

CITY PLAN BOARD MINUTES

January 26, 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)	Dave Ferro	Andrew Persons
Bob Ackerman (Vice-Chair)		Dean Mimms
Erin Condon		Lawrence Calderon
Terry Clark		Megan Echols
Bryan Williams		Florence Buaku
Adam Tecler		
Rob Hyatt (School Board Representative)		

I. Roll Call

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

Motion By: Erin Condon	Seconded By: Terry Clark
Moved To: Approve the agenda as modified by switching the order of New Business items 5 and 6.	Upon Vote: 6-0

III. Approval of Minutes: December 6, 2016

Motion By: Bob Ackerman	Seconded By: Erin Condon
Moved To: Approve the minutes	Upon Vote: 6-0

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.

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

V. Request to Address the Board

VI. Old Business

- OB1. Petition PB-16- 59 SUP** eda engineers-surveyors-planners , inc., agent for SMLC, LLC, owner. Special use permit with Intermediate development plan review to allow construction of a new mixed use development with a residential density of 25 additional dwelling units per acre over the allowable 100 units per acre. Zoned: UMU-2 (10-100 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district). Located at 1105 West University Avenue.

Chair Sutton, who previously submitted Form 8B, recused herself at the December 6, 2016 hearing from voting on this petition, which was continued on December 6th to tonight’s Plan Board meeting. Lead Planner Lawrence Calderon gave the staff presentation. Sergio Reyes, P.E., of eda engineers-surveyors-planners, inc., made a presentation as agent for the applicant.

Motion By: Bob Ackerman	Seconded By: Adam Tecler
Moved To: Approve Petition PB-16-59 SUP subject to the conditions in the staff report (including the conditions and comments of the Technical Review Committee), and approve the requested waivers for the landscape buffer (5 ft. required, 0 ft. provided) and the build-to line (20 ft. required, 10 ft. provided), with the clarification that the sidewalk width is the distance from the back of the curb to the façade of the columns. In addition, make the seven findings required by Section 30-233 for issuance of a special use permit.	Upon Vote: 3-2 (Sutton recused. Nay: Clark, Condon.)

VII. New Business

- 1. Petition PB-16-169 PDA** CHW, agent for Butler Enterprises. Revise the adopted signage master plan for the Butler Plaza Planned Development (PD). Located between SW Archer Road and SW 24th Avenue, and between SW 40th Blvd. and SW 34th Street.

Principal Planner Andrew Persons, AICP, gave the staff presentation. Craig Brashier, AICP, of CHW made a presentation as agent for the applicant.

Motion By: Bob Ackerman	Seconded By: Adam Tecler
Moved To: Approve Petition PB-16-169 PDA with	Upon Vote: 6-0

<p>Condition 1: Building walls without an entrance which are included within an application for a building-mounted sign shall meet the façade articulation standards within Subarea 2 of the Butler Plaza PD.</p>	
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2. **Petition PB-16-182 SUP** eda engineers-surveyors-planners , inc., agent for North Central District Florida Annual Conference United Methodist Church, Inc. Special use permit for a place of religious assembly and accessory after school care. Located at 3701 NE 15th Street.

The staff presentation was given by Jason Simmons, Planner. Onelia Lazzari, AICP, of eda engineers-surveyors-planners, inc., made a presentation as agent for the applicant. Chair Sutton, who submitted the required Form 8B prior to tonight’s meeting, was recused from voting on this petition. Citizens Ward Simonton, LaShay Anderson, Daniel Burney and Tanya Gribbel spoke in favor of the petition.

<p>Motion By: Bob Ackerman</p>	<p>Seconded By: Erin Condon</p>
<p>Moved To: Approve Petition PB-16-182 SUP and the Special Use Permit Sketch Plan dated 1/10/17, and find that this petition meets the seven criteria of Sec. 30-233 of the Land Development Code for issuance of a special use permit.</p>	<p>Upon Vote: 5-0 (Sutton recused)</p>

3. **Petition PB-16-181 SVA** Gmuer Engineering, LLC, agent for Reid and Stacey Fogler. Request to vacate public right-of-way for a strip of SW 5th Avenue located between the alleys of SW 11th Drive and SW 10th Drive.

