

## CITY PLAN BOARD MINUTES

January 28, 2016 6:30 PM  
 City Hall Auditorium  
 200 E. University Ave

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Erin Condon (Chair)	Bryan Williams	Dean Mimms
Bob Ackerman (Vice-Chair)	Leanetta McNealy (School Board representative)	Andrew Persons
Dave Ferro		Ralph Hilliard
Adam Tecler		John Hendrix
Stephanie Sutton		Steve Hesson
		Sean McDermott
		Russ Ingram
		Andy Roberts

**I. Roll Call**

**II. Approval of Agenda** (*Note: order of business subject to change*)

<b>Motion By:</b> Adam Tecler	<b>Seconded By:</b> Dave Ferro
<b>Moved To:</b> Approve agenda as amended (to move Petition PB-15-115 PDA to the end of the New Business Items)	<b>Upon Vote:</b> 5-0

**BOARD MEMBERS**

Chair: Erin Condon      Vice Chair: Bob Ackerman  
 Bryan Williams, Stephanie Sutton, Dave Ferro, Adam Tecler, Leanetta McNealy (School Board representative)  
 Staff Liaison: Dean Mimms

**III. Approval of Minutes:** December 1, 2015

<b>Motion By:</b> Dave Ferro	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> Approve the minutes of the December 1, 2015 meeting	<b>Upon Vote:</b> 5-0

**IV. 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.

**V. Request to Address the Board**

**VI. Old Business**

**VII. New Business**

1. **Petition PB-15-142 SUP** Alison Fetner, agent for Dayspring Baptist Church. Special Use Permit with minor development plan review of the expansion of a place of religious assembly. Zoned: RSF-4 (8 units/acre single-family residential district). Located at 1945 NE 8<sup>th</sup> Avenue.

Interim Principal Planner Andrew Persons, AICP, gave the staff presentation. Alison Fetner, P.E., made a brief presentation as agent for the applicant.

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Stephanie Sutton
<b>Moved To:</b> Approve Petition PB-15-142 SUP with the conceptual layout plan, and find that the proposed special use permit meets the seven criteria of Section 30-233 for issuance of a special use permit.	<b>Upon Vote:</b> 5-0

2. **Petition PB-15-120 SUP** F.P. Butler, agent for Make.Work, LLC. Special Use Permit to allow for a light assembly and fabrication business use. Zoned: MU-1 (8-30 units/acre mixed use low intensity). Located at 722 South Main Street.

Planning Manager Ralph Hilliard made the staff presentation. Michael Conroy and Mark Davidson of Make Work, LLC (the applicant), each made presentations. Gainesville resident Donald Shepherd spoke in favor of the proposed special use permit.

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Dave Ferro
<b>Moved To:</b> Approve Petition PB-15-120 SUP with the conditions in the staff report and the conceptual plan, and find that the proposed special use permit meets the seven criteria of Section 30-233 for issuance of a special use permit.	<b>Upon Vote:</b> 5-0

3. **Petition PB-15-157 SUP** Newberry Christian Community School, agent for Vineyard Christian Fellowship. Change an existing Special Use Permit for a K - 9th grade school to add 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades for the Newberry Christian Community School. Zoned: RSF-1: 3.5 units/acre single-family residential district. Located at 3536 NW 8<sup>th</sup> Avenue.

Lead Planner Dean Mimms, AICP, made the staff presentation. James Schraeder, founder and Principal of Newberry Christian Community School, made a presentation as agent for the applicant. Justin Hadcock, employee of the School, spoke during the public comments portion of the meeting.

