



Department of Doing
 Planning Division
 PO Box 490, Station 11
 Gainesville, FL 32602-0490

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CITY PLAN BOARD MINUTES

July 27, 2017 6:30 PM
 City Hall Auditorium
 200 E. University Ave

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

I. Roll Call

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

Motion By: Bob Ackerman	Seconded By: Dave Ferro
Moved To: Approve the agenda as amended	Upon Vote: 7-0

III. Approval of Minutes:

Motion By: Erin Condon	Seconded By: Terry Clark
Moved To: Approve the minutes of the May 25, 2017 meeting	Upon Vote: 7-0

BOARD MEMBERS

Chair: Stephanie Sutton Vice Chair: Bob Ackerman
 Bryan Williams, Erin Condon, Dave Ferro, Adam Tecler, Terry Clark, Robert Hyatt (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-17-48 SUP** CHW, Inc. agent for Blakewood LLC. A Special Use permit with a concept development plan to allow construction of a gas station with twelve (12) fueling positions and a convenience store. Zoned: MU-2 (12—30 units/acre mixed use medium intensity). Located at 2373 SW Archer Road. Related to PB-17-46 LUC & PB-17- 45 ZON.

Lead Planner Lawrence Calderon explained that this is a formal quasi-judicial hearing. Doug Ackerman, attorney for the adjacent property to the east (The Bartram Apartments), reiterated his client’s request for a formal quasi-judicial hearing. Betsy Byrne, Notary Public and Executive Assistant to the City Clerk, swore in affected parties and anyone else who intended to testify at this hearing. David Schwarz, Assistant City Attorney II, advised that each speaker should briefly state how they are related their relationship to the proposed project. Lawrence Calderon, Lead Planner, gave the staff presentation. Cross-examination followed. Gerry Dedenbach, AICP, of CHW Inc., gave a presentation as agent for the applicant. Cross-examination followed. Attorney Doug Ackerman gave a presentation as an affected party against approval, as did William E. Tipton, P.E. Cross-examination followed, as did testimony by several employees and residents of The Bartram, and further cross-examination. This was followed by staff rebuttal by Mr. Calderon and applicant rebuttal by Mr. Dedenbach. Cross-examination followed. Next was public comment, and last, deliberation by and vote of the Plan Board.

Motion By: Bob Ackerman	Seconded By: Dave Ferro
Moved To: Approve Petition PB-17-48 SUP based on substantial and competent evidence heard in the testimony provided by both sides and the public this evening, and make the following findings required by Section 30-233 for approval of a Special Use Permit: (1) That the use or development complies with all required regulations and standards of this chapter and all other applicable regulations. (2) That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties. (3) That necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development. (4) That the use or development is serviced by streets	Upon Vote: 7-0

of adequate capacity to accommodate the traffic impacts of the proposed use.

(5) That screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.

(6) That the use or development conforms with the general plans of the city as embodied in the city comprehensive plan.

(7) That the proposed use or development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.

In addition, staff has recommended and the petitioner has accepted various additional conditions, and the Plan Board ratifies the use of those conditions and requires them to be in the final development plan.

The Board requires the following additional conditions:

- (1) That the required photometric plan be essentially the same as what was presented this evening by the petitioner;
- (2) That the parking provided plan in the development plan meets the Land Development Code (LDC), and if allowed by code, the petitioner may return to this board after one year to petition for additional parking.
- (3) That the buffer on the east side be allowed to be reduced to 9 feet with an opaque barrier and shrubbery.
- (4) That the development plan be taken to the Plan Board for approval based on the assumption that it closely resemble the conceptual plan that is part of this petition rather than to the Development Review Board.
- (5) Approval of this SUP is contingent up final adoption of the proposed land use and zoning changes that the Plan Board reviewed several months ago.

2. **Petition PB-17- 60 SUP** eda engineers-surveyors-planners, inc., agent for, SMLC, LLC, BRW Enterprises, Inc., Tench Property, LLC, and Gamble & Martin Trustee, owners. Special Use Permit with development plan review to allow the construction of a mixed-use development. Zoned: UMU-2 (10-100 units/acre, and up to 25 additional units/acre by special use permit, urban mixed-use district) and RH-1 (8-43 units/acre residential high density district). Located in the 1100 block of W. University Avenue, south side, between SW 10th Street and SW 12th Street.

Chair Sutton recused herself from the vote and Bedez Massey, Planner, gave the staff presentation. Sergio Reyes, P.E., of eda engineers-surveyors-planners, inc., made a presentation as agent for the applicant. Adjacent property owner Greg Stetz spoke. Vice-Chair Ackerman noted his concern that the current land development code

Motion By: Bob Ackerman	Seconded By: Erin Condon
Moved To: Approve Petition PB-17-60 SUP (required for density and height), and the preliminary development plan with the 8 conditions in the staff report and with the requested waivers and modifications, and make the seven findings required by Section 30-233 for issuance of a special use permit.	Upon Vote: 6-0 (Sutton recused)

VIII. Information Items

Planner IV Andrew Persons, AICP, spoke about the recent adoption of the Updated Land Development Code and thanked the Board, current and previous staff, other stakeholders and the community for all of the work that led to its final adoption by the City Commission on July 20th. Also on July 20th, the City Commission referred the subject of accessory dwelling units (ADUs) to the General Policy Committee.

Lead Planner Dean Mimms, AICP, announced the recent final adoption of the updated Airport Hazard Zoning regulations and the updated 5-Year Schedule of Capital Improvements, and the recent approval of the Interlocal Agreement for Airport Zoning Regulations.

IX. Board Member Comments

X. Adjournment The meeting was adjourned at 9:41 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.

Chair, City Plan Board
Stephanie Sutton

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 Sutton, Stephanie	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Plan Board
MAILING ADDRESS 2015 NW 12th Road	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Gainesville	COUNTY Alachua
DATE ON WHICH VOTE OCCURRED July 27, 2017	NAME OF POLITICAL SUBDIVISION: City of Gainesville MY POSITION IS: <input type="checkbox"/> ELECTIVE <input 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)

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 July 27, 2017 :

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

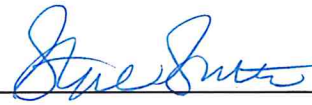
- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of eda engineers - surveyors - planners, inc., by whom I am retained; or
- inured to the 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:

Petition PB-17-60 SUP is an item submitted by my employer, eda.

July 28, 2017

Date Filed



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.