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**Petition 069PDV-07PB Arcadis, agent for Gloria and Maria Henderson. Rezone property from BUS (General business district) to PD (Planned Development) district to allow an Automotive Sales Center with associated PD Layout Plan. Located in the 3900 Block, north side of North Main Street and 414 NE 39<sup>th</sup> Avenue.**

Lawrence Calderon, Chief of Current Planning gave the Staff presentation and stated that the surrounding five parcels are developable parcels and located in a high ground area that can accommodate development without much wetland mitigation. Mr. Calderon further stated that the outstanding issues are:

- Compatibility of the proposed development to the residential area on the west side
- Noise
- Orientation and placement of the buildings
- Parking

Mr. Calderon gave a PowerPoint presentation of the property stating that Staff is recommending wetland enhancement in some areas, mitigation in others with moving the buildings in those areas as an option.

Mark Garland, Environmental Review Coordinator stated that the ditch that runs on the west side of the proposed development is approximately 30 to 40 feet wide, at least six feet deep at or below the elevation of the wetlands, and is draining into the residential area and Hogtown Creek. Mr. Garland further stated that there are approximately four acres of wetlands on this site that have all been affected by the ditch, and the plan that was issued by the petitioner did not show any avoidance or minimization on the impacts to the wetlands.

Mack McCuller and Mark Shelton, representatives for the petitioner gave a detailed presentation on the site plan, their planned development objectives and stated that Plan A offers a unique design to any other automotive dealership in Gainesville, that will include a Learning Center with the University of Florida's Engineering School, an alternative fueling depot and two access points; as Plan B offers wetland avoidance and reduced impervious areas. Mr. McCuller added that the Town Center elements will be clustering of buildings, common access ways, visual amenities to focus the building, common areas and pedestrian orientation; and has some modifications to Staff's conditions.

Rhodes Robinson, representative for the petitioner gave a presentation on the environmental conditions and stated that the land use will need the entire site for this proposed development, and the wetlands and wildlife habitat are severely degraded and would be rated low for quality and improvement. Mr. Robinson further stated that a new mitigation plan has been developed to identify a site in the Prairie Creek basin that the Alachua Conservation Trust has interest in. Mr. McCuller stated that their mitigation enhancement plan is for 49 acres of preservation and purchase; with a contribution of \$100,000 consistent with the Comprehensive Plan. Mr. McCuller further stated that they are not subject to the standards of the Central Corridor but have adopted some of the streetscape designs with some dispute as to the placement of some buildings.

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Lauren Day, Executive Director of Alachua Conservation Trust stated that they were recently approached by Environmental Services inquiring if they had a mitigation parcel they were interested in and read into the record a brief statement stating "Alachua Conservation Trust is supportive of wetlands protection and rules of the city of Gainesville, but in the event the Plan Board determines that preservation of the on site functioning wetlands is impossible, ACT is willing to accept mitigation funds to purchase an in-holding within our Prairie Creek Reserve. The subject parcel is 49 acres with approximately 45 acres of wetlands."

Bob Cohen inquired from Ms. Day that since Alachua Conservation Trust needs \$50,000 and the developer is offering to contribute \$100,000, what would the other \$50,000 go towards. Ms. Day stated that they were just approached with this and is not sure, but most likely to restoration, as they have commitments to the surrounding areas through State grants.

Citizens came forward in favor of the proposed development.

Jon Reiskind stated that when it comes to a Planned Development some design and sign elements can be incorporated. Mr. Reiskind further stated that Plan A is filled with innovation and Plan B could be more innovated as it has greater attention to preserving wetlands and could possibly be brought into Plan A. Mr. Reiskind inquired of the petitioner how they view their intended use of the proposed development. Mr. McCuller stated that they see more of an educational/learning type of community use or formal associations. Mr. McCuller further stated that in Plan A there will be three dealerships, and two dealerships in Plan B.

Chair Polshak inquired if two competing dealerships will be able to co-locate on the same site. Mr. McCuller stated that the property will be controlled by the Mercedes dealer owner who will sell or lease to another car company under his control, as it is not limited only to Mercedes dealerships or the corporation.

Mr. Reiskind inquired if impervious surfaces will be used in the proposed development and where. Mr. McCuller stated that they have not yet addressed the impervious surfaces issue, however it maybe a good place for the alternative fueling center area. Mr. McCuller further stated that their alternative fuel center is a LEED design and is investigating LEED design for the Mercedes building as well.

David Gold stated that he is concerned about the northern most wetland and suggested positioning the buildings around the wetlands so that there will be a water feature on the northern part of the proposed development. Mr. Gold further stated that in the Board's packet, the petitioner states that financial feasibility is the justification for the intensity of this development and does not believe that it is a valid argument, even though there are some constraints on the site. Mr. Gold further stated that he would like to see a building on the corner of 39<sup>th</sup> Avenue and Main Street and inquired what types of alternative fuels will be sold at the proposed development.

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Mr. McCuller stated that E-85, bio-diesel and other fuels that are cutting edge types of uses. Mr. McCuller further stated that there are two other dealerships that caddy-corner 39<sup>th</sup> Avenue and Main Street that display their cars on the corner and to put a structure there would put them at a disadvantage. Mr. McCuller added that the development is structured and designed in the way it suits an automobile Town Center, that offers shoppers a variety of choices as well as having consolidated pedestrian features; and if the buildings are moved, then it separates the pedestrian function which defeats the Town Center. Mr. McCuller further added that each manufacturer has a set of specifications that is given to each dealership, with a certain number of parking spaces, along with the manufacturer reviewing the site plan to see how well their products will sell. Mr. McCuller stated that Mercedes has reviewed and approved their plan.

