

CITY PLAN BOARD MINUTES

June 23, 2016 6:30 PM
City Hall Auditorium
200 E. University Ave

| <u>Members Present</u> | <u>Members Absent</u> | <u>Staff Present</u> |
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| Erin Condon (Chair) | Dave Ferro | Dean Mimms |
| Bob Ackerman (Vice-Chair) | Terry Clark | Andrew Persons |
| Terry Clark | Leanetta McNealy (School Board representative) | Lawrence Calderon |
| Stephanie Sutton | | Ralph Hilliard |
| Adam Tecler | | |
| Bryan Williams | | |
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I. Roll Call

II. Approval of Agenda *(Note: order of business subject to change)*

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| Motion By: Adam Tecler | Seconded By: Bob Ackerman |
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| Moved To: Approve the minutes | Upon Vote: 5-0 |

III. Approval of Minutes: N/A

IV. **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.

BOARD MEMBERS

Chair: Erin Condon Vice Chair: Bob Ackerman
Bryan Williams, Stephanie Sutton, Dave Ferro, Adam Tecler, Terry Clark, Leanetta McNealy (School Board representative)
Staff Liaison: Dean Mimms

V. Request to Address the Board

VI. Old Business

- OB1. **Petition PB-15-12 SUP** eda engineers-surveyors-planners, inc., agent for H.I. Resorts. A review of the glazing requirements for a hotel in the MU-1 zoning district. Zoned: MU-1 (8-30 units/acre mixed use low intensity). Located at 3245 SW Archer Road.

Stephanie Sutton recused herself from voting on this petition, stating that she previously submitted Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers). Planning Manager Ralph Hilliard gave the staff presentation.

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| Motion By: Bob Ackerman | Seconded By: Adam Tecler |
| Moved To: Approve Petition PB-15-12 SUP, approve the waiver for the glazing, and find that the petition meets the seven criteria of Section 30-233 for issuance of special use permit. | Upon Vote: 4-0 (Stephanie Sutton recused) |

- OB2. **Petition PB-16-34 SUP** Greenberg Farrow, agent for Walmart Stores East, owner. A Special use permit with an intermediate development plan to allow for the construction of a gas station with convenience store. Zoned: MU-2 (12—30 units/acre mixed use medium intensity). Located at 1800 NE 12th Avenue.

Lead Planner Lawrence Calderon gave the staff presentation. He explained that this is a continuation of the Special Use Permit petition hearing that was held on May 26, 2016. During the public comments portion of the May 26th hearing, neighborhood residents stated that they did not receive notice of the neighborhood meeting conducted by the applicant and that they did not receive notice of the May 26th City Plan Board from the City. Some neighborhood representatives expressed opposition to several aspects of the development, particularly the location of the fuel tanks and proximity of the development to the residential neighborhood. Others spoke in support of the overall concept and the positive benefits to the community.

Mr. Calderon said that the Plan Board asked staff to confirm whether proper notice of the May 26th Plan Board meeting had been provided, and, whether the neighborhood meeting had been conducted and properly advertised. Staff has reviewed the record and determined that both meetings were properly noticed. He noted that some of the residents who spoke at the May 26th Plan Board meeting are not on the list of property owners administered by the Property Appraiser's office. He added that subsequent to the May 26th meeting staff reviewed some modifications to the design of the site and hosted a meeting with the neighbors and the applicant.

Wayne Gibson of Murphy USA spoke on behalf of the applicant. John Veccio, P.E., of Greenberg Farrow, made a presentation as agent for the applicant in which he explained the modifications to the development plan that were made since the May 23rd meeting. The following members of the

public spoke during the public comments portion of this SUP petition hearing: Carla Lewis; Andrew Miles; Pastor Earnestine Butler; Juanita Miles Hamilton; Carrie Parker-Warren; Gilbert Means; and, Yvette Clark.

The Plan Board then deliberated and voted.

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| Motion By: Bob Ackerman | Seconded By: Stephanie Sutton |
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| Moved To: Approve Petition PB-16-34 SUP with staff conditions, Technical Review Committee (TRC) comments, the associated development plan, and two additional conditions: <ul style="list-style-type: none"> 1) Relocate the underground tanks from the south side to the west side of the development, and; 2) Add an oil/water separator to the stormwater management system of the site. | Upon Vote: 5-0 |

VII. New Business

1. **Petition PB-16-50 SUP** Boos Development Group/CHW, agent for Jeff Montgomery Associates, LLC, owner. Special use permit with major development plan review for the construction of a new commercial development with drive throughs. Zoned: MU-1 (8-30 units/acre mixed use low intensity). Located at 4322 NW 53rd Avenue.

Plan Board member Bryan Williams, who had previously submitted Form 8b, recused himself because the property owner is a client of his employer. Lead Planner Lawrence Calderon gave the staff presentation. Board member Stephanie Sutton stated that the minutes from the neighborhood workshop were not in the packet. Robert Walpole, P.E., of CHW, made a presentation as agent for the applicant. He said that he did not know what happened to the minutes from the neighborhood workshop. Board member Bob Ackerman asked about light trespass, to which Mr. Walpole replied that there would be none onto adjacent residential property.

