

REQUEST TO PARTICIPATE IN FORMAL QUASI-JUDICIAL HEARING

(Please refer to the "Quasi-Judicial Hearings" information provided on page 4.)

Quasi-judicial matter (e.g., petition/ordinance #, etc.): _____

Date of hearing: 7/27/17 6:30 pm

1. Please indicate your status as it relates to this matter:

☒ **APPLICANT** (i.e., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, variance, etc.)☒ **AFFECTED PARTY** (i.e., you either: **a**) have received or are entitled to receive mailed notice under Section 30-351 of the Land Development Code, **OR b**) believe you may, depending on the result of this quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public.)

2. Are you for or against approval of this matter?

_____: **FOR**☒: **AGAINST**3. Name (please print): Dilma o Jorge PenarandaAddress: 12502 SW 78 St, Miami FL 33183Phone number: 305-273-2168Signature: [Signature] Date: 6/14/17

Attorney Information (if applicable):

Name (please print): _____

Address: _____

Phone number: _____

Signature: _____

This form together with any exhibits to be presented at the hearing shall be received by the City Plan Board no less than seven (7) calendar days prior to the date of the hearing as stated in the mailed notification letter.

Quasi-Judicial Hearings

What is a quasi-judicial hearing? The decisions of local government boards are generally of two types: legislative or quasi-judicial. A *legislative* decision is where a government board makes policy or law that generally applies to a broad group of citizens. A *quasi-judicial* decision is made in a court-like “hearing” where a government board applies already-established general policy or law to a specific, individualized situation. In other words, the decision-maker in a quasi-judicial hearing is not making policy or otherwise deciding what he/she would prefer to happen in a particular case, but rather is limited to making a determination on whether a specific application meets the existing regulations or requirements. Examples of legislative matters are amendments to the City’s Comprehensive Plan, including amendments to the City’s Future Land Use Map, and amendments to the City’s Code of Ordinances or Land Development Code. Examples of quasi-judicial matters are changes to a property’s zoning district (i.e., rezonings), applications for a Special Use Permit, and applications for development review.

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What are the due process rights of a party to a quasi-judicial hearing? When conducting quasi-judicial hearings in Florida, local governments must provide the parties with notice of the hearing and an opportunity to be heard and to present evidence. The parties shall also have the opportunity to cross-examine any witnesses. In addition, parties are entitled to a fair hearing before an impartial decision-maker. To this end, board members (as the decision-maker) must avoid all “ex-parte communications”, which are communications regarding quasi-judicial matters that are made outside of the public hearing.

What is the difference between a formal and an informal quasi-judicial hearing? The City has established two methods for administering a quasi-judicial hearing: informal and formal. All quasi-judicial hearings are administered as informal hearings unless a formal hearing is requested by the applicant or an affected party. The informal hearing is an abbreviated process and may include a presentation by both city staff and the applicant, followed by questions from the applicable reviewing board and public comment. The formal hearing is administered with formalities similar to a trial court or administrative hearing, with regimented procedures that include the swearing in of all participants, formal presentations and admission of evidence, cross-examinations of witnesses, rebuttal, etc. Importantly, regardless of whether a hearing is administered as informal or formal, the applicable reviewing board’s decision-making criteria, the legal effect of any decision, and any opportunity for appeal are the same.

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3. Name (please print):

Dilma Jorge Penaranda

Address:

12502 SW 78 St, Miami FL 33183

Phone number:

305-273-2168

MIAMI

FL 331

30 JUN '17

PM 4:1

UNITED STATES POSTAGE
PITNEY BOWES
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MAILED FROM ZIP CODE 33163City Plan Board - mail station 11
Quasi-Judicial Hearing
Petition PB 17-48 SUP
P O Box 490
Gainesville, FL 32627

Gregory and Brenda Atria
5950 SW 37th Terrace
Fort Lauderdale, Fl. 33312
954-981-8969



We own a condo for the past ten years at The Campus Edge Condominiums, 2360 SW Archer Unit #1112, Gainesville, Florida and our property is directly affected by this property use change to a gas station. It is within 400 feet of our residential complex and adversely affects our property values as well as affects the health and well being of our residents. We are against this land use change to build a 12 pump gas station within 400 feet of our home.

Thank you,

A handwritten signature in black ink, appearing to read 'Brenda M. Atria'.

Brenda M. Atria
Gregory Atria
Owners

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(Please refer to the "Quasi-Judicial Hearings" information provided on page 4.)

Quasi-judicial matter (e.g., petition/ordinance #, etc.): Petition PB 17-48 SUPDate of hearing: June 22, 2017

1. Please indicate your status as it relates to this matter:

☐ : **APPLICANT** (i.e., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, variance, etc.)☒ : **AFFECTED PARTY** (i.e., you either: **a)** have received or are entitled to receive mailed notice under Section 30-351 of the Land Development Code, **OR b)** believe you may, depending on the result of this quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public.)

2. Are you for or against approval of this matter?

☐ : **FOR**☒ : **AGAINST**3. Name (please print): GREGORY and BRENDA ATRIAAddress: 5950 SW 37th Terrace, Fort Lauderdale, FL 33312Phone number: 954-981-8969Signature: *Gregory Atria* *Brenda Atria* Date: 6-14-2017**Attorney Information (if applicable):**

Name (please print): _____

Address: _____

Phone number: _____

Signature: _____

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What are the due process rights of a party to a quasi-judicial hearing? When conducting quasi-judicial hearings in Florida, local governments must provide the parties with notice of the hearing and an opportunity to be heard and to present evidence. The parties shall also have the opportunity to cross-examine any witnesses. In addition, parties are entitled to a fair hearing before an impartial decision-maker. To this end, board members (as the decision-maker) must avoid all “ex-parte communications”, which are communications regarding quasi-judicial matters that are made outside of the public hearing.

