



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

306 N.E. 6<sup>th</sup> Avenue  
 P: (352) 334-5022  
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 F: (352) 334-2648

## CITY PLAN BOARD MINUTES

October 26, 2017 6:30 PM  
 City Hall Auditorium  
 200 E. University Ave

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Stephanie Sutton (Chair)	Erin Condon	Andrew Persons
Bob Ackerman (Vice-Chair)	Rob Hyatt (School Board Representative)	Dean Mimms
		Lawrence Calderon
Terry Clark		Forrest Eddleton
Dave Ferro		Sean McDermott
Adam Tecler		
Bryan Williams		

**I. Roll Call**

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

Saul Silber asked to move Item 4, Petition PB-17-111 to be heard as Item 1.
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<b>Motion By: Adam Tecler</b>	<b>Seconded By: Dan Ferro</b>
<b>Moved To:</b> Move Item 4 to Item 1 and then go in normal order.	<b>Upon Vote: 6-0</b>

**III. Approval of Minutes:** Sept 28, 2017 (not available at this time)

**IV. 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

<b>BOARD MEMBERS</b>	
Chair: Stephanie Sutton	Vice Chair: Bob Ackerman
Bryan Williams, Erin Condon, Dave Ferro, Adam Tecler, Terry Clark, Robert Hyatt (School Board representative)	
Staff Liaison: Dean Mimms	

(see Sec. 30-3.58(C.) of the Land Development Code). The procedure for an appeal is set forth in Sec. 30-3.58.

**V. Request to Address the Board**

**VI. Old Business**

**OB1. Petition PB-17-65 PD**

**eda engineers-surveyors-planners, Inc., agent for Weyerhaeuser NR Company. Rezone property from Alachua County Agriculture (A) district to City of Gainesville Planned Development district (PD) to allow for single family residential, multi-family residential, mixed-use development, and conservation management areas. Located east and west of SR 121, north of NW 77th Avenue and south of 122nd Place.**

Vice Chair Bob Ackerman explained that Chair Stephanie Sutton recused herself on this petition. Chair Sutton then asked Sean McDermott, Assistant City Attorney to explain the formal quasi-judicial process. Disclosure of any *Ex Parte* communications. Swearing in of affected parties by Forrest Eddleton Planning Consultant, Notary Public. Staff presentation by Forrest Eddleton, Planning Consultant.

<b>Motion By:</b> Adam Tecler	<b>Seconded By:</b> Bryan Williams
<b>Moved To:</b> Extend allowed staff presentation time.	<b>Upon Vote:</b> 5-0(S.Sutton recused)

Staff presentation by Mark Brown, Environmental Coordinator. Tim Jackson, agent for applicant gave a presentation. David Coffey, Esquire gave a presentation. Gainesville resident Kali Blount asked about affordable housing.

<b>Motion By:</b> Dave Ferro	<b>Seconded By:</b> Adam Tecler
<b>Moved To:</b> The City Plan Board recommends approval of PB-17-065 with the removal of the first two conditions presented by staff subject to the Applicant seeking input from relevant agencies for the Conservation Management Plans. The City Plan Board also recommends the adoption of Condition 3 presented by the applicant subject to relevant agencies having input on that condition.	<b>Upon Vote:</b> 4-1 (Nay: Terry Clark; S. Sutton recused)

**VII. New Business**

- 1 **Petition PB-17-92 LUC** CHW, Inc. agent for Legacy Fountains of Gainesville, LLC. Amend the City of Gainesville Future Land Use Map from Planned Use District (PUD) and Residential Medium-Density: 8-30 units per acre (RM) to Mixed-Use Low-Intensity: 8-30 units per acre (MUL). Located at Southwest corner of the SW 52<sup>nd</sup> Street and SW 20<sup>th</sup> Avenue intersection.

