



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

CITY PLAN BOARD MINUTES

January 24, 2018 6:30 PM
City Hall Auditorium
200 E. University Ave

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Bob Ackerman (Chair)		Megan Echols
Stephanie Sutton (Vice-Chair)		
	Christian Newman	
Megan Walker-Radthke		
Erin Condon		
Terry Clark		
	Rob Hyatt (School Board Representative)	

I. Roll Call

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

Motion By: Stephanie Sutton	Seconded By: Terry Clark
Moved To: Approve	Upon Vote: 5-0

III. Approval of Minutes: October 25, 2018 & November 29, 2018

Motion By: Megan Walker-Radthke	Seconded By: Terry Clark
Moved To: Approve October 25, 2018 Minutes	Upon Vote: 5-0

BOARD MEMBERS

Chair: Bob Ackerman Vice Chair: Stephanie Sutton
Bryan Williams, Erin Condon, Christian Newman, Megan Walker-Radthke, Terry Clark, Robert Hyatt (School Board representative)
Staff Liaison: Megan Echols

Motion By: Stephanie Sutton	Seconded By: Terry Clark
Moved To: Approve November 29, 2018	Upon Vote: 5-0

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 (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

Gerry Dedenbach of CHW, addressed the board regarding Petition PB-18-26 SUP being resubmitted to the next CPB meeting. Don Niesen, representing clients near St. Michael's Church, addressed the board regarding agenda item PB-17-158 ZON. Nancy Darin, citizen also addressed the board regarding her concerns on the St. Michael's Church property.

VI. Old Business:

OB1. Petition PB-18-126 SUP

CHW, Inc., agent for Legacy Fountains of Gainesville LLC, owner. Special Use Permit (SUP) with development plan review to allow construction of a Gasoline and Alternative Fuel Stations with twelve (12) fueling positions, a convenience store and a carwash. Zoned: MU-1 (8-30 units/acre mixed use low intensity district). Located at the southwest corner of SW 20th Avenue and SW 52nd Street.

This item was continued to the next City Plan Board meeting.

VII. New Business

1. Petition PB-18-127 SUP

St. Elizabeth Greek Orthodox Church seeks a special use permit and conceptual development plan approval for the construction of a fellowship hall on the subject property located at 5129 NW 53rd Avenue.

Erik Bredfeldt, Economic Development Initiative Director, gave staff presentation.

Motion By: Terry Clark	Seconded By: Erin Condon
Moved To: Approve Petition PB-18-127 SUP	Upon Vote: 5-0

2. **Petition PB-18-174 ZON** eda engineers, surveyors and planners inc, agent for Gregory Stetz. Request to rezone 12 parcels approximately 3.02 acres, located in the 400 and 500 block on the eastside of NW 13th Street and west of NW 12th Drive from Urban 6 (U6) to Urban 8 (U8).

Florence Buaku, Planner gave staff presentation. Plan Board member Stephanie Sutton recused herself from voting on this petition, and she submitted Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers).

Motion By: Terry Clark	Seconded By: Erin Condon
Moved To: Approve Petition PB-18-127 SUP	Upon Vote: 4-0

3. **Petition PB-18-00175 SUP** eda engineers, surveyors and planners inc, agent for Mildred Jane Whitehill, Courtyards of Gainesville Owner's Association. Request for special use permit for approximately .089 acres, to allow a medical marijuana dispensary facility located at 4880 W. Newberry Road, Suite 140.

Yvette Thomas, Planner IV, gave staff presentation. Plan Board member Stephanie Sutton recused herself from voting on this petition, and she submitted Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers).

Motion By: Terry Clark	Seconded By: Erin Condon
Moved To: Approve Petition PB-18-175 SUP	Upon Vote: 4-0

4. **Petition PB-18-00154 SUP** CHW, Inc., agent for The Old Rhodes Building, LLC, owners. Special Use Permit with minor development plan review to construct a Gasoline and Alternative Fuel Station with 12 fueling positions, convenience store and eating place. Zoned: Urban 8 (U-8). Located at 2305 NW 13th Street.

Jason Simmons, Planner, gave staff presentation. Plan Board Chair Bob Ackerman stated that he is recusing himself from voting on this petition, and that he submitted Form 8B (Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers).

Motion By: Erin Condon	Seconded By: Megan Walker-Radthke
Moved To: Approve Petition PB-18-154 SUP	Upon Vote: 4-0

VIII. Information Item: N/A

IX. Board Member Comments

X. 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.

Chair, City Plan Board
Bob Ackerman

Date

Staff Liaison, City Plan Board
Megan Echols, Planner

Date

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

LAST NAME—FIRST NAME—MIDDLE NAME ACKERMAN ROBERT	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY PLAN BOARD
MAILING ADDRESS 4818 N.W. 19th ST ALCACHUA	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 GOVILE FL	NAME OF POLITICAL SUBDIVISION GOVILE
DATE ON WHICH VOTE OCCURRED 1-24-19	MY POSITION IS: <input checked="" 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 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).

* * * * *

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 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, ROBERT ADLERMAN, hereby disclose that on 1-24-19, 20__ :

(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 _____, 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:

ITEM 180677
PB-18-154 SOP

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.

1-24-19
Date Filed

[Signature]
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.

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 January 24, 2019	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 January 24, 20 19:

(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:

Petitions PB-18-175 SUP and PB-18-174 ZON were submitted by my employer, eda.

Date Filed

1/22/19

Signature

Stephanie Sutton

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.