

City of Gainesville

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



Minutes

June 28, 2018

6:30 PM

City Commission Auditorium

City Plan Board

*Bob Ackerman - Chair
Stephanie Sutton - Vice Chair
Erin Condon - Member
Dave Ferro - Member
Terry Clark - Member
Megan Walker-Radtke - Member
Christian Newman - Member
Robert Hyatt - School Board Representative
Staff Liaison - Dean Mimms*

CALL TO ORDER**ROLL CALL**[180087.](#)

City Plan Board Attendance Roster: December 5, 2017 through May 24, 2018 (B)

Attachments: [180087_CPBA Attendance_2017-2018_20180628.pdf](#)

ADOPTION OF THE AGENDA (Note: order of business subject to change)

Motion By: Stephanie Sutton Seconded By: Erin Condon

Moved To: Approve the agenda Upon Vote: 5-0

APPROVAL MINUTES: MAY 24, 2018[180088.](#)

Draft minutes of the May 24, 2018 City Plan Board Meeting (B)

Attachments: [180088_CPBA 180524 Minutes draft_20180628.pdf](#)

RECOMMENDATION

Staff is requesting that the City Plan Board review the draft minutes from the May 24, 2018 meeting and vote to approve the minutes.

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

Motion By: Erin Condon Seconded By: Dave Ferro

Moved To: Approve the minutes Upon Vote: 5-0

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.

CITIZEN COMMENT

Paula Stahmer, Gainesville citizen, stated that it was hard to hear in the auditorium. Broadcast Services staff then promptly adjusted the sound system.

OLD BUSINESS: The agenda item below is being paused.

170920.

Rezone from General Office (OF) and Conservation (CON) to Mixed-Use Low-Intensity (MU-1) and Conservation (CON) (B)

Petition PB-17-158 ZON. CHW, agent for The Episcopal Church in the Diocese of Florida, Inc., owner. Rezone property from General Office (OF) and Conservation (CON) to Mixed-Use Low-Intensity (MU-1) and Conservation (CON). Located at 4315 NW 23rd Avenue. Related to Petition PB-17-157 LUC.

Attachments: [170920_158ZONholdltr_20180628.pdf](#)
[170920A Affected Party request letter_20180628.pdf](#)

RECOMMENDATION *This rezoning petition has been continued at the request of the applicant.*

Plan Board Chair Ackerman announced that there will not be a hearing this evening due to the request of the applicant. Gerry Dedenbach of CHW, agent for the applicant, explained that the applicant is in the data collection and analysis mode, and that he expects this petition to be back on the Plan Board agenda 120-150 days from now. Attorney and Suburban Heights resident Don Niesen, who represents various Suburban Heights residents with respect to this petition, stated that all witnesses are present and ready, but that he understands there is to be no hearing tonight. Mr. Niesen spoke for approximately 20 minutes and concluded that City rules and his clients due process rights were violated by the decision to not have a public hearing on the petition this evening. City Attorney Nicolle Shalley explained that many procedures are in Florida law rather than the City's land development code. She noted that continuing to a date uncertain requires re-notification. Ms. Shalley added that affected parties have a right to notification and a right to participate in the public hearing, but they do not have the right to determine when the item will be heard by the Plan Board.

Chair Ackerman asked if any Board members will make a motion. No motions were made, so the Board took no action. This petition will be fully re-noticed for a future public hearing by the City Plan Board.

Suburban Heights resident Marilyn Harriston spoke during public comments, as did Charlotte Bell.

NEW BUSINESS:180022.

Special Use Permit and Minor Development Plan Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store with Eating Place (B)

Petition PB-17-165 SUP: CHW, Inc., agent for E.W. Burch, Jr., ABC Liquors, Inc., and BW University and 10th LLC, owners. Special Use Permit with minor development plan review to construct a Gasoline and Alternative Fuel Station with

12 fueling positions, convenience store and eating place. Zoned: Urban 7 (U-7). Located at 1007 and 1021 East University Avenue and 15 SE 10th Street.

Attachments: [180022_Staff Report continuation_20180524.pdf](#)
[180022_Staff Report w Appendices A-E_20180628.pdf](#)

RECOMMENDATION *Staff recommends approval of Petition PB-17-165 SUP with conditions and comments from the Technical Review Committee.*

Jason Simmons, Planner, gave the staff presentation. Gerry Dedenbach of CHW, Inc., made a presentation as agent for the applicant. Adjacent property owner Peter Alcorn spoke during the public comments portion of the public hearing, as did Gainesville residents Sharon Bauer and Dejeon Cain, and unincorporated Alachua County resident Jeannette Hemsdale.

Motion By: Erin Condon Seconded By: Dave Ferro

Moved To: Approve Petition PB-17-165 SUP subject to the conditions and comments from the Technical Review Committee, and with direction to staff to look into the closure of the back driveway on the southside of the site plan before final approval.

Upon Vote: 5-0

[180020.](#)

Vacate public right-of-way in the 1300 block of SW 5th Avenue (B)

Petition PB-18-27 SVA. Eda engineers-surveyors-planners, inc., agent for SMLC, LLC. Request to vacate approximately 0.3 acres of public right-of-way in the 1300 block of SW 5th Avenue, east of SW 13th Street.

