



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

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

## City Plan Board Minutes June 25, 2020 6:30 PM Virtual Meeting

### I. Call to Order – 6:32 p.m.

### II. Roll Call

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
Erin Condon (Chair)		Yvette Thomas
Stephanie Sutton (Vice Chair)		Andrew Persons
Robert (Bob) Ackerman		Brittany McMullen
Megan Walker-Radtke		Juan Castillo
Christian Newman		Lawrence Calderon
Thomas Hawkins		Sarit Sera
James Blythe		Elizabeth Chazulle

### III. Approval of Agenda

<b>Motion By:</b> Ackerman	<b>Seconded By:</b> Megan Walker-Radtke
<b>Moved To:</b> Approve with a modification per applicant's request to allow item PB-20-57 TCH to be heard as the first item under New Business.	<b>Upon Vote:</b> Passed 7-0

### IV. Approval of Minutes: May 28, 2020

<b>Motion By:</b> Ackerman	<b>Seconded By:</b> Newman
<b>Moved To:</b> Approve	<b>Upon Vote:</b> Passed 7-0

#### BOARD MEMBERS

Chair: Erin Condon      Vice Chair: Stephanie Sutton  
Thomas Hawkins, Robert Ackerman, Megan Walker-Radtke, Christian Newman, James Blythe  
Staff Liaison: Brittany McMullen

- V. 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.

## VI. Old Business

### **Petition PB-19-132 TCH** (191128)

City of Gainesville. Text amendment to the Land Development Code to add Single Room Occupancy Residence as a nonresidential use in Article IV, along with applicable use standards added to Article V and definition added to Article II.

<b>Motion By:</b> Hawkins	<b>Seconded By:</b> Walker-Radtke
<p><b>Moved To:</b> Approve staff recommendation and adopt proposed provisions related to SROs with two modifications:</p> <ul style="list-style-type: none"> <li>(1) Utilize the Staff recommendation on density based on the bedroom multiplier, and</li> <li>(2) Amend paragraph G to require that at least one bathroom per floor include a shower, toilet and sink in a single enclosed room. Board Chair Condon requested an amendment to the motion – add that each private bathroom include a locking door. Board Member Hawkins accepted the revised motion.</li> </ul>	<p><b>Upon Vote:</b> Passed 7-0</p>
<p>Brittany McMullen, Planner, presented the item for staff. The item was continued from the May City Plan Board Meeting. Ms. McMullen presented three options for density considerations and asked that the Board provide direction on the options. No members of the public called in to comment on the item during the public comments portion of the hearing. A motion was made by Board Member Hawkins, seconded by Board Member Walker-Radtke, that the petition be approved, adopting provisions related to SROs, with two modifications. Upon a roll call vote the motion passed.</p>	

## VII. New Business

### **Petition PB-20-57 TCH** (200067)

CHW Inc. Applicant. CHW, Inc. Applicant. Text Amendment request to reinstate Wellfield Protection Special Use Permit issuance criteria allowing the use of underground storage within the tertiary Murphree Wellfield Zone.

<b>Motion By:</b> Bob Ackerman	<b>Seconded By:</b> Newman
<b>Moved To:</b> Approve	<b>Upon Vote:</b> Passed 6-1 (Hawkins opposed)
<p>Juan Castillo, Planner, presented the item for Staff. No questions were asked by Board members. Gerry Dedenbach presented for the applicant. No members of the public called in to comment on the item during the public comments portion of the hearing. A motion was made by Board Member Ackerman, seconded by Board Member Newman, to approve the petition. Upon a roll call vote the motion passed 6-1 with Board Member Hawkins opposed.</p>	

### **Petition PB-20-11 SUP** (191035)

CHW, Inc. Agent for Tower Road Investment Group, LLLP. Special Use Permit for fueling station with 12 fueling positions, convenience store, and carwash. Located northeast quadrant of Tower Road and SW 17th Road intersection.

<b>Motion By:</b> Hawkins	<b>Seconded By:</b> None
<b>Moved To:</b> Deny	<b>Upon Vote:</b> Failed for lack of second
<b>Motion By:</b> Walker-Radtke	<b>Seconded By:</b> Hawkins
<b>Moved To:</b> Continue the petition to the next CPB meeting, asking applicant to come back with additional information	<b>Upon Vote:</b> Passed 7-0 Passed
<p>Juan Castillo, Planner, presented the item for Staff. Ryan Thompson presented for the applicant. The Board discussed Special Use Permit criteria for gas stations, particularly dumpster location, pedestrian access, and drive aisle widths. Shawna Johnson and Tracy Meucci called in to comment on the item during the public comments portion of the hearing. A motion was made by Board Member Walker-Radtke, seconded by Board Member Hawkins, to continue the petition to the next CPB meeting, asking that the applicant bring back a rendering for possible delivery path through the property with the convenience store moved, providing more direct pedestrian access. The applicant asked</p>	

for clarification on the request and agreed that a continuation would be preferred in order to provide additional information. Upon a roll call vote the motion passed unanimously.

**Petition PB-19-187 SUP**  
(191036)

eda, Agent for Dean & Dean Trustee. Special Use Permit to increase density from 100 units/acre to 125 units/acre. Located at 1236 SW 4th Avenue.

<b>Motion By:</b> Akcerman	<b>Seconded By:</b> Walker-Radtke
<b>Moved To:</b> Approve with conditions	<b>Upon Vote:</b> Passed 6-0 (Sutton recused)
<p>Board Member Sutton, who previously submitted form 8b, recused herself from voting on this petition. Yvette Thomas, Planner, presented the item for Staff. Sarit Sela provided additional information on architectural design. Onelia Lazzari presented for the applicant. Board members asked questions of the applicant and discussed the proposal. No members of the public called in to comment on the item during the public comments portion of the hearing. A motion was made by Board Member Ackerman, seconded by Board Member Walker-Radtke, to approve the petition with the condition that the approval is based on the final approval by the City Architect and Planning Staff. Upon a roll call vote the motion was passed 6-0 with Board Member Sutton recused from the vote.</p>	

**Petition PB-20-29 WSUP**  
(200066)

Curtis Davis, Agent for Live Oak Shoppers Group, LLC. Request for a Special Use Permit to allow storage and vending of Chlorine, considered a hazardous material, within the Tertiary Zone of the Wellfield Protection District. Zoned, MU-2, located at 6250 NW 23<sup>rd</sup> Street.

<b>Motion By:</b> Ackerman	<b>Seconded By:</b> Newman
<b>Moved To:</b> Approve with conditions	<b>Upon Vote:</b> Passed 7-0
<p>Lawrence Calderon, Planner, and Liliana Kolluri, Environmental Coordinator, presented the item for staff. Board members asked questions of Staff. Jeff Kirsch, Dan Taylor, and Zach Kirsch spoke for the applicant. No members of the public called in to comment on the item during the public comments portion of the hearing. A motion was made by Board Member Ackerman, seconded by Board Member Newman, to approve the petition with conditions as specified in the Staff Report. Upon a roll call vote the motion passed unanimously.</p>	

## VIII. Adjournment – 9:27

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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<b>Chair, City Plan Board</b>	<b>Date</b>
Erin Condon	

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<b>Staff Liaison, City Plan Board</b>	<b>Date</b>
Brittany McMullen, Planner III	

# 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 2201 NW 26th Terrace		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Gainesville	COUNTY Alachua	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED June 25, 2020		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)

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## 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 June 25, 2020:


(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 consultants 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-19-187 SUP was submitted by my employer, eda.

June 24, 2020  
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.