

City of Gainesville

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



Meeting Agenda

January 26, 2017

6:30 PM

City Commisison Auditorium

City Plan Board

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

CALL TO ORDER**ROLL CALL**[160680.](#)

City Plan Board Attendance Roster: June 30, 2016 through December 6, 2016 (B)

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

[160680_CPBA Attendance_2016-2017_20170126](#)

APPROVAL OF THE AGENDA**APPROVAL OF MINUTES - DECEMBER 6, 2016**[160681.](#)

Draft minutes of the December 6, 2016 City Plan Board Meeting (B)

RECOMMENDATION

Staff is requesting that the City Plan Board review the draft minutes from the December 6, 2016 meeting and vote to approve the minutes.

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

[160681_CPBA 161206 Minutes draft_20170126](#)

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**[160565.](#)

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 (B)

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.

Explanation: This petition is a request for a special use permit with development plan review to allow construction of a mixed use development. The property is located at 1105 West University Avenue, south side and is approximately 0.28 acres. The site contains an 11,676 square building which will be demolished.

The development is proposed for 8,259 square feet of commercial development and 35 multi-family units with approximately 66 bedrooms. The site has a land use designation of Urban Mixed Use (UMU) and a zoning of UMU-2 (Urban Mixed Use 2). Per the Land Development Code, developments at a density between 100 and 125 units per acre are required to obtain a Special Use Permit subject to the criteria listed in Section 30-233.

Public notice was published in the Gainesville Sun on September 6, 2016.

Fiscal Note: None.

RECOMMENDATION

Staff to City Plan Board - Approve Petition PB-16-59 SUP subject to implementation of the conditions of the Special Use Permit and the comments and conditions of the Technical Review Committee included in Attachment A.

[160565_Staff report and Attachment A_20170126](#)

NEW BUSINESS

[160679.](#)

Revise the Adopted Signage Master Plan for the Butler Plaza Planned Development (B)

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.

Explanation: This petition is a proposal to amend the sign provisions for the Butler Plaza Planned Development (PD) to expand the amount of allowable signage currently permitted by the Master Signage Plan. The Master Signage Plan for the development was previously adopted by the City Commission on January 15th, 2015 (Ordinance 140501). The proposed

changes include:

- Increasing the width of the "Landmark Sign" (I-75 highway sign) structure without increasing the permitted sign area.
- Increasing the number of building signs allowed per tenant from 3 to 4.
- Increasing the allowable sign area on the sides of buildings without an entrance from 32 square feet to a proportional amount of signage based on the length of the building side (up to 200 square feet per sign and 400 square feet in aggregate).
- Allowing digital and electronic format signs which are visible from public or private streets. (Previous provision restricted the use of these signs to kiosks or booths that were not visible to motorists.)
- Minor increases to other pedestrian oriented signage.

The applicant has indicated that the purpose of the proposed changes is to meet the needs of the end users and to enhance the development's presence and visibility on I-75.

Fiscal Note: None.

RECOMMENDATION

Staff to City Plan Board - Approve Petition PB-16-169 PDA with the proposed staff amendment.

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 sub-area 2 of the Butler Plaza PD.

[160679 Staff report and Exhibits A&B 20170126](#)

[160678.](#)

Special Use Permit to Legally Establish an Existing Place of Religious Assembly and Allow an Accessory Day Care Center for a maximum of 75 Students (B)

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.

Explanation: This is a request for a Special Use Permit (SUP) to allow an accessory day care center for after school care at the Faith Mission church located at 3701 NE 15th Street. The church was known originally as Faith United Methodist Church when it was established on the property in 1962. At that time there was no Land Development Code requirement for an SUP to allow a place of religious assembly in a single-family zoning district. Today a place of religious assembly is required to obtain an SUP for development within single-family zoning districts. The subject property has a Single-Family (up to 8 units per acre) land use

designation and is currently zoned RSF-1 (3.5 units/acre single-family residential district). This SUP is to legally establish the existing place of religious assembly and allow an accessory day care center with a maximum of 75 students.

