



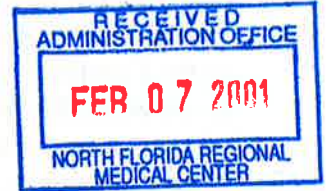
000 770

CITY OF GAINESVILLE

Department of Community Development



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



PETITION TO REZONE PROPERTY

January 26, 2001

RE: Petition 176ZON-00 PB. C. David Coffey, Esq., agent for HCA Health Services of Florida, Inc. Rezone property from RSF-1 (3.5 units/acre single-family residential district) to MD (Medical services district). Located in the 6400 block of Northwest 9th Boulevard. Related to Petition 105LUC-00 PB.

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 December 19, 2000 and voted to recommend to the City Commission that the petition be approved as submitted. The City Plan Board acts in an advisory capacity to the City Commission.

The CITY COMMISSION will hold a public hearing and first reading of the ordinance on Monday, February 12, 2001 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. If adopted on first reading, the ordinance will be considered for final reading and adoption on Monday, February 26, 2001 at 6:00 p.m., or as soon thereafter as may be heard, in the same location.

ORDINANCE NO. _____
0-01-03

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "RSF-1: 3.5 units/acre single-family residential district" to "MD: Medical services district"; located in the vicinity of 6400 block of Northwest 9th Boulevard; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

CITY COMMISSION HEARING

This matter will be conducted as an informal quasi-judicial hearing by the City Commission, unless the petitioner(s) or affected parties file for a formal quasi-judicial hearing. All persons that are entitled to actual written notice of this petition, pursuant to Chapter 30, Gainesville Code of

Ordinances, may submit a completed Quasi-Judicial Registration Form to request a formal quasi-judicial hearing prior to the ordinance adoption/public hearing that will be held by the City Commission. The request must be made no less than 7 days prior to the meeting date of the Ordinance Adoption/Public Hearing as shown above. All requests for a formal quasi-judicial hearing, along with review materials (written evidence and/or other form of documentation) must be submitted to: Clerk of the City Commission, located at City Hall, First Floor, 200 East University Avenue, Gainesville, Florida. Requests may be mailed to the following address: Clerk of the Commission—Station 19, Quasi-Judicial Hearing, Petition 176ZON-00 PB, P.O. Box 490, Gainesville, Florida, 32602. Mailed requests and review materials must be received by the Clerk of the Commission at least 7 days prior to the Ordinance Adoption/Public Hearing. Failure to timely file a written request for a formal hearing shall set the petition for an informal quasi-judicial hearing.

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 "Quasi-Judicial Registration 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 Department of Community Development 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.

Quasi-Judicial Registration Form

Name: (please print) North Florida Regional Medical Center

Address: 6500 Newberry Road, GV FL 32605

Telephone Number: 352 - 333-4100

Please indicate whether you are for or against this petition: FOR or AGAINST (mark "X")

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")



Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information)

As an affected person receiving notice of the public hearing on Petition 176ZON-00 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the ORDINANCE ADOPTION/PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission—Station 19, Quasi-Judicial Hearing, Petition 176ZON-00 PB, P.O. Box 490, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

2001 FEB 22 AM 10:38
CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Hearings

In 1993, the Florida Supreme Court, in the case of Board of County Commissioners of Brevard v. Snyder, held that an individual rezoning was a quasi-judicial act rather than a legislative act of a local governing body. As a result of this decision, the way that the City holds public hearings on individual land use actions such as rezonings, special use permits and site plans has changed dramatically. The City has established two types of quasi-judicial proceedings: informal and formal. The informal process, which is most widely used, includes a presentation by both City staff and the petitioner, followed by questions by the governing body, of staff and the petitioner. The next step in the process is public comment. During public comment, citizens may ask the governing body questions, and offer their testimony and opinions.

The formal quasi-judicial hearing is more like a trial court (an administrative hearing). All public testimony is taken under oath. Everyone testifying before the governing body is subject to cross-examination. All documents and exhibits that the governing body deems admissible is entered into evidence. The giving of opinion testimony is limited to expert witnesses, i.e., people whom the governing body finds have education or practiced experience in an area to be able to render an informed opinion on the subject. Finally, the closing arguments to the governing body are limited to the evidence presented. After hearing closing arguments for and against the petition the governing body receives public comment (5 min. per person maximum) and makes its decision to approve or deny the petition.

Whether informal or formal, decision makers, City Commission, Plan Board, and the Development Review Board are not allowed to discuss quasi-judicial matters outside of the meeting room with anyone. All discussions about petitions must occur during the hearing. The reason for this restriction is that ex parte contacts with decision makers are presumed to be prejudicial to the side not represented.

What is the meaning of quasi-judicial? Quasi-judicial: means somewhat like a trial process. Rezoning, special use permits and site plan approval applications, which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at the hearing, where the decision can be functionally viewed as policy application rather than policy setting, are considered quasi-judicial actions. (Source: Zoning Law and Practice After Brevard County v. Snyder, page 5.93)

Who determines if a quasi-judicial item will follow the formal or informal procedures? All quasi-judicial items are placed on the agenda as informal petitions, unless a formal hearing is requested by the petitioners or an affected party.

Who would be considered an affected party? All property owners who are entitled to actual written notice of the petition provided by the Community Development Department. A party who is not entitled to actual written notice, but who believes that he or she has a special interest or would suffer an injury distinct in kind and degree from that shared by the public at large, by the decision, may apply for affected party status by filling an application form with the Clerk of the Commission during regular business hours no less than 7 days prior to the meeting when the petition is scheduled to be heard. The request must be received by the clerk, during business hours. The decision making body will approve or deny the application prior to the start of the hearing.

How do you request a formal hearing? An affected party is automatically sent a registration form; others may request a form from the Department of Community Development. The form must be received by the Community Development Department no less than seven days prior to the public hearing for Special Use Permits and site plan approvals with all the evidence and documentation to support the affected party's or petitioner's position. For all rezoning petitions, the form must be received by the Clerk of the Commission no less than seven days prior to the City Commission public hearing on the petition.