

Petition PB-13-106 ZON. Causseaux, Hewett and Walpole, Inc., agent for Mallory Square Apartments LTD. Rezone property from PD (Planned development district) to MU-1 (8-30 units/acre mixed use low intensity). Located in the 3500-3800 block of SW 34th Street, east side.

Lead Planner Dean Mimms, AICP, gave the staff presentation. He explained that the Mallory Square PD (approved in 2008 for mixed-use development of up to 122 residential units (with 2,000 square feet of related office space) and 30,000 square feet of non-residential uses) and the associated TCEA Zone C Agreement were voluntarily nullified by the property owner in 2009, and that the property owner is now proposing MU-zoning. Mr. Mimms said that MU-1 zoning on the 8-acre property would allow up to 240 residential units, and added that the applicant has stated that there are no definitive plans for development. He noted that Guy Parola, AICP, of Causseaux, Hewett and Walpole, Inc., was in attendance on behalf of the applicant.

Plan Board Chair Crystal Goodison said that she wondered whether the additional residential units under the proposed MU-1 zoning are a swap for the commercial square footage of PD. Mr. Mimms replied that there is no relationship between the expired PD and the proposed MU-1 zoning, which will implement the existing Mixed-Use Low-Intensity (8-30 units per acre) land use.

Plan Board member Seth Lane recused himself. (Note: Mr. Lane subsequently completed and submitted Form 8B – Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which is attached (Attachment 1.) to these Plan Board meeting minutes.)

Motion By: Bob Ackerman	Seconded By: Erin Condon
Moved To: Approve Petition PB-13-106 ZON	Upon Vote: 5-0

Attachment 1.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>LANE - Seth - Thomas</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Plan Board</i>
MAILING ADDRESS <i>2000 NW 23rd Terrace</i>	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 <i>Gainesville</i>	COUNTY <i>Alachua</i>
DATE ON WHICH VOTE OCCURRED <i>12/2</i>	NAME OF POLITICAL SUBDIVISION: 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).

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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.

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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)