

City of Gainesville

*City Hall
200 East University Avenue
Gainesville, Florida 32601*



Minutes - Final

May 27, 2021

6:30 PM

City Hall Auditorium, 200 East University Avenue

City Plan Board

*Stephanie Sutton - Chair
Bob Ackerman - Member
Christian Newman - Vice-chair
Thomas Hawkins - Member
James Blythe - Member
Sophia Corugedo - Member
Jason Hurst - Member
Tina Certain (School Board Representative)*

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CALL TO ORDER

Call to Order – 6:40 p.m.

ROLL CALL

Members Present:

Stephanie Sutton (Chair), Christian Newman (Vice-Chair), Robert (Bob) Ackerman, Thomas Hawkins, Jason Hurst, Sophia Corugedo

Staff Present:

Andrew Persons, Brittany McMullen, Juan Castillo

ADOPTION OF THE AGENDA

Motion By: Newman

Seconded By: Hawkins

Moved To: Approve with revisions, move "Recognition" item to next meeting.

Upon Vote: Passed 5-0 (Hurst absent)

APPROVAL OF MINUTES

[200651.](#)

Draft Minutes of the March 25, 2021 City Plan Board Meetings (B)

RECOMMENDATION

Staff is requesting that the City Plan Board review the draft minutes from the March 25, 2021 meeting and vote to approve the minutes.

Staff to the City Plan Board - Review and approve the draft minutes.

Motion By: Hawkins

Seconded By: Newman

Moved To: Approve revised minutes as presented by staff

Upon Vote: Passed 5-0 (Hurst absent)

ANNOUNCEMENT: Section 30-3.3 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 30 calendar days of the decision (see Sec. 30-3.58(C.) of the Land Development Code). The procedure for an appeal is set forth in Sec. 30-3.58.

REQUESTS TO ADDRESS THE BOARD:

RECOGNITION: of Service for Erin Condon and Megan Walker-Radtke.

OLD BUSINESS:[201117.](#)

Determination of status of a legally non-conforming use for a property located in the U8 Transect Zone. Located at 1516 N Main St.

Explanation:

Per Section 30-10.5 of the City's Land Development Code, certain nonconforming uses that have been established as a legal nonconforming use may continue indefinitely as long as the use is not abandoned. "Abandoned" means to cease the use for a continuous period equaling or exceeding nine months. City staff, after a review of relevant evidence, has determined that the use at this subject property has been inactive for a continuous period equaling or exceeding nine months and has therefore been abandoned. Consequently, this property may no longer be used for outdoor storage and display.

The purpose of this hearing is for the City Plan Board to make a final decision regarding whether or not the use of the property for outdoor storage and display has been abandoned and therefore is no longer permitted. Per Section 30-10.5, the property owner has the burden to present relevant evidence to establish that the use has not been abandoned. Relevant evidence can include public records, utility records, property records, verified personal records, or other general research and documentation. The intent of the owner or user shall not be relevant in determining whether the use has been abandoned. The time period of any legal proceedings related to change of ownership, including foreclosures or bankruptcies, shall not be used in any calculation of the time period for abandonment. Following the close of the public hearing, the City Plan Board shall render its decision no later than 30 calendar days after the date of the hearing.

Fiscal Note

None

Recommendation:

Staff to City Plan Board - Make a final decision regarding whether or not the use of the property for outdoor storage and display has been abandoned and therefore is no longer permitted.

Motion By: Newman

Seconded By: Ackerman

Moved To: Determine that the use has not been abandoned and therefore can continue as a permitted use.

Upon Vote: Passed 4-1-1 (Hawkins opposed, Hurst abstained).

This item was continued from the April 22nd CPB meeting. The property

owner's representative presented additional evidence for review. The Board asked questions of staff and the property owner. A motion was made by Board Member Newman, seconded by Board Member Ackerman, to determine that the use has not been abandoned and therefore can continue as a permitted use. No members of the public commented on the item. Upon vote the motion passed 4-1-1 with Hawkins opposed and Hurst abstained.

NEW BUSINESS:

[210032.](#)

Amend the Future Land Use Map from Urban Mixed-Use High-Intensity (UMUH) to Planned Use District (PUD).

