



**City of Gainesville
Department of Doing
Planning Division**

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: October 9, 2019

ITEM NO: 5

PROJECT NAME AND NUMBER: Related to Petition PB-18-177 SUP Mr. Clean Carwash at 3028 and 3036 NW 13th Street.

APPLICATION TYPE: Quasi-Judicial:

RECOMMENDATION: Consider the request to waive the two (2) year time limitation for submitting a new application for a Special Use Permit for the same use for the same property and take action deemed appropriate.

CITY PROJECT CONTACT: Lawrence Calderon, Planner III

APPLICATION INFORMATION:

Agent/Applicant: CHW, Inc., agent for The Gallo Family, owners.

Property Owner(s): Gallo Family

Related Petition(s): Special Use Permit for a carwash and associated facilities Petition PB-19-177 SUP.

SITE INFORMATION:

Address: 3028 and 3036 NW 13th Street

Parcel Number(s): 08981-000-000; 08977-000-000

Acreage: 1.1 Acres.

Existing Use(s): Vacant undeveloped.

Land Use Designation(s): Mixed-use Low

Zoning Designation(s): MU-1(8-30 units/acre mixed use low intensity district)

Transportation Mobility Program Area (TMPA): Area "B"

PURPOSE AND DESCRIPTION:

On August 22, 2019, the City Plan Board denied PB-18-177 SUP. At the applicant's request, the Board requested that staff place the petition on the next agenda to discuss waiving the two (2) year time limitation for submitting a new application. The City's Land Development Code states that no application for a Special Use Permit may be submitted within two years after the date of denial or withdrawal of a request for the same use for the same property. The Board may waive this time limitation by the affirmative vote of five members, provided 30 calendar days have elapsed and provided the City Plan Board deems such action necessary to prevent an injustice.

LIST OF ATTACHMENTS:

- | | |
|----------------------------|--|
| <u>Attachment A</u> | Letter from applicant requesting a waiver of the 24-month resubmittal prohibition as required inn Sec. 30-3.25 F. |
| <u>Attachment B</u> | Letter of Denial from City of Gainesville |



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ATTACHMENT “A”

**LETTER FROM APPLICANT REQUESTING A WAIVER OF THE 24-MONTH RESUBMITTAL
PROHIBITION AS REQUIRED IN SEC. 30-3.25 F.**

Petition PB-18-177 and DB-19-38 SPL

APPLICANT’S LETTER

October 9, 2019

September 18, 2019

Mr. Robert Ackerman, Chair
City of Gainesville, Plan Board

c/o Mr. Andrew Persons, Interim Director
City of Gainesville, Department of Doing
306 NE 6th Ave
Gainesville, FL 32601

Via Electronic-Mail and Hand Delivery

RE: PB-18-177 SUP Mr. Clean Florida LLC – Waiving of 24-month resubmittal prohibition

Dear Chair Ackerman,

As agent for the Mr. Clean Florida LLC (applicant), we respectfully request the Plan Board (Board) waive the 24-month resubmittal prohibition, as outlined in the City of Gainesville's Land Development Code (LDC) Section 30-3.25 F. As stated at the August meeting:

"the City Plan Board may waive this time limitation by the affirmative vote of five members, provided 30 calendar days have elapsed and provided the City Plan Board deems such action necessary to prevent an injustice."

A key component of the denial was the Board's inability to physically review professionally prepared Acoustic Modeling and the Sound Study data provided to the City of Gainesville.

Following the Board meeting, we have evaluated all Board comments and LDC requirements and are confident a modified design can be prepared, submitted, and presented to city staff and the Board for approval. We respectfully request this opportunity to avoid the very real and substantial injustice created if we must wait two (2) years.

Thank you for your service as City Plan Board Chair. We look forward to your next meeting and presenting our formal request for waiving the 24-month prohibition.

Regards,
CHW



GERRY DEDENBACH, AICP LEED AP | Vice President

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ATTACHMENT “B”

LETTER OF DENIAL FROM THE CITY

Petition PB-18-177 and DB-19-38 SPL

LETTER OF DENIAL

October 9, 2019



Department of Doing
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Gainesville, FL 32602-0490

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September 4, 2019.

Mr. Gerry Dedenbach
11801 Research Drive
Alachua, FL 32615

Ref: Petition PB-18-177 SUP. CHW, Inc., agent for The Gallo Family, owners. Request for a Special Use Permit with development plan review to allow construct of a carwash with associated facilities. Zoned: MU-1 (8-30 units/acre mixed-use low intensity). Located at 3028 and 3036 NW 13th Street.

Dear Mr. Dedenbach:

This letter serves to inform you that on **August 22, 2019**, the City Plan Board voted 5 to 2 to **deny** your request for a special use permit with a preliminary development plan **to allow construction of a carwash with associated facilities**.

Please note that according to Sec. 30-3.58, the decision of the City Plan Board may be appealed to a hearing officer. If an appeal is filed, it must be filed within 30 calendar days of the effective date of the board's decision at issue. The notice of appeal shall set forth a detailed basis for the appeal.

Please note that in accordance with **Sec. 30-3.25. F. "Effect of denial or withdrawal.** No application for a special use permit may be submitted within two years after the date of denial or withdrawal of a request for the same use for the same property. The city plan board may waive this time limitation by the affirmative vote of five members, provided 30 calendar days have elapsed and provided the city plan board deems such action necessary to prevent an injustice".

An associated petition, DB-19-38 SPL was filed in conjunction with the request for the special use permit; this petition cannot move forward without approval of the special use permit for the proposed use. Staff will keep the petition in the review cycle but will return it to you pending further decision on the special use permit. At the appropriate time, staff will provide additional details.

Should you have any questions or need additional information, please do not hesitate to contact me at (352) 393-8680.

Sincerely,

Lawrence Calderon
Planner III
Department of Doing
P.O. Box 490, Station 11
City of Gainesville, FL 32602-0490
(352) 393-8680
calderonld@cityofgainesville.org

LDC:ldc

CC: John Freeland, Building Division
Paul Myers,