The subject property is approximately five acres in size. This request for an SUP does not involve any new construction or additions to the two buildings that currently exist on the site. Typically a development plan accompanies a request for an SUP but it is not required in this case because both the place of religious assembly and the day care center will be located within the existing buildings on the site. A sketch plan has been provided to show compliance with the Land Development Code requirements for a day care center. The plan shows the location of the required play area, the drop-off and pick-up area in the vehicular use area and the proposed added bicycle spaces.

The key issues associated with this petition include:

- * Location of the proposed day care center is not adjacent to any existing development area.
- * The sketch plan shows the proposed drop-off / pick-up area and the outdoor play area that is required by the State of Florida.
- * No new building area is proposed; the existing place of religious assembly and the proposed day care center will operate in the existing buildings.

Fiscal Note: None.

RECOMMENDATION

Staff to the Plan Board - Approve Petition PB-16-182 SUP.

[160678_Staff report and Appendices A-E_20170126](#)

[160682.](#)

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 (B)

Petition PB-16-181 SVA. City Plan Board. 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.

Explanation: This is a request to vacate a 10 foot wide by 150 foot long section of the SW 5th Avenue right-of-way, located between SW 11th Drive and SW 10th Drive, south side. According to the applicant, the purpose of the request is to allow three relocated historic structures to be closer to the sidewalk; to match a previous vacation of right-of-way located in the vicinity of SW 5th Avenue, south side in the 1100 block; and to allow for a more efficient placement of point of service locations for GRU (Gainesville Regional Utilities) utilities.

The property is located in the University Heights Special Area and

University Heights Historic District-South. The applicant received approvals from the City Historic Preservation Board and City Development Review Board in 2016.

Public notice was published in the Gainesville Sun on January 10, 2017.

Fiscal Note: None.

RECOMMENDATION *Staff to City Plan Board - The City Plan Board approve Petition PB-16-181 SVA.*

[160682 Staff report 20170126](#)

[160566.](#)

Vacate an Unimproved Portion of SE 3rd Terrace Right-Of-Way Near the Intersection of SE 4th Street and Williston Road (B)

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.

Explanation: The purpose of this request is to vacate an unimproved approximately 30'x230' existing right-of-way located near the intersection of SE 4th Street and SE Williston Rd. The vacation pertains to a platted portion of SE 3rd Terrace located between blocks 19 and 20 of the Norwood Heights subdivision recorded in 1925. This portion of SE 3rd Terrace is unimproved and does not connect to SE Williston Road to the south. Authorization from the adjacent property owner (KA Miller Trustee and Thomas Jones) is included with the application.

Vacation of this right-of-way will facilitate the planned improvements to SE 4th Street to the east. The property owner has agreed to provide the necessary land rights to the City along SE 4th Street in exchange for the vacation of this portion of SE 3rd Terrace.

Fiscal Note: None.

RECOMMENDATION *Staff to City Plan Board - Staff recommends approval of Petition PB-16-165 SVA.*

[160566 Staff report and Exhibits A&B 20170123](#)

[160685.](#)

Amend the Land Development Code to Update Definitions Relating to the Dispensing of Medical Marijuana, Delete Medical Marijuana Dispensary from the List of Permitted Uses in Certain Zoning Districts, and Add Medical Marijuana Dispensary as a Specially Regulated Use (Article VI) (B)

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.

Explanation: The City Commission struck Legistar No. 160221 (Ordinance No. 160221, Petition PB-16-84 TCH, which pertained to updating definitions in the Land Development Code related to medical marijuana) from the agenda on September 15, 2016 and referred the matter to the General Policy Committee. The City Commission expressed interest in making significant changes to the ordinance, including where medical marijuana dispensaries can be located. The General Policy Committee reviewed several options presented by staff at the Committee's meeting on November 10, 2016, and provided guidance to staff for revising the Land Development Code. That guidance is reflected in this new petition.

Staff is recommending that Medical marijuana dispensary be deleted from the list of permitted uses in the MU-1, OR, OF, MD, CP, and CCD zoning districts. This would limit the number of Medical marijuana dispensaries and minimize the potential proliferation of a use with which the City has no direct experience to date. The regulations can be revisited in the future, if and as warranted, based on the City's experience with regulating medical marijuana dispensaries under the proposed regulations. Medical marijuana dispensary is to remain on the list of permitted uses in the BUS, MU-2, UMU-1, and UMU-2 zoning districts.

