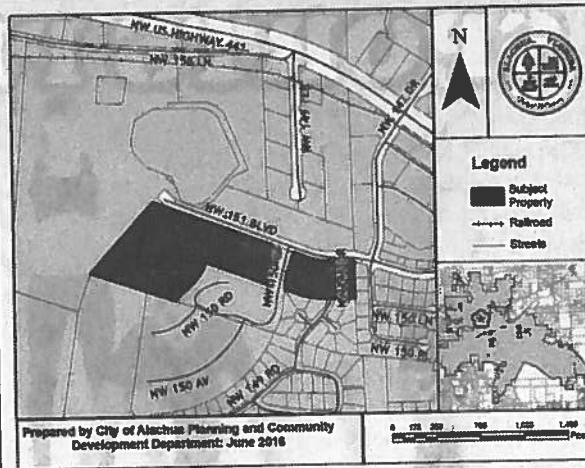




**NOTICE OF PUBLIC
HEARING BEFORE THE
PLANNING AND ZONING
BOARD OF THE CITY OF
ALACHUA, FLORIDA**

**NOTICE OF PUBLIC HEARING BEFORE THE PLANNING
AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA**

Notice is hereby given that the Planning & Zoning Board of the City of Alachua will hold a public hearing on July 12, 2016 at 6:30 PM. The hearings will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider the following: a request by Ryan Thompson, AICP, of CHW, Inc., applicant and agent for 10.47, LLC and Wyndswept Hills, LLC, property owners, for the consideration of a Site-Specific Amendment to the Official Zoning Atlas (Rezoning) from Planned Development-Commercial ("PD-COMM") to Community Commercial ("CC") (±12 ac.) & Residential Multiple Family - 15 ("RMF -15") (±6.1 ac.) on a ±18.1 acre subject property, located north of One 51 Place Apartments and Wyndswept Hills Subdivision, south of Park Vegetariana, west of the Alachua Professional Plaza, and near the western terminus of NW 151 Boulevard, consisting of Tax Parcel Nos. 03869-006-000, 03869-007-000 and 03869-009-000). Existing FLUM: High Density Residential and Community Commercial; Zoning: PD-COMM.



At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

(Published: Alachua County Today - June 30, 2016)

BOAT BATTLE

Yellowfin sues rival startup

Bradenton company accuses new boatmaker Barker of copying hull design

By Lee Williams
Gatehouse Media Services

From their 17-foot skiff to their 42-foot offshore, few vessels are as distinctive as the open fisherman-style, center-console boats from Yellowfin.

The Bradenton-based firm has been in business for 14 years, and has sold more than 1,000 vessels.

Yellowfin's boats feature a uniquely shaped hull and sheer line — which they claim is a “distinctive appearance that creates an overall commercial impression that boaters have come to know and appreciate.”

In legal terms, the look and feel of a product — especially when it's immediately recognizable by the public as a specific brand — is described as its “trade dress.”

A product's trade dress is protected at the federal level by the Lanham Act, the primary trademark statute in the United States.

Now, Yellowfin is suing a competitor, Barker Boatworks, which was founded in 2014 by Kevin Barker, a former Yellowfin vice president. So far, Barker Boatworks has delivered 20 boats and has orders for 50 more.

Yellowfin is alleging that Barker violated its trade dress rights by making boats that are very similar in design to theirs. Yellowfin also has accused Barker of stealing trade secrets from the company where he worked for four years, allegations his attorneys have denied.

Citing the litigation, Barker and Yellowfin owner Wylie Nagler declined to comment for this story.

Attorneys for Yellowfin first sent a cease-and-desist letter to Barker in October 2014.

“It has come to our client's attention that after you left Yellowfin, you set up a competing company, Barker Boatworks, LLC, and have promoted and marketed the manufacturing of a line of boats that infringes Yellowfin's trade dress rights,” the letter states. “As you know, Yellowfin has been manufacturing a line of boats for approximately 14 years that have a distinct appearance that creates an overall commercial impression that boaters have come to know and appreciate.”

Attorneys for Barker asked if Yellowfin had conducted consumer surveys to gauge whether Barker's alleged infringement on Yellowfin's trade dress was noticeable to the public.