Petition PB-21-55 LUC. Lincoln ventures, LLC, Agent. Petition for land use change from City of Gainesville Urban Mixed-Use High-Intensity (UMUH) to City of Gainesville Planned Use District (PUD). Generally located at the southwest corner of W University Avenue and SW 12th Street. Related to PB-21-57 ZON.

RECOMMENDATION *Approve PB-21-55 LUC based on finding of compliance with applicable review criteria.*

Motion By: Hawkins
Seconded By: Hurst
Moved To: Approve with conditions
Upon Vote: Passed 6-0

Brittany McMullen, Planner, presented the item for staff. Gerry Dedenbach presented for the applicant. Malcolm Kiner spoke for the applicant. The Board asked questions and discussed. No members of the public commented on the item. A motion was made by Board Member Hawkins, seconded by Board Member Hurst, to approve the petition with conditions. Upon vote the motion passed unanimously.

[210033.](#)

Rezone property from Urban 9 (U9) to Planned Development (PD)

Petition PB-21-57 ZON. Lincoln ventures, LLC, Agent. Rezone property from City of Gainesville Urban 9 (U9) to City of Gainesville Planned Development (PD). Generally located at the southwest corner of W University Avenue and SW 12th Street. Related to PB-21-55 LUC.

RECOMMENDATION *Approve PB-21-57 ZON based on finding of compliance with applicable review criteria.*

Motion By: Hawkins
Seconded By: Ackerman
Moved To: Approve with conditions
Upon Vote: Passed 6-0

Brittany McMullen presented the item for staff. Gerry Dedenbach presented on this item as part of the previous presentation and answered questions for the applicant. A motion was made by Board Member Hawkins, seconded by Board Member Ackerman, to approve with staff conditions including Condition 16 as added by

staff. The maker of the motion modified the motion to include a condition that would adopt the MOU with the PD ordinance. No members of the public commented on the item. Upon vote the motion passed unanimously.

[210034.](#)

Rezone property from Limited Industrial (I-1) to Warehouse (W)

Petition PB-21-33 ZON. CHW, Agent for The Salvation Army. Rezone property from City of Gainesville Limited Industrial (I-1) to City of Gainesville Warehouse (W). Located at 55 NW 23rd Avenue.

RECOMMENDATION *Approve PB-21-33 ZON based on finding of compliance with applicable review criteria.*

Motion By: Corugedo
Seconded By: Hurst
Moved To: Approve
Upon Vote: Passed 6-0

Brittany McMullen, Planner, presented the item for staff. Ryan Thompson presented for the applicant. The board held discussion. No members of the public commented on the item. A motion was made by Board Member Corugedo, seconded by Board Member Hurst, to approve the petition. Upon vote the motion passed unanimously.

[200728.](#)

Text Amendment request to add sidewalk exemption provisions for single family residential properties. (B)

Petition PB-20-03 TCH. City of Gainesville, applicant. Requests to amend the City of Gainesville Land Development Code in order to introduce exemption provisions for sidewalk requirement pertaining to single family residential properties.

RECOMMENDATION *Staff to City Plan Board - The City Plan Board discuss options.*

Motion By: Hawkins
Seconded By: Newman
Moved To: Approve with conditions
Upon Vote: Passed 6-0

Brittany McMullen presented the item for staff. The Board held discussion and asked questions of staff. No members of the public commented on the item. A motion was made by Board Member Hawkins, seconded by Board Member Newman, to approve the petition, specifically referencing the language in the document titled "200728_PB-21903 TCH SidewalkFeeInLieuOf Revised Draft Changes", with two modifications: strike "single-family residential" and substitute "single-family dwelling" and add F.4 to state that funds must be used within the TMPA zone that they were collected in. No members of the public commented on the item. Upon vote the motion passed unanimously.

PUBLIC COMMENT

MEMBER COMMENT

A motion was made by Board Member Hawkins, seconded by Board Member Newman, to add to the Code amendment referral list – consideration of formula businesses; and to request that staff provide an update on the referral list at the next meeting. Upon vote the motion passed unanimously.

NEXT MEETING DATE

ADJOURNMENT

Adjournment – 8:30 p.m.