Mr. Hilliard inquired where on the western side of the proposed development is the petitioner placing a fence. Mr. Shelton stated that they will be placing an eight foot fence adjacent to the residential area on the west side of the development. Mr. Hilliard reminded the Board of a past petition with another car dealership that the Board would not allow a certain type of fence in the area of the development because it seemed as though the residential community was being separated from the development.

Mr. Gold asked Staff to elaborate on the condition of the northern wetland. Mr. Garland stated that the largest features of the northern wetland are that it is rated between four and five, is less hydro logically altered than the others and is approximately 2.3 acres. Mr. Garland further stated that the southwestern wetland is the most drained wetlands on the proposed development site.

The Board discussed the site plans of Plan A and Plan B.

Chair Polshak stated that he does see the effort on the petitioner's part to redesign the Auto Town Center model and move toward the direction of Staff and what the Board would have liked to have seen for this proposed development. Mr. McCuller stated that a number of plans were worked on of which created Plan A.

Mr. Cohen further stated that his preference is to preserve wetlands, and seeing that the best wetland is rated a four or five and is next to a drainage ditch, it would not have an extended life, because it is a disconnected wetland. Mr. Cohen added that Plan A is pedestrian friendly and enhances what currently exists on Main Street.

Mr. Reiskind stated that he does not understand the rigidity of the petitioner not wanting to reposition some of the buildings in Plan A as there seems to be nothing but a series of parking spaces in the corner of a major intersection that does not even have a bike path.

Mr. Gold stated that he is not happy with the stormwater effort and referenced Staff's Condition 18 for the record. Mr. Gold further stated that he supports auto dealerships in this town and this development moving to this location, but does not believe that either plan is acceptable, nor

believes that the petitioner has worked hard enough to come up with a plan to respect the wetlands.

Chair Polshak stated that the location of the proposed development is at a major intersection and would not like to see a parking lot on the corner of 39<sup>th</sup> Avenue. Chair Polshak added that he would like to see the petitioner find the proper compromise that allows them to sell their vehicles as well as having a structure on the corner of the major intersection, as Staff has recommended.

Mr. Hilliard stated that the Learning Center and retail Café building could be move to the corner of 39<sup>th</sup> Avenue since it is a Town Center and pedestrians will be able to easily enter and exit; and the Mercedes dealership could be moved to the huge traffic circle that can be reduced to accommodate the size of the dealership. Mr. McCuller stated that it makes sense functionally, but does not make sense from a number of different other stand points, in their opinion.

The Board discussed the conditions for Plan A and agreed to:

- Condition 1 - Keep Staff's condition
- Condition 2 - Keep Staff's condition
- Condition 3 - Change wordage of "...the reviewing board..." to "...the City Plan Board..."

<b>Motion By:</b> Bob Cohen	<b>Seconded By:</b> David Gold
<b>Moved To:</b> Continue meeting for 15 minutes.	<b>Upon Vote:</b> 4 – 0.

- Condition 4 - Keep Staff's condition
- Condition 5 - Use Applicant's Plan B version of "Such other comparable mitigation as may be approved by the City.
- Condition 6 - The City Plan Board would like to have pedestrian access
- Condition 7 - Keep Staff's proposal as applicant has to work out details with Staff regarding circulation and access
- Condition 8 - Agreed by both
- Condition 9 - Accept petitioners strike out in (ii) referencing aluminum storefront
- Condition 10 - Accept petitioner's version for (v.)
- Condition 11 - Agreed by both
- Condition 12 - Agreed by both
- Condition 13 - Keep Staff's condition with removing the wordage "...Plainly Audible"..."

<b>Motion By:</b> Jon Reiskind	<b>Seconded By:</b> David Gold
<b>Moved To:</b> Continue meeting for an additional 15 minutes.	<b>Upon Vote:</b> 4 – 0.

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- Condition 14 - Accept Staff's version with the additional wordage of "No electronics signage whether or not an ordinance is ever passed."
- Condition 15 - Accepts petitioner's version
- Condition 16 - Accepts petitioner's version
- Condition 17 - Agreed by both
- Condition 18 - Agreed by both
- Condition 19 - Keep Staff's condition with changing "shall be" to "may be"
- Condition 20 - Keep Staff's condition
- Condition 21 - Keep Staff's condition
- Condition 22 - Agreed by both
- Condition 23 - Agreed by both
- Condition 24 - Stricken and replaced with "The final development plan review returns to the City Plan Board."
- Condition 25 - Some discussion no decision was made, Staff is OK with the petitioner's condition
- Condition 26 - Agreed by both
- Condition 27 - Agreed by both
- Condition 28 - Agreed by both
- Condition 29 - Agreed by both
- Condition 30 - Agreed by both
- Condition 31 - Added by the petitioner; some discussion no decision made; Staff is OK with the petitioner's condition
- Condition 32 - Added by the petitioner, left opened by the Board
- Condition 33 - Added by the petitioner, stricken by the Board
- Condition 34 - Added by the petitioner, stricken by the Board
- Condition 35 - Added by the petitioner, stricken by the Board

<b>Motion By:</b> David Gold	<b>Seconded By:</b> Jon Reiskind
<b>Moved To:</b> Approve with all of Staff's conditions, alone with the modifications made this evening.	<b>Upon Vote:</b> 4 - 0.