Attachments: [180020_Staff Report continuation_20180524.pdf](#)
[180020_Staff Report Continue_20180628.pdf](#)
[180020_Continue Staff Report_20180726.pdf](#)

RECOMMENDATION *Staff to City Plan Board - Continue Petition PB-18-27 SVA at the request of the applicant to the August 23, 2018 meeting of the City Plan Board.*

Motion By: Dave Ferro Seconded By: Megan Walker-Radthke

Moved To: Continue Petition PB-18-27 SVA at the request of the applicant to the July 26, 2018 meeting of the City Plan Board Upon Vote: (4-0, Sutton recused)

[180102.](#)

Update the Schedule of Capital Improvements in the City of Gainesville Comprehensive Plan (B)

Petition PB-18-80 CPA. City Plan Board. Update the Schedule of Capital Improvements in the City of Gainesville Comprehensive Plan Capital Improvements Element.

Attachments: [180102_Staff Report w Appendices A-C_20180628.pdf](#)
[180102A_draft ordinance_20190221.pdf](#)
[180102B_Staff Report w Appendices A-C_20190221.pdf](#)
[180102C_180628 CPB minutes_20190221.pdf](#)
[180102D_Staff PPT_20190221.pdf](#)

RECOMMENDATION *Staff to City Plan Board - Staff recommends approval of Petition PB-18-80 CPA.*

Planning Consultant Dean Mimms, AICP gave the staff presentation and thanked senior staff from several City of Gainesville departments and GRU for providing capital project information and attending this City Plan Board meeting.

Motion By: Erin Condon Seconded By: Dave Ferro

Moved To: Approve Petition PB-18-80 CPA Upon Vote: 5-0

[180111.](#)

Finley Woods Land Use Amendment (B)

Petition PB-18-82 LUC. City of Gainesville. Amend the land use designation for the subject property from Alachua County Low Density Residential to City of Gainesville Planned Use District (PUD). Located at the 4500 block of SW 62nd Avenue at SW 43rd Street. Related to PB-18-83 ZON.

Attachments: [180111_Staff Report_w Appendices A-B_20180628.pdf](#)
[180111B_Staff Report_w Appendices A-B_20181101.pdf](#)
[180111C_CPB minutes_20181101.pdf](#)
[180111D_Staff PPT_20181101.pdf](#)
[180111A_draft ordinance_20181101.pdf](#)
[180111A_draft ordinance_20181115.pdf](#)
[180111A_draft ordinance_20190117.pdf](#)
[180111B_State Review Letters_20190117.pdf](#)
[180111_Ordinance_20190117.pdf](#)
[180111 zoning master plan_20190117.pdf](#)

RECOMMENDATION *The City Plan Board approve Petition PB-18-82 LUC.*

Principal Planner Andrew Persons, AICP, gave a combined presentation on this land use petition and the related zoning petition (PB-118-83 ZON). Gerry Dedenbach of CHW, Inc., spoke in support of the request and complimented Mr. Williams for the quality, affordability and sustainability of his residential construction. Joyce Ellis, Alachua County citizen and nearby resident, also spoke.

Motion By: Erin Condon Seconded By: Dave Ferro

Moved To: Approve Petition PB-18-82 LUC Upon Vote: 5-0

[180120.](#)

Finley Woods Planned Development Zoning (B)

Petition PB-18-83 ZON. City of Gainesville. Rezone property from Alachua County Planned Development (PD) zoning to City of Gainesville Planned Development (PD) zoning. Located at the 4500 block of SW 62nd Avenue at SW 43rd Street. Related to PB-18-82 LUC.

Attachments: [180120_Staff Report w Appendices A-B_20180628.pdf](#)
[180120B_Staff Report w Appendices A-B_20181101.pdf](#)
[180120C_CPB minutes_20181101.pdf](#)
[180120D_Staff PPT_20181101.pdf](#)
[180120A_draft ordinance_20181101.pdf](#)
[180120_Ordinance_20190117.pdf](#)

RECOMMENDATION *Staff to City Plan Board - Staff recommends approval of Petition PB-18-83 ZON.*

Principal Planner Andrew Persons, AICP, gave a combined presentation on this zoning petition and the related land use petition (PB-18-82 LUC). Gerry Dedenbach of CHW, Inc., spoke in support of the request and complimented Mr. Williams for the quality, affordability and sustainability of his residential construction. Joyce Ellis, Alachua County citizen and nearby resident, also spoke.

Motion By: Erin Condon Seconded By: Dave Ferro

Moved To: Approve Petition PB-18-83 ZON Upon Vote: 5-0

INFORMATION ITEM: N/A

Dean Mimms gave an update on the status of the Planning Commissioners Training (sponsored by the San Felasco Section of APA-Florida) that is anticipated to be held in August. Andrew Persons informed the Board that City and County planning staffs are discussing a joint planning agreement, and will meet again on July 9th. Mr. Persons also announced that the City is holding an affordable housing forum on July 16th.

BOARD MEMBER COMMENT

NEXT MEETING DATE: JULY 26, 2018

ADJOURNMENT

The meeting was adjourned at 9:43 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.

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