The following members of the public spoke (provided testimony) during this informal quasi-judicial hearing: Mark Spiller, Richard Watkins, Roxanne Watkins, Rick Daldrecht, Paula Guerrein, Terry Kann, JoAnn Stevener, Don West, Angus _____, and Charlie Fellows. Richard Ashcroft and Frank Orlando signed in to speak and may have spoken. Concerns expressed by the members of the public included light trespass, traffic (generation, turn movements), traffic impact on bicycle and pedestrian safety, noise, stormwater, and changes in the proposal subsequent to the neighborhood workshop that was held in March.

Mr. Walpole spoke to the concerns raised by the members of the public, and the Board then deliberated.

| Motion By: Adam Tecler | Seconded By: Stephanie Sutton |
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| <p>Moved To: Approve Petition PB-16-50 SUP with the Conditions listed below, and find that this proposed special use meets the criteria of Section 30-233 for issuance of a special use permit.</p> <p><i>Condition 1. The applicant shall be required to comply with all requirements of the Technical Review Committee as included in Attachment “A”.</i></p> <p><i>Condition 2. A minimum eight-foot wide sidewalk shall be provided along the west side of NW 43rd Street and along the north side of NW 53rd Avenue.</i></p> <p><i>Condition 3. Light fixtures within 75 feet of the residential-zoned property boundary shall be reduced to 15 feet mounting height. (According to the Code this should be 75 feet; there is only one pole within the 75-foot area.)</i></p> <p><i>Condition 4. The photometric plan shall be amended to reduce spill-over lighting onto the adjacent property to levels allowed by the code. Alternatively, appropriate screening methods shall be employed to reduce the impact of the ATM lighting on the adjacent property. All light fixtures shall be designed and placed so that there is no direct lighting onto the adjacent neighborhoods. An automatic system shall be provided to lower lighting to security levels after operating hours.</i></p> <p><i>Condition 5. Security safety lighting (.5 foot candle) shall be provided along the sidewalk linking the adjacent development to the west.</i></p> <p><i>Condition 6. There shall be no left turns onto NW 43rd Street from the development. The applicant shall add a no-left turn supplemental sign to the stop sign at NW 53rd Avenue for the development restricting left turns during school zones time for Talbot Elementary School. A note shall be placed on the approved plans to that effect.</i></p> <p><i>Condition 7. The drive through communication at all five automobile service points shall be designed to prevent the transfer of such communications onto the</i></p> | <p>Upon Vote: 4-0 (Bryan Williams recused)</p> |

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| <p><i>adjacent residential areas.</i></p> <p>Condition 8. <i>Ambulance sirens shall only be used to enter and exit the site and not operated on site.</i></p> <p>Condition 9. <i>Because the development fronts two County Roads, NW 43rd Street and NW 53rd Avenue, approval from Alachua County Public Works must be obtained prior to final development plan approval from the City.</i></p> | |
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2. **Petition PB-16-57 LUC** CHW, agent for Albert G. Fosmoe and Carmen S. Fosmoe, owners. Amend the City of Gainesville Future Land Use Map from Single-Family (up to 8 units per acre) (SF) to Urban Mixed-Use 1 (UMU-1: 8-75 units per acre; and up to 25 additional units per acre by special use permit). Located at 1217, 1227, 1237, and 1247 SW 11th Avenue. Related to PB-16-58 ZON.

Lead Planner Dean Mimms, AICP, gave staff's combined presentation on this petition and the related zoning petition (PB-16-58 ZON).

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| Motion By: Bob Ackerman | Seconded By: Adam Tecler |
| Moved To: Approve Petition PB-16-57 LUC | Upon Vote: 5-0 |

3. **Petition PB-16-58 ZON** CHW, agent for Albert G. Fosmoe and Carmen S. Fosmoe, owners. Rezone property from RSF-1: 3.5 units/acre single-family residential district to UMU-1: 8 to 75 units/acre and up to 25 additional units/acre by special use permit, urban mixed-use district. Located at 1217, 1227, 1237, and 1247 SW 11th Avenue. Related to PB-16-57 LUC.

Lead Planner Dean Mimms, AICP, gave staff's combined presentation on this petition and the related land use petition (PB-16-57 LUC). Ryan Thompson of CHW made a presentation as agent for the applicant.

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| Motion By: Bob Ackerman | Seconded By: Adam Tecler |
| Moved To: Approve Petition PB-16-58 ZON | Upon Vote: 5-0 |

VIII. Information Item: N/A

IX. Board Member Comments

X. Adjournment The meeting was adjourned at 9:15 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.

Chair, City Plan Board
Erin Condon

Date

Staff Liaison, City Plan Board
Dean Mimms, AICP

Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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| LAST NAME—FIRST NAME—MIDDLE NAME <i>WILLIAMS BRYAN</i> | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PLAN BOARD</i> |
| MAILING ADDRESS <i>5315 NW 9th LN</i> | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| CITY COUNTY <i>Gainesville</i> <i>ALACHUA</i> | NAME OF POLITICAL SUBDIVISION: <i>City of Gainesville</i> |
| DATE ON WHICH VOTE OCCURRED <i>6/23/16</i> | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, BRYAN WILLIAMS, hereby disclose that on JUNE 23RD, 20 16:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of MC GIFF - WILLIAMS INSURANCE, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

KNOW LAND OWNER PERSONALLY AND A CLIENT OF MY EMPLOYER. IN REFERENCE TO PETITION NO. PB-16-50 SUP AND LEGISLATIVE ITEM NO. 160136

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

JUNE 23RD 2016
Date Filed

B. Williams
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.