

Young, Shaneka

From: Ravi Bhosale <bhosale.ravi@gmail.com>
Sent: Tuesday, August 30, 2016 2:45 PM
To: clerks
Subject: Ordinance No - 160139
Attachments: Notice_Of_Public_Meeting_8_16_2016.pdf

Please find our response to Ordinance No - 160139

Thanks,
Ravi Bhosale
ICEC Board Member
352-275-2276



**NOTICE OF PUBLIC MEETING
AND PROPOSED ENACTMENT OF ORDINANCE
BY CITY COMMISSION, GAINESVILLE, FLORIDA**

PETITION TO REZONE PROPERTY

August 16, 2016

RE: **Petition PB-16-58 ZON**. CHW, agent for Albert G. Fosmoe and Carmen S. Fosmoe, owners. Rezone property from RSF-1: 3.5 units/acre single-family residential district to UMU-1: 8 to 75 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district. Located at 1217, 1227, 1237, and 1247 SW 11th Avenue. Related to PB-16-57 LUC.

This notice has been mailed to you because the proposal for this petition is located on property within 400 feet of property you own according to the latest tax roll available to the City.

The City Plan Board heard this petition on June 23, 2016, and voted to recommend approval of the petition to the City Commission. The City Plan Board acts in an advisory capacity to the City Commission.

The CITY COMMISSION will hold an adoption reading / second reading on **Thursday, September 1, 2016 at 6:00 p.m.**, or as soon thereafter as may be heard, in the City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, Florida.

All persons entitled to actual written notice of this petition, pursuant to Chapter 30, Gainesville Code of Ordinances, may request in writing during regular business hours a formal quasi-judicial hearing before the City Commission **no less than 7 days prior to the meeting**. All requests for a formal quasi-judicial hearing, along with review materials (written evidence and/or other form of documentation) must be submitted to: City Commission —Mail Station 19, Quasi-Judicial Hearing, **Petition PB-16-58 ZON**, P.O. Box 490, Gainesville, Florida 32627. **Mailed requests and review materials must be received by the City Commission at least 7 days prior to the hearing**. Failure to timely file a written request for a formal hearing shall set the petition for an informal quasi-judicial hearing.

City of Gainesville Clerk of the Commission
Physical Address: 200 E. University Avenue, Gainesville, FL 32601
Mailing Address: PO Box 490 Station 19, Gainesville, FL 32627

Phone: 352-334-5015
Fax: 352-334-2036
E-mail: clerks@cityofgainesville.org

Ordinance No. 160139

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning approximately 1.03 acres of property generally located at 1217, 1227, 1237 and 1247 SW 11th Avenue, as more specifically described in this ordinance, from Single-Family Residential District (RSF-1) to Urban Mixed-Use District 1 (UMU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

In order to participate in the formal quasi-judicial portion of the proceeding, all affected parties (those actually entitled to this notice) will be required to complete the "Quasi-Judicial Registration Form," stating your name and address and other pertinent information, and whether you support or oppose the proposal before the City Commission.

Any affected party may be represented by an attorney. If an attorney represents an affected party or several affected parties, the attorney may complete the "Request to Participate in Formal Quasi-Judicial Hearing" form and identify the person or persons they represent and whether their client(s) supports or opposes the petition before the City Commission. The form must be delivered to the Clerk of the Commission 7 days prior to the Ordinance Adoption/Public Hearing.

There will be an opportunity for public comment regardless of whether the hearing is informal or formal. If you have questions about this petition or the process, phone the Planning Department at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours.

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.



NOTICE OF PUBLIC MEETING

PROPOSED ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA

August 16, 2016

RE: Petition PB-16- 57 LUC. CHW, agent for Albert G. Fosmoe and Carmen S. Fosmoe, owners. Amend the City of Gainesville Future Land Use Map from Single-Family (up to 8 units per acre) (SF) to Urban Mixed-Use 1 (UMU-1: 8-75 units per acre; and up to 25 additional units per acre by special use permit). Located at 1217, 1227, 1237, and 1247 SW 11th Avenue. Related to PB-16-58 ZON.

This notice has been mailed to you because the proposal for this petition is located on property within 400 feet of property you own according to the latest tax roll available to the City.

The City Plan Board heard this petition on June 23, 2106, and voted to recommend approval of the petition to the City Commission. The City Plan Board acts in an advisory capacity to the City Commission.

The CITY COMMISSION will hold an adoption reading / second reading on Thursday, September 1, 2016 at 6:00 p.m., or as soon thereafter as may be heard, in the City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, Florida.