This item was continued upon adoption of the modified agenda to the February 23, 2017 City Plan Board meeting.

4. **Petition PB-16-165 SVA** City of Gainesville. Request to vacate a 30 foot unimproved portion of SE 3rd Terrace lying between Blocks 19 and 20 of Norwood Heights subdivision. Located south of SE 14th Lane, west of SE 4th Street, north of SE Williston Road, and east of SE 2nd Terrace.

Principal Planner Andrew Persons, AICP, gave the staff presentation. Nearby residents Roland _____ and Cynthia Cooper spoke to the Board.

Motion By: Bob Ackerman	Seconded By: Erin Condon
Moved To: Approve Petition PB-16-181 SVA	Upon Vote: 6-0

5. **Petition PB-16-185 TCH** City Plan Board. Amend the definition of Medical marijuana dispensary, delete the definition of Low-THC cannabis, and delete Medical marijuana dispensary from the list of permitted uses in certain zoning districts. Add Medical marijuana dispensary as a specially regulated use (Article VI), and establish requirements including but not limited to minimum distance requirements between medical marijuana dispensaries and certain other uses.

The staff presentation was made by Lead Planner Dean Mimms, AICP. David Coffey, Esq. spoke on behalf of his client, CHT Medical, LLC which is one of the authorized dispensing organizations in Florida. Robert Wallace, CEO of CHT Medical, LLC (and CEO of Chestnut Hill Tree Farm, LLC) also spoke, as did Adrienne Aviles, and, Dottie Baker, Executive Director of the Alachua County Health Promotion and Wellness Coalition.

Motion By: Bob Ackerman	Seconded By: Erin Condon
<p>Moved To: Approve Petition PB-16-185 TCH with the following revisions:</p> <ol style="list-style-type: none"> 1. Allow all cannabis products legally established now or in the future by the State of Florida. 2. Continue to allow Medical marijuana dispensary as a permitted use in all of the zoning districts (OR, OF, BUS, MU-1, MU-2, UMU-1, UMU-2, CCD; MD and CP) in which it is currently a permitted use. 3. Limit the proposed Specially Regulated Use Requirements (Article VI) for Medical marijuana dispensary to a 1,320-ft. minimum distance between Medical marijuana dispensaries, and to a 750-ft. minimum distance to schools (accredited public or private school offering any grades from kindergarten through 12th grade). 	<p>Upon Vote: 4-2 (Nay: Clark, Tecler)</p>

6. **Petition PB-16-186 TCH** City Plan Board. Update Appendix F – Airport Hazard Zoning regulations and related definitions in Section 30-23 of the Land Development Code.

The staff presentation was made by Megan Echols, Planner. Allan Penksa, A.A.E., CEO of Gainesville Regional Airport, who has provided expert input for this petition, attended the hearing.

Motion By: Bob Ackerman	Seconded By: Erin Condon
Moved To: Approve Petition PB-16-186 TCH	Upon Vote: 6-0

VIII. Information Items:

A. Accessory Dwelling Units

Board members stated that they want staff to proceed to develop draft regulations and noted that public participation is needed. Principal Planner Andrew Persons, AICP, explained that they can either be in a separate ordinance or included in the Land Development Code (LDC) update, and concurred re: providing for public participation.

B. Update of Rules of the City Plan Board

Andrew Persons explained that the document provided by the law department was reorganized for consistency among the several citizen boards and that there was minimal change in content. The document is to be adopted by resolution of the City Commission.

IX. Board Member Comments

Chair Sutton noted the importance of continuing to provide a public comment period at the beginning of the Plan Board meetings for items unrelated to the public hearing items that are on the agenda. Planning staff and Board member Tecler concurred. Mr. Tecler suggested a revision in the staff reports to state that they are from “Staff, Department of Doing”. At the request of Board member Clark, Andrew Persons gave a brief progress report update of the LDC.

X. Adjournment The meeting was adjourned at 10:14 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

DRAFT

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	NAME OF POLITICAL SUBDIVISION: City of Gainesville
COUNTY Alachua	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED December 6, 2016	

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.

* * * * *

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 December 6, 20 16;

(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-¹⁶~~15~~-59 SUP is an item submitted by my employer, eda.
88

December 1, 2016
Date Filed

Stephanie Sutton
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.