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Quasi-judicial matter (e.g., petition/ordinance #, etc.): PB-17-48 Sup related to PB-17-46 LUC + PB-17-45 ZONDate of hearing: July 27, 2017**1. Please indicate your status as it relates to this matter:**☐ : **APPLICANT** (i.e., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, variance, etc.)☒ : **AFFECTED PARTY** (i.e., you either: **a**) have received or are entitled to receive mailed notice under Section 30-351 of the Land Development Code, **OR b**) believe you may, depending on the result of this quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public.)**2. Are you for or against approval of this matter?**☐ : **FOR**☒ : **AGAINST****3. Name (please print):** Jacky Winters Condo # 403Address: 2340 S.W. Archer Road Gainesville, FLPhone number: 850-838-7145Signature:  Date: 6-15-17**Attorney Information (if applicable):**

Name (please print): _____

Address: _____

Phone number: _____

Signature: _____

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Department of Doing
Planning Division
PO Box 490, Station 11
Gainesville, FL 32602-0490

306 N.E. 6th Avenue
P: (352) 334-5022
P: (352) 334-5023
F: (352) 334-2648

PB-17-48 SUP

NOTICE OF PUBLIC MEETING

SPECIAL USE PERMIT

June 12, 2017

This letter is to notify you that the City Plan Board *June 22, 2017* meeting has been ~~cancelled~~.

A Special Use permit is proposed for property within 400 feet of property you own. This letter is a legal notification of the next City Plan Board public hearing.

New Date & Time: Thursday, July 27 2017 at 6:30 p.m., or as soon thereafter as it may be heard

Location: City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, FL

The City Plan Board will hold a Public Hearing and render a decision on the petition. There will be an opportunity for public comment at the hearing prior to the Board's decision.

If you have questions about this petition or the process or wish to comment, you can:

- Call the Department of Doing, Planning Division at (352) 334-5022
- Come to Room 210, Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours (Monday – Friday 7:30 am – 5:00 pm)
- Visit our website at www.cityofgainesville.org/planningdepartment and select Citizen Boards to view the meeting agenda.

Put your comments in writing 7 days prior to the meeting to: City Plan Board, c/o City of Gainesville, Planning Division, **Petition PB-17-48 SUP**, P.O Box 490, Mail Station 11, Gainesville, FL 32627.

Petition Description

Petition PB-17-48 SUP. CHW, Inc. agent for Blakewood LLC. A Special Use permit with a concept development plan to allow construction of a gas station with twelve (12) fueling positions and a convenience store. Zoned: MU-2 (12—30 units/acre mixed use medium intensity). Located at 2373 SW Archer Road. Related to PB-17-46 LUC & PB-17- 45 ZON.

306 NE 6th Avenue
Gainesville, Florida 32601

phone: 352/334-5022
fax: 352/334-2648

This hearing will be conducted as an **informal** quasi-judicial hearing unless the petitioner(s) or affected parties file for a formal quasi-judicial hearing. Following this quasi-judicial hearing, based on the testimony provided, the City Plan Board will then either vote to approve or deny the petition.

All persons entitled to actual written notice of this petition, pursuant to Chapter 30, Gainesville Code of Ordinances, may request in writing during regular business hours a formal quasi-judicial hearing before the Board **no less than 7 days prior to the meeting**. All requests for a formal quasi-judicial hearing, along with review materials (written evidence and/or other form of documentation) must be submitted to: City Plan Board—Mail Station 11, Quasi-Judicial Hearing, **Petition PB 17-48 SUP**, P.O. Box 490, Gainesville, Florida 32627. **Mailed requests and review materials must be received by the City Plan Board at least 7 days prior to the hearing.** Failure to timely file a written request for a formal hearing shall set the petition for an informal quasi-judicial hearing.

In order to participate in the formal quasi-judicial portion of the proceeding, all affected parties (those actually entitled to this notice) will be required to complete the “Request to Participate in Formal Quasi-Judicial Hearing” form stating your name and address and other pertinent information, and whether you support or oppose the proposal before the Board.

Any affected party may be represented by an attorney. If an attorney represents an affected party or several affected parties, the attorney may complete the “Request to Participate in Formal Quasi-Judicial Hearing” form and identify the person or persons they represent and whether their client(s) supports or opposes the petition before the City Plan Board.

There will be an opportunity for public comment regardless of whether the hearing is informal or formal. If you have any questions about this petition or the process, you may call 334-5022 or come to Room 158 (Planning Counter), Thomas Center B, 306 NE 6th Avenue, Gainesville, Florida, during business hours. (Monday – Thursday, 7:00 a.m. to 6:00 p.m.; closed Fridays) Visit our website at www.cityofgainesville.org/planningdepartment

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need 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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_____: **FOR**

☒ : **AGAINST**

3. Name (please print): PATRICK & PHYLLIS PARISAddress: 9389 S.W. 94th LOOP, DCAIA, FL. 34481Phone number: 352-895-4113Signature: Patrick & Phyllis Paris Date: 6-10-17**Attorney Information (if applicable):**

Name (please print): _____

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Name (please print): _____

Address: _____

Phone number: _____

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