ORDINANCE NO. 160138

An ordinance of the City of Gainesville, Florida, amending the Future Land Use Map of the Comprehensive Plan by changing the land use category of approximately 1.03 acres of property generally located at 1217, 1227, 1237 and 1247 SW 11th Avenue, as more specifically described in this ordinance, from Single-Family (SF) to Urban Mixed-Use 1 (UMU-1); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

There will be an opportunity for public comment at the meeting. If you have questions about this petition or the process, phone the Planning & Development Services Department at 334-5022 or come to Room 158, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours (Monday – Thursday, 7 am – 6 pm; Friday, 7:00 am – 4:00 pm).

Visit our website at www.cityofgainesville.org/planningdepartment

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.

REQUEST TO PARTICIPATE IN FORMAL QUASI-JUDICIAL HEARING
(Please refer to the "Quasi-Judicial Hearings" information provided on page 4.)

Quasi-judicial matter (e.g., petition/ordinance #, etc.): 160139

Date of hearing: Thursday September 1, 2016 at 6 PM

1. Please indicate your status as it relates to this matter:

: APPLICANT (i.e., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, variance, etc.)

: AFFECTED PARTY (i.e., you either: a) have received or are entitled to receive mailed notice under Section 30-351 of the Land Development Code, OR b) believe you may, depending on the result of this quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public.)

2. Are you for or against approval of this matter?

: FOR

: AGAINST

3. Name (please print): Ravi Bhosale (ICEC President)

Address: 1115 S.W. 13th Street, Gainesville FL 32608

Phone number: 352-379-2911 Preferred cell No: 352-275-2276

Signature: Bhosale Date: 8/23/2016

Attorney Information (if applicable):

Name (please print): _____

Address: _____

Phone number: _____

Signature: _____

This form together with any exhibits to be presented at the hearing shall be received by the City of Gainesville Clerk of the Commission (see contact info. above) no less than seven (7) calendar days prior to the date of the hearing as stated in the mailed notification letter.

Quasi-Judicial Hearings

What is a quasi-judicial hearing? The decisions of local government boards are generally of two types: legislative or quasi-judicial. A *legislative* decision is where a government board makes policy or law that generally applies to a broad group of citizens. A *quasi-judicial* decision is made in a court-like "hearing" where a government board applies already-established general policy or law to a specific, individualized situation. In other words, the decision-maker in a quasi-judicial hearing is not making policy or otherwise deciding what he/she would prefer to happen in a particular case, but rather is limited to making a determination on whether a specific application meets the existing regulations or requirements. Examples of legislative matters are amendments to the City's Comprehensive Plan, including amendments to the City's Future Land Use Map, and amendments to the City's Code of Ordinances or Land Development Code. Examples of quasi-judicial matters are changes to a property's zoning district (i.e., rezonings), applications for a Special Use Permit, and applications for development review.

Who may participate in a quasi-judicial hearing? Only the following may participate as a "party" in a quasi-judicial hearing: 1) the *applicant* (e.g., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, etc.), 2) *city staff*, and 3) other "*affected parties*". "Affected parties" include persons who are either: 1) entitled to mailed notice under Section 30-351 of the Land Development Code, or 2) have properly applied for such status no less than 7 days prior to the hearing and have been determined by the applicable reviewing board to be an "affected party" because he/she may, depending on the result of the quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public. **Although the general public may not participate as a party, quasi-judicial hearings do provide an opportunity for public comment.**

What are the due process rights of a party to a quasi-judicial hearing? When conducting quasi-judicial hearings in Florida, local governments must provide the parties with notice of the hearing and an opportunity to be heard and to present evidence. The parties shall also have the opportunity to cross-examine any witnesses. In addition, parties are entitled to a fair hearing before an impartial decision-maker. To this end, board members (as the decision-maker) must avoid all "ex-parte communications", which are communications regarding quasi-judicial matters that are made outside of the public hearing.

What is the difference between a formal and an informal quasi-judicial hearing? The City has established two methods for administering a quasi-judicial hearing: informal and formal. All quasi-judicial hearings are administered as informal hearings unless a formal hearing is requested by the applicant or an affected party. The informal hearing is an abbreviated process and may include a presentation by both city staff and the applicant, followed by questions from the applicable reviewing board and public comment. The formal hearing is administered with formalities similar to a trial court or administrative hearing, with regimented procedures that include the swearing in of all participants, formal presentations and admission of evidence, cross-examinations of witnesses, rebuttal, etc. Importantly, regardless of whether a hearing is administered as informal or formal, the applicable reviewing board's decision-making criteria, the legal effect of any decision, and any opportunity for appeal are the same.

How do you request a formal hearing? The applicant or an affected party shall submit this form, together with any exhibits to be presented at the hearing, to the City no less than 7 days prior to the date of the hearing as stated in the mailed notification letter.