

# City of Gainesville

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Minutes**

**July 27, 2017**

**6:30 PM**

**City Commission Auditorium**

## **City Plan Board**

*Stephanie Sutton - Chair  
Bob Ackerman - Vice Chair  
Erin Condon - Member  
Bryan Williams - Member  
Dave Ferro - Member  
Adam Tecler - Member  
Terry Clark - Member  
Robert Hyatt - School Board Representative*

**CALL TO ORDER****ROLL CALL**[170185.](#)

**City Plan Board Attendance Roster: January 26, 2017 through May 25, 2017 (B)**

**Attachments:** [170185\\_CPB Attendance\\_2017\\_20170727.pdf](#)

**APPROVAL OF THE AGENDA**

**Motion By: Bob Ackerman      Seconded By: Dave Ferro**

**Moved To: Approve the agenda as amended**

**Upon Vote: 7-0**

**APPROVAL OF MINUTES - May 25, 2017**

**Motion By: Erin Condon      Seconded By: Terry Clark**

**Moved To: Approve the minutes of the May 25, 2017 meeting**

**Upon Vote: 7-0**

[170186.](#)

**Draft minutes of the May 25, 2017 City Plan Board Meeting (B)**

**Attachments:** [170186\\_CPB 170525 Minutes draft\\_20170727.pdf](#)

**RECOMMENDATION**

*Staff is requesting that the City Plan Board review the draft minutes from the May 25, 2017 meeting and vote to approve the minutes.*

*Staff to the City Plan Board - Review and approve the draft minutes.*

**ANNOUNCEMENT: Section 30-353 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 15 days of the decision (see Sec. 30-234(h) of the Land Development Code). The procedure for an appeal is set forth in Sec. 30-352.1.**

**REQUEST TO ADDRESS THE BOARD**

**OLD BUSINESS****NEW BUSINESS****170187.****Special Use Permit Review to Construct a Gas Station with 12 Fueling Positions and a Convenience Store (B)**

**Petition PB-17-48 SUP:** CHW, Inc. (Robert Walpole, P.E.) agent for Blakewood LLC, owner. 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.

**Attachments:**     [170187\\_Staff Report w Appendices A-E 20170727.pdf](#)  
                              [170187A\\_Formal Quasai Judicial Hearing Requests 20170727.pdf](#)

**RECOMMENDATION**

*Staff recommends approval of Petition PB-17-48 SUP with conditions; development plan review will be required, subject to conditions of the Special Use Permit, prior to application for a building permit.*

Lead Planner Lawrence Calderon explained that this is a formal quasi-judicial hearing. Doug Ackerman, attorney for the adjacent property to the east (The Bartram Apartments), reiterated his client's request for a formal quasi-judicial hearing. Betsy Byrne, Notary Public and Executive Assistant to the City Clerk, swore in affected parties and anyone else who intended to testify at this hearing. David Schwarz, Assistant City Attorney II, advised that each speaker should briefly state how they are related their relationship to the proposed project. Lawrence Calderon, Lead Planner, gave the staff presentation. Cross-examination followed. Gerry Dedenbach, AICP, of CHW Inc., gave a presentation as agent for the applicant. Cross-examination followed. Attorney Doug Ackerman gave a presentation as an affected party against approval, as did William E. Tipton, P.E. Cross-examination followed, as did testimony by several employees and residents of The Bartram, and further cross-examination. This was followed by staff rebuttal by Mr. Calderon and applicant rebuttal by Mr. Dedenbach. Cross-examination followed. Next was public comment, and last, deliberation by and vote of the Plan Board.

**Motion By:** Bob Ackerman     **Seconded By:** Dave Ferro

**Moved To:** Approve Petition PB-17-48 SUP based on substantial and competent evidence heard in the testimony provided by both sides and the public this evening, and make the following findings required by Section 30-233 for approval of a Special Use Permit:

- (1) That the use or development complies with all required regulations and standards of this chapter and all other applicable regulations.
- (2) That the proposed use or development will have general compatibility and harmony with the uses and structures on adjacent and nearby properties.
- (3) That necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development.

- (4) That the use or development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use.
- (5) That screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties.
- (6) That the use or development conforms with the general plans of the city as embodied in the city comprehensive plan.
- (7) That the proposed use or development meets the level of service standards adopted in the comprehensive plan and conforms with the concurrency management requirements of this chapter as specified in article III, division 2.

In addition, staff has recommended and the petitioner has accepted various additional conditions, and the Plan Board ratifies the use of those conditions and requires them to be in the final development plan.

The Board requires the following additional conditions:

- (1) That the required photometric plan be essentially the same as what was presented this evening by the petitioner;
- (2) That the parking provided plan in the development plan meets the Land Development Code (LDC), and if allowed by code, the petitioner may return to this board after one year to petition for additional parking.
- (3) That the buffer on the east side be allowed to be reduced to 9 feet with an opaque barrier and shrubbery.
- (4) That the development plan be taken to the Plan Board for approval based on the assumption that it closely resemble the conceptual plan that is part of this petition rather than to the Development Review Board.
- (5) Approval of this SUP is contingent up final adoption of the proposed land use and zoning changes that the Plan Board reviewed several months ago.

Upon Vote: 7-0

[170230.](#)

**Attachments:**      [170230 Staff Report w Appendices A-F 20170727.pdf](#)

**RECOMMENDATION**

*Staff to City Plan Board - The City Plan Board approve the Special Use Permit (SUP) and development plan, subject to the conditions and recommendations in the staff report and Appendix E.*

Chair Sutton recused herself from the vote and Bedez Massey, Planner, gave the staff presentation. Sergio Reyes, P.E., of eda engineers-surveyors-planners, inc., made a presentation as agent for the applicant. Adjacent property owner Greg Stetz spoke. Vice-Chair Ackerman noted his concern that the current land development code

Motion By: Bob Ackerman

Seconded By: Erin Condon

Moved To: Approve Petition PB-17-60 SUP (required for density and height), and the preliminary development plan with the 8 conditions in the staff report and with the requested waivers and modifications, and make the seven findings required by Section 30-233 for issuance of a special use permit.

Upon Vote: 6-0 (Sutton recused)

**INFORMATION ITEM:**

Planner IV Andrew Persons, AICP, spoke about the recent adoption of the Updated Land Development Code and thanked the Board, current and previous staff, other stakeholders and the community for all of the work that led to its final adoption by the City Commission on July 20th. Also on July 20th, the City Commission referred the subject of accessory dwelling units (ADUs) to the General Policy Committee.

Lead Planner Dean Mimms, AICP, announced the recent final adoption of the updated Airport Hazard Zoning regulations and the updated 5-Year Schedule of Capital Improvements, and the recent approval of the Interlocal Agreement for Airport Zoning Regulations.

**BOARD MEMBER COMMENTS****ADJOURNMENT**

The meeting was adjourned at 9:41 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.