

LEGISLATIVE #

110259B

TCH be approved by the City Commission. The Plan Board voted 4-0.

Staff to City Commission - Approve Petition PB-11-17 ZON.

Staff to City Plan Board - Approve Petition PB-11-17 ZON.

A motion was made by Commissioner Bottcher, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Approved (Petition). The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Susan Bottcher and Thomas Hawkins
Nay: Todd Chase
Absent: Randy Wells

110078A_staff report_20110707.pdf
110078B_append A_exhibits A-1 - A-3_20110707.pdf
110078C_append B_application_20110707.pdf
110078D_cpb minutes 110428_20110707.pdf
110078E_staff ppt_20110707.pdf
110078A_staff report_20110804.pdf
110078B_append A_exhibits A-1 - A-3_20110804.pdf
110078C_append B_application_20110804.pdf
110078D_cpb minutes 110428_20110804.pdf
110078E_staff ppt_20110804.pdf

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

110147.

Appeal of Development Review Board Decision - Jack's Bar Case - 16 and 24 S. Main Street, Petition DB-11-38 SPA (B)

This item is an appeal filed challenging the Development Review Board's decision to grant Preliminary Development Plan approval of Petition DB-11-38 SPA for conversion of an existing office space to a bar (Alcoholic Beverage Establishment) with an associated outdoor café.

STAFF PRESENTATIONS: Lead Planner Lawrence Calderon and Assistant City Attorney Nicolle Shalley gave presentations.

APPELLANT PRESENTATION: Mayor Lowe recognized HGI President Michael Volk who gave a presentation.

PETITIONER PRESENTATION: Mayor Lowe recognized Agent for the Petitioner Sergio Reyes, Architect Andrew Kaplan and Petitioner William Chic who gave presentations.

CITIZEN COMMENT: Mayor Lowe recognized Bill Warinner and Matt Wolfe who spoke to the matter.

FIRST MOTION: Mayor-Commissioner Pro Tem Hawkins moved and Commissioner Bottcher seconded to establish standing for the appellant Historic Gainesville, Inc. (VOTE: 3-3; Commissioner Hawkins, Bottcher and Mayor Lowe - YES; and Commissioner Henry, Commissioner Chase and Commissioner Mastrodicasa - NO; MOTION FAILED)

SECOND MOTION (MAIN MOTION): Commissioner Henry moved and Commissioner Bottcher seconded to uphold the staff recommendation to dismiss the appeal based on lack of standing by the Appellant. VOTE: 4-2; Commissioners Bottcher, Henry, Chase and Mastrodicasa - YES; and Commissioner Hawkins and Mayor Lowe - No; MOTION CARRIED)

Commissioner Mastrodicasa disclosed after the vote that she was related to an agent for the property owner, but had no conflict and would be voting on the matter.

RECOMMENDATION

Recommendation: Staff to City Commission: Dismiss appeal based on lack of standing by Appellant.

Alternative Recommendation: City Commission: 1) Find that Appellant has established standing; 2) Hear appeal as to two issues: Noncompliance with the Special Area Plan for the Traditional City and Noncompliance with the Comprehensive Plan, Urban Design Element, Policy 3.5.6., including presentations from staff, William Chick and/or his agents (the applicant) and Historic Gainesville, Inc. (the affected party appellant); and 3) affirm, amend or reverse the decision of the Development Review Board.

A motion was made by Commissioner Henry, seconded by Commissioner Bottcher, that this matter be Approved as Recommended. The motion carried by the following vote:

Votes: Aye: Jeanna Mastrodicasa, Scherwin Henry, Todd Chase and Susan Bottcher
Nay: Craig Lowe and Thomas Hawkins
Absent: Randy Wells

110147A_Appeal Application_20110804.pdf
110147B_Letter to Sergio Reyes_20110804.pdf
110147C_SPA Comments SPUTO_20110804.pdf
110147D_5-4-11 Development Plan_20110804.pdf
110147E_5-23-11 Development Plan_20110804.pdf
110147F_Appeal Response - Staff Memo_20110804.pdf
110147G_6-9-11 DRB Minutes_20110804.pdf
110147H_Staff Power Point_20110804.pdf
110147 I_Applicant PPT_20110804.pdf
110147_MOD_HGI full presentationfinal1_20110804.pdf
110147_MOD_homassa-vs-citruscaselaw220110804.pdf
110147_MOD_nassau-vs-williscaselaw1_20110804.pdf
110147_MOD_Appeal Standing Documentation20110804.pdf
110047_MOD_ExpertLetterHGI Appeal_20110804.pdf
110147_finalorder_20110804.pdf

UNFINISHED BUSINESS**COMMISSION COMMENT****Commissioner Jeanna Mastrodicasa**

Places of religious assembly locating in the Downtown Hospitality District - See following referral item #110257.

110257. Religious Institutions in the Hospitality District (NB)

Planning Manager Ralph Hilliard made comments.

RECOMMENDATION *The City Commission initiate a Plan Board petition to change language in the Land Development Code to allow for alcoholic beverage establishments to continue to operate after religious institutions move into the Hospitality District.*

A motion was made by Commissioner Mastrodicasa, seconded by Commissioner Henry, that this matter be Referred to the Planning Staff, due back on February 4, 2012. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Randy Wells

Mayor-Commissioner Pro Tem Thomas Hawkins

- 1. Merits of the previous petition (Jack's Bar).*
- 2. Private purchase of public land question - See following referral item #110258.*
- 3. Growth Management Issues.*

110258. Private Purchase of Public Land (NB)

RECOMMENDATION *The City Commission refer the question of private purchase of public land to the Recreation, Cultural Affairs and Public Works Committee.*

A motion was made by Mayor-Commissioner Pro Tem Hawkins, seconded by Commissioner Chase, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on February 4, 2012. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Randy Wells

Commissioner Todd Chase

1. *Previous Issue #110147 - Jack's Bar - Citizen Comment.*

Planning Manager Ralph Hilliard and City Attorney Marion Radson made comments.

2. *911 Memorial - 10th Anniversary - email from the FOP.*

Mayor Craig Lowe

Protection of Historic Structures - See following referral item # 110259.

Mayor Lowe recognized HGI Michael Volk who spoke to the matter.

110259.**Historic Structure Protection (NB)**

Mayor Lowe recognized HGI Michael Volk who spoke to the matter.

RECOMMENDATION

The City Commission refer the issue of historic structure protection and historic area protection in the downtown area to the Community Development Committee.

A motion was made by Commissioner Mastrodicasa, seconded by Mayor-Commissioner Pro Tem Hawkins, that this matter be Referred to the Community Development Committee, due back on February 4, 2012. The motion carried by the following vote:

Votes: Aye: Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Todd Chase, Susan Bottcher and Thomas Hawkins
Absent: Randy Wells

City Attorney Marion Radson

Eminent Domain Issues - MCB Oil.

Commissioner Scherwin Henry

Outdoor Drinking Establishments.

CITIZEN COMMENT**Thomas Sputo**

HGI Appeal - feels notice was defective.

Commissioner Susan Bottcher

Response to Citizen Comment.

Armando Grundy

RTS - Joint City/County Meeting.

NOTE: Commissioner Henry left the meeting room at 9:58 PM.

ADJOURNMENT - 10:06 PM August 9, 2011

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Kurt M. Lannon, Clerk of the Commission