

## CITY PLAN BOARD MINUTES

August 25, 2016 6:30 PM  
 City Hall Auditorium  
 200 E. University Ave

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Bob Ackerman (Vice-Chair)	Dave Ferro	Dean Mimms
Erin Condon (Chair)		Andrew Persons
Adam Tecler		
Terry Clark		
Stephanie Sutton		
Bryan Williams		
Rob Hyatt (School Board Representative)		

### I. Roll Call

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

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> Approve the agenda	<b>Upon Vote:</b> 6-0

### III. Approval of Minutes: June 23, 2016 and July 28, 2016

<b>Motion By:</b> Terry Clark	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> Approve the minutes of July 28, 2016	<b>Upon Vote:</b> 6-0

The Plan Board instructed staff to revise the draft minutes of the June 23, 2016 meeting to include the failed motion on Petition PB-16-50 SUP, and to reflect Board Member Adam Tecler's opposition to the addition of an oil/water separator for the gas station and convenience store proposed by Petition PB-16-34 SUP.

#### BOARD MEMBERS

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

**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-16-71 SUP** Newberry Christian Community School. Change an existing Special Use Permit that includes a K - 12th grade private school, daycare, and after school care by increasing the maximum number of daycare children and of afterschool care students, revising the hours of operation for daycare and afterschool care, and adding summer education camps, church camps and similar uses during summer and establishing their hours of operation. 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, gave the staff presentation and reviewed the proposed changes to the special use permit that was previously revised on January 28, 2016. He noted that the application includes information on the various current uses of the property, including but not limited to places of religious assembly and summer education camps.

James Schrader, Principal of the Newberry Christian Community School gave the applicant's presentation. He thanked Mr. Mimms for his considerable help throughout the application process, and thanked the Plan Board for hearing this petition for revising the relatively recently revised special use permit (SUP). Mr. Schrader then asked the Board if they would be willing to revise the existing limitation on outdoor recreation to the playground areas shown on the illustrative site map. Mr. Schrader described the pre-existing, permanent basketball backboard(s) and the four portable the backboards and hoops. Plan Board Member Terry Clark asked staff if noise was the reason for some of the conditions, to which Mr. Mimms replied in the affirmative and mentioned past phone calls and the letter (exhibit in the staff report) from an adjacent property owner.

Board Member Adam Tecler explained that the Board is within its authority to make a revision to condition that was not specifically advertised. He then discussed the topic of noise. Mr. Tecler explained that noise is to be expected from schools, whether they are public or private, and that people who live near them should have a reasonable expectation of such noise. He stated his support for recreational use of the parking lot north of the playgrounds.

Gainesville resident Donald Shepherd spoke during the public hearing (public comments) and expressed his concern as to staffing levels and the lack of grass in the playground areas. Gainesville resident Kevin Anderson, who is the Pastor of the Alethea Church, which is one of the

places of religious assembly that rents the sanctuary on the property, explained that he was concerned over the potential for noise when he was contemplating having his office and the sanctuary at this location. However, he explained that has not found the noise to be unreasonable, that there was more noise coming from the adjacent elementary school than from the playground areas on the private school property, and concluded by expressing his support for the petition.

The public hearing was closed, and the Plan Board deliberated. Before the vote on the motion, Board Member Clark asked whether there had been any submittals about noise since the January 28, 2016 SUP revision. Mr. Mimms replied that other than the previously mentioned letter from the adjacent property owner, there had been no phone calls or other communications pertaining specifically to noise. He mentioned a picture sent by a neighbor of a truck parked near the north property line, but said that he used his own picture in his PowerPoint presentation.

Interim Principal Planner Andrew Persons, AICP and Vice-Chair Ackerman asked the applicant to indicate on the Illustrative Site Map the location of the basketball backboards. Mr. Schrader did so, and the thus revised map is now part of the approved, revised SUP.

A copy of the revised SUP conditions as modified by the Plan Board, is attached to these minutes.

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> Approve Petition PB-16-71 SUP with the conditions as recommended by staff and modified by the Plan Board to allow basketball at five designated locations in the north parking lot between the hours of 8:00 AM and 5:00 PM, and find that it meets the seven criteria of Sec. 30-233 of the Land Development Code for issuance of a special use permit.	<b>Upon Vote:</b> 6-0

**VIII. Information Item**

Mr. Mimms told the Board that he will soon be contacting them to set a date for a daytime legal training session by one of our city attorneys.

**IX. Board Member Comments**

**X. Adjournment**      The meeting was adjourned at 7:11 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

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**Date**

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

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**Date**

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## Special Use Permit Conditions – Revised & Approved by City Plan Board 8/25/16

(Note: Deletions are shown in ~~strike throughs~~ and additions are underlined.)

**Condition 1.** The maximum number of students shall be limited to 375 students, which includes a maximum of ~~27~~ 30 daycare children and ~~40~~ 65 after school care children. These limits shall also pertain to summer education camps, church camps (e.g., vacation bible schools), and similar uses during the summer (summer means after the end of the regular school year and prior to the start of the next regular school year).

**Condition 2.** The regular hours for the daycare, after school and pre-K – 12<sup>th</sup> grade private school shall be as follows:

- Pre-K- 12<sup>th</sup> grade private school – 8 AM – 3 PM (regular school day starts at 8 AM and ends at 3:00 PM);
- Daycare: ~~7:15~~ 7:00 AM – ~~5:45~~ 6:00 PM (hours for providing service);
- After School Program: ~~3:00~~ 12:30 PM – 6:00 PM (hours in which the program is offered) on School days;
- After School Program: 7:30 AM – 6:00 PM on Non-School Weekdays;
- Summer education camps, church camps (e.g., vacation bible school), and similar uses during summer: 8:00 AM – 6:00 PM.

(Note 1: the specified regular hours for the daycare, after school and Pre-K – 12<sup>th</sup> grade private school may be modified without requiring an amendment of the Special Use Permit should the surrounding public schools adjust their hours.)

(Note 2: all normal operating functions shall be started and completed between 6:00 AM and 6:00 PM, Monday through Friday. The regular hours for the facilities shall be no earlier than 6:00 AM and no later than 6:00 PM.)

(Note 3: Summer means after the end of the regular school year and prior to the start of the next regular school year.)

**Condition 3.** The existing landscape buffers, berms and fences that adjoin or are proximate to the surrounding properties shall be retained and kept in good condition. ~~In addition, an opaque wooden or wood-like fence of at least 6 feet in height and no more than 8 feet in height along the entire northern property line shall be constructed within three months of approval of this special use permit, and shall be kept in good condition.~~

**Condition 4.** Student drop-off and pick-up traffic shall not queue onto NW 8th Avenue, and all student drop-off and pick-up shall be as shown on the illustrative site map at the end of Exhibit ~~C-4D-1~~, and date stamped January 12, 2016, and revised August 25, 2016.

**Condition 5.** Bus and truck (excluding pick-up truck) parking shall be restricted to the east side of the property and no further north than the easternmost playground area shown on the illustrative site map (Exhibit D-1), at the end of Exhibit C-1 and date stamped January 12, 2016, and revised August 25, 2016.

**Condition 6.** Except for the five (5) designated locations for basketball hoops in the north parking lot, where basketball is allowed and is allowed only between the hours 8:00 AM and 5:00 PM, outdoor recreation shall be limited to the playground areas shown on the illustrative site map at the end of Exhibit C-1D-1, and date stamped January 12, 2016, and revised August 25, 2016.

**Condition 7.** Sixty-six (66) bicycle parking spaces as specified in the Public Works Design Manual are required shall be provided within three months of approval of the Special Use Permit.

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