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Dave Ferro
<b>Moved To:</b> Approve Petition PB-15-157 SUP with the conditions in the staff report and with revision of Condition 2 to allow modification (without requiring an amendment of the Special Use Permit) of the specified regular hours for the daycare, after school and pre-K – 12 <sup>th</sup> grade private school, should the surrounding public schools adjust their hours. In addition, find that the proposed special use permit meets the seven criteria of Section 30-233 for issuance of a special use permit.	<b>Upon Vote:</b> 5-0

<b>Motion By:</b> Adam Tecler	<b>Seconded By:</b> N/A
<b>Moved To:</b> Amend the motion to strike the phrase “which include a maximum of 27 daycare children and 40 after school care children” so that Condition 1 in its entirety states that “The maximum number of students shall be limited to 375 students.”	<b>Upon Vote:</b> Motion failed for lack of a second

4. **Petition PB-15-115 PDA** eda engineers-surveyors-planners, inc., agent for New Generation Home Builders, Inc. Amend the Blues Creek Planned Development (single - family subdivision) as it relates to Unit 5 to modify development standards. Located in the 7000-7800 block of NW 58th Street.

Attorney City Sean McDermott provided a brief, general overview of the land use, zoning, subdivision and development plan levels of regulation. He then presented a history of these four levels of regulation with respect to the property that is the subject of this planned development amendment petition. He also discussed pertinent legal history (e.g., settlement agreements) with respect to the regulation of this property. He concluded by explaining to the Plan Board that their decision must be guided by the City of Gainesville’s regulations that pertain to the amendment of planned developments.

Plan Board member Stephanie Sutton stated that she submitted Form 8B (attached herein to these minutes) and that she therefore will not be voting on the petition.

Interim Principal Planner Andrew Persons, AICP, named City of Gainesville and GRU staff that were in attendance in case there were questions for them, and then gave the staff presentation. Clay Sweger, AICP, of eda engineers-surveyors-planners, inc., noted that Sergio Reyes, P.E. and environmental scientist Pete Wallace were also present on behalf of the applicant. He then made a presentation as agent for the applicant. Sergio Reyes replied to a question from a Board member about underground utilities.

The following members of the public spoke during the public hearing (public comments) portion of the meeting:  
 Tom Kay, Howard Jelks, Maryvonne Devensky, Michael Turco, Suzanne Woodward, Barry Goldman, Kirk Conrad, Bruce Gillespie, Mary Olin, Al Clark, Francine Robinson, and Donald Shepherd.

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> N/A
<b>Moved To:</b> Deny Petition PB-15-115 PDA based on its failure to adequately address serious environmental constraints on this piece of property	<b>Upon Vote:</b> Motion failed for lack of a second

Board member Sutton noted that the Board had not heard from environmental staff. Board member Tecler then moved to reopen the hearing, which, when asked by Chair Condon, was found to be acceptable to Board member Ackerman, whose preceding motion lacked a second. Environmental Coordinator John Hendrix then spoke at the podium.

<b>Motion By:</b> Dave Ferro	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> Approve Petition PB-15-155 PDA as recommended with the exception of lift stations as a	<b>Upon Vote:</b> 2:2 (Nays: Ackerman, Condon)

possible solution.	
<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> Continue Petition PB-15-155 PDA to the February 25 <sup>th</sup> meeting of the City Plan Board	<b>Upon Vote:</b> 4-0

**VIII. Information Items: N/A**

**IX. Board Member Comments**

**X. Adjournment** The meeting was adjourned at 9:38 p.m.

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.

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**Chair, City Plan Board**  
 Erin Condon

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Staff Liaison, City Plan Board**  
 Dean Mimms, AICP

\_\_\_\_\_  
**Date**

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Sutton, Stephanie</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Plan Board</i>
MAILING ADDRESS <i>2015 NW 12<sup>th</sup> Rd</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="checked" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Gainesville</i>	COUNTY <i>Atachua</i>
DATE ON WHICH VOTE OCCURRED <i>1/28/16</i>	NAME OF POLITICAL SUBDIVISION: <i>Gainesville</i>
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="checked" type="checkbox"/> APPOINTIVE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Stephanie Sutton, hereby disclose that on January 28, 20 16:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of eda engineers - surveyors & planners, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am employed by eda, agent for petition PB-15-115-PDA

Jan 26, 2016  
Date Filed

Stephanie Sutton  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.