Dean Mimms, AICP, Planning Consultant, gave a combined presentation on Petition PB-17-92 LUC and related Petition PB-17-93 ZON. Gainesville resident Kali Blount spoke during public comments.	
<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Dave Ferro
<b>Moved To:</b> Approve Petition PB-17-92 LUC	<b>Upon Vote:</b> 6-0

2. **Petition PB-17-93 ZON** CHW, Inc. agent for Legacy Fountains of Gainesville, LLC. Rezone property from Planned Development District (PD) and RMF-6: 8-15 units per/acre multiple-family residential district to MU1: 8-30 units/acre mixed use low intensity. Located at Southwest corner of the SW 52<sup>nd</sup> Street and SW 20<sup>th</sup> Avenue intersection.

Dean Mimms, AICP, Planning Consultant, gave a combined presentation on Petition PB-17-93 ZON and related Petition PB-17-92 LUC. Gainesville resident Kali Blount spoke during public comments.	
<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Dave Ferro
<b>Moved To:</b> Approve Petition PB-17-93 ZON	<b>Upon Vote:</b> 6-0

3. **Petition PB-17-111 SUP** Saul Silber Properties, LLC, owner. Requesting a Special Use Permit, without a development plan, to allow up to fifty percent (50%) of the floor area of an existing development to be used for Personal Services. Zoned: U-4 (Urban 4 Transect District). Located at 901 NW 8<sup>th</sup> Avenue.

Lawrence Calderon, Planning Consultant gave staff presentation. Gainesville residents Mark Goldstein and Kali Blount spoke during Public Comments.	
<b>Motion By:</b> Terry Clark	<b>Seconded By:</b> Bryan Williams
<b>Moved To:</b> Approve Petition PB-17-111 SUP subject to the staff conditions.	<b>Upon Vote:</b> 6-0

**BOARD ELECTIONS:**

<b>Motion By:</b> Stephanie Sutton	<b>Seconded By:</b> Terry Clark
<b>Moved To:</b> Nominate Bob Ackerman as Chair	<b>Upon Vote:</b> 6-0

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Terry Clark
<b>Moved To:</b> Nominate Stephanie Sutton as Vice Chair	<b>Upon Vote:</b> 6-0

**VIII. Information Item:**

Dean Mimms, AICP, Planning Consultant, discussed the November 30<sup>th</sup> City Plan Board luncheon.

Andrew Persons, AICP, Planning Consultant, talked about the posted sign notification and mail notification process. Under the City Commission direction to include tenants in the mailing selection process. Redesigning of the notification letters, and board agendas to make them easier to read.

**IX. Board Member Comments**

Stephanie Sutton, Chair wanted to know what role the Plan Board will have regarding the revisions to the Land Development Code.

Terry Clark wanted to know about the Special Use permit application.

Stephanie Sutton, Chair has concerns about the sidewalk widths in certain areas.

Wendy Thomas, Director of DOD, offered to give to the Plan Board via staff a preliminary list of topics that were brought up during the City Commission adoption of the Land Development Code.

**X. Adjournment** The meeting was adjourned at 9:31 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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**Chair, City Plan Board**

**Date**

Stephanie Sutton

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**Staff Liaison, City Plan Board**

**Date**

Dean Mimms, AICP

DRAFT

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

LAST NAME—FIRST NAME—MIDDLE NAME Sutton, Stephanie	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Plan Board
MAILING ADDRESS 2015 NW 12th Road	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 Gainesville	COUNTY Alachua
DATE ON WHICH VOTE OCCURRED September 28, 2017 / October 26, 2017	NAME OF POLITICAL SUBDIVISION: City of Gainesville
MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## 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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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).

\* \* \* \* \*

### 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.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate 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 other side)

**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, Stephanie Sutton, hereby disclose that on ~~July 27~~ Sept. 28 / Oct. 26, 20 17 :

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

- 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 eda engineers - surveyors - planners, inc., by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent 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:

Petition PB-17-65 PD is an item submitted by my employer, eda.

Oct. 10, 2017  
Date Filed

  
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.