,250,000			\$4,250,000		\$8,714,000		\$8,714,000
Recurring Cost	\$203,420			\$203,420		\$279,973		\$383,604
TOTAL COST	\$6,533,420			\$7,033,420		\$11,488,973		\$11,502,604
PROS AND CONS	1) Cost advantage; 2) Mitigates neighbors' noise issue; and 3) Additional funding not available, wall installation or relocation of recycling function would be done in phases.		1) Mitigates neighbors noise issue; 2) Provides additional recycling and office space for Public Works; and 3) Additional funding not available, relocation of recycling function would be done in phases.		1) Potential impact on TMS; and 2) Cost prohibitive, staff does not recommend.		1) Potential Impact on TMS; 2) City-owned; 3) Potential community opposition for placing facility on east side; and 4) Cost prohibitive, staff does not recommend.	

Notes.

1. Option A. Mitigation Cost = cost to install 30-foot wall east and west of the recycling area (\$2 million), and 8 foot wall east of the new proposed garage expansion, (\$80,000).
2. If Option A1 is recommended the mitigation cost for Option A is reduced to \$80,000 and the total cost for Option A becomes \$4,533,420.
3. Potential impact on Traffic Management System (TMS) because of committed timing and logistics issues regarding fiber optics.
4. Transition cost under column A1 is assuming relocation of the recycling materials and storage functions to a City-owned facility.
5. Assume \$170,000 per acre for land cost. Alternatives could include zero or some lease cost for City-owned properties.
6. \$4.5 million available. Funding source must be identified for any additional cost.

**City of Gainesville
Proposed Sites**

The figure consists of three vertically stacked circles, each containing a different amount of text. The top circle is very small and contains only a few lines of text. The middle circle is larger and contains a full paragraph of text. The bottom circle is the largest and contains a full page of text, including a title and a paragraph. This visual progression illustrates how a single word can expand into a full paragraph and then into a full page.



Proposal B