Staff is recommending that Medical marijuana dispensary be deemed a Specially Regulated Use and therefore added to Article VI of the LDC. Recommended requirements for this proposed specially regulated use include minimum distances between medical marijuana dispensaries and minimum distances from: places of religious assembly; residential zoning districts; and schools. Additional proposed requirements include prohibitions on what can be dispensed or sold (e.g., no alcohol), no on-site consumption of cannabis or alcohol, limitation on hours for on-site dispensing, security lighting, safety and security systems; and drop safe or cash management device for restricted access to cash receipts.

Fiscal Note: None.

RECOMMENDATION

Staff to City Plan Board - Staff recommends approval of Petition PB-16-185 TCH.

[160685 Staff report and Appendices A&B 20170126](#)

[160676.](#)

Update the Airport Hazard Zoning Regulations and Related Definitions in the Land Development Code (B)

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.

Explanation: The Florida legislature in July of 2016 amended Chapter 333 (Aviation Zoning) of the Florida Statutes. The statutory amendments require changes to Section 30-23(c). Definitions, and, Appendix F. Airport Hazard Zoning Regulations of the City's Land Development Code. The staff-recommended revisions to Sec. 30-23 and to Appendix F are consistent with applicable statutory (and federal requirements reflected in Chapter 333, F.S.) pertaining to airport zoning. The recommended revisions include various revisions provided by the Chief Executive Officer of Gainesville Regional Airport, Allan Penksa.

Section 333.135, F.S., requires that local government airport zoning regulations that conflict with F.S. 333 be amended to conform to the requirements of Chapter 333 by July 1, 2017. The proposed changes to the City's Airport Hazard Zoning regulations and to aviation-related definitions in the Land Development Code will eliminate those conflicts upon adoption of an ordinance to implement them.

Fiscal Note: None.

RECOMMENDATION Staff to City Plan Board - Staff recommends approval of Petition PB-16-186 TCH.

[160676 Staff report and Appendices A-B 20170126](#)

INFORMATION ITEMS:**A. Accessory Dwelling Units****B. Update of Rules of the City Plan Board**

[160577.](#)

Allowance of Accessory Dwelling Units (ADUs) in Single-family Residential Districts (B)**Information Item A. City Plan Board. Accessory Dwelling Units.**

Explanation: During Board Member Comments at the October 27, 2016 City Plan Board meeting, Vice-Chair Bob Ackerman reiterated his interest in having a proposal brought to the Board for the allowance of accessory dwelling units (ADUs) in single-family residential districts. He expressed interest in seeing the current state of the law (i.e., our regulations) and what it would take to change it. He said it could be limited at first to homesteaded residences (i.e., where the property owner resides on the property).

In response to Vice-Chair Ackerman's request, staff has provided various documents as background information for the Board to review prior to discussing the topic as a Board.

ADUs are not a permitted use in Gainesville's single-family residential districts (Sec. 30-51. Single-Single family residential districts. (RSF-1,

RSF-2, RSF-3 and RSF-4)), and are not within the definition (Sec. 30-23) of Single-family dwelling in the RSF-1, RSF-2, RSF-3, RSF-4 and RC zoning districts and all residential districts with a density of no more than 8 dwelling units per acre. If the Land Development Code were to be amended to allow ADUs in single-family residential districts, these Code sections would have to be amended. Such allowance of ADUs would also entail amendment of the Single-Family land use category of the Future Land Use Category of the Comprehensive Plan.

The draft, updated Land Development Code proposes allowance of ADUs in the multi-family residential districts, but not in the single-family residential districts.

Fiscal Note: None.

RECOMMENDATION

Staff to City Plan Board - Staff recommends that the Board discuss the topic of accessory dwelling units in single-family residential districts.

[160577 Info Item A 20170126](#)

[160689.](#)

Rules of the City Plan Board (B)

Explanation: Rules of the City Plan Board for Board Members to review.

[160689 Info Item B 20170126](#)

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.