

# City of Gainesville

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



## **Meeting Agenda**

**July 28, 2016**

**6:30 PM**

**City Commission Auditorium**

## **City Plan Board**

*Erin Condon - Chair  
Bob Ackerman - Vice Chair  
Bryan Williams - Member  
Stephanie Sutton - Member  
Dave Ferro - Member  
Adam Tecler - Member  
Terry Clark - Member  
Leanetta McNealy - School Board Representative*

**CALL TO ORDER****ROLL CALL**[160212.](#)

**City Plan Board Attendance Roster: February 25, 2016 through June 30, 2016 (B)**

*Explanation: City Plan Board attendance roster for Board Members to review.*

[160212\\_CPB Attendance\\_2015.2016](#)

**APPROVAL OF THE AGENDA****APPROVAL OF MINUTES - June 30, 2016**[160213.](#)

**Draft minutes of the June 30, 2016 City Plan Board Meetings (B)**

**RECOMMENDATION**

*Staff is requesting that the City Plan Board review the draft minutes of the June 30, 2016 meeting and vote to approve the minutes.*

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

[160213\\_CPB\\_Minutes\\_160630\\_Draft](#)

**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.**

**REQUEST TO ADDRESS THE BOARD****OLD BUSINESS****NEW BUSINESS**[160220.](#)

**Change an Existing Special Use Permit For A K - 12th Grade Private School, Daycare, and After School Care by Increasing the Maximum Number of Daycare Children and of Afterschool Care Students, and**

**Revising the Hours of Operation for the Daycare and the Afterschool Care (B)**

**Petition PB-16-71 SUP. Newberry Christian Community School. Change an existing Special Use Permit that includes a K - 12th grade private school, daycare, and after school care by increasing the maximum number of daycare children and of afterschool care students, and revising the hours of operation for the daycare and the afterschool care. Zoned: RSF-1: 3.5 units/acre single-family residential district. Located at 3536 NW 8th Avenue.**

*Explanation: Staff recommends that Petition PB-16-71 SUP be continued to the next regular Plan Board meeting, as requested by the applicant.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Staff to City Plan Board - Continue Petition PB-16-71 SUP to the next regular Plan Board meeting, as requested by the applicant.*

[160220 Staff report 20160728](#)

[160221.](#)

**Amend Section 30-23 of the Land Development Code to Update Definitions Relating to the Dispensing of Medical Marijuana (B)**

**Petition PB-16-84 TCH. City Plan Board. Amend Section 30-23 of the Land Development Code to update definitions relating to the dispensing of medical marijuana.**

*Explanation: The Florida legislature in 2014 enacted the "Compassionate Medical Cannabis Act of 2014" (subsequently codified in Section 381.986, F.S.), which authorized licensed physicians to order low-THC cannabis for specified patients. Among other restrictions, the Compassionate Medical Cannabis Act of 2014 provided that a physician could only order low-THC cannabis (marijuana) for a patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, and only if no other satisfactory alternative treatment options exist for that patient.*

*This 2014 Act granted local governments the authority to allow, or not, and provide zoning regulations for the dispensing cannabis for the medical purposes specified in the 2014 Act. Accordingly, on November 19, 2015, the City Commission adopted Ordinance No. 150395 to amend the Land Development Code to allow "Medical Marijuana Dispensaries" to operate in various zoning districts strictly in accordance with the 2014 Act.*

*In 2016, the Legislature adopted HB 307 and substantially amended the 2014 Act to (among various other things) expand the forms of cannabis available for medical purposes and expand the kinds of patients that may receive medical marijuana. Among the various changes, the*

*expanded state law provides additional definitions (e.g., Medical marijuana), expanded definitions (e.g., Medical use, which, does not include the use of cannabis on any form of public transportation, in any public space, or on school grounds, among other exclusions), and numerous requirements for dispensing organizations that include but are not limited to alarm systems, video surveillance, and prohibiting on-premises dispensing between 9 p.m. and 7 a.m.*

*This petition proposes amendment of the City's Land Development Code (LDC) to make it consistent with the expanded 2016 state law. The proposed amendment will also clarify that Medical Marijuana Dispensaries may dispense cannabis to medical patients for medical purposes pursuant to and in accordance with Section 381.986, Florida Statutes, as may be amended from time to time. Therefore, the state law could change in the future to allow different types of medical marijuana or different types of medical patients, and the LDC would automatically allow such changes. The proposed amendment will strictly limit the Land Development Code's allowance of such uses to the dispensing of "medical" marijuana. Any future state law change that would allow the dispensing of recreational marijuana would subsequently need to be considered by the City Commission before such use could be allowed in the City of Gainesville, unless the City's authority in this area had been preempted by the Florida Legislature.*

*Fiscal Note: None.*

**RECOMMENDATION**

Staff to City Plan Board - Staff recommends approval of Petition PB-16-84 TCH.

[160221\\_Staff report and Appendices A&B\\_20160728](#)

**INFORMATION ITEM: N/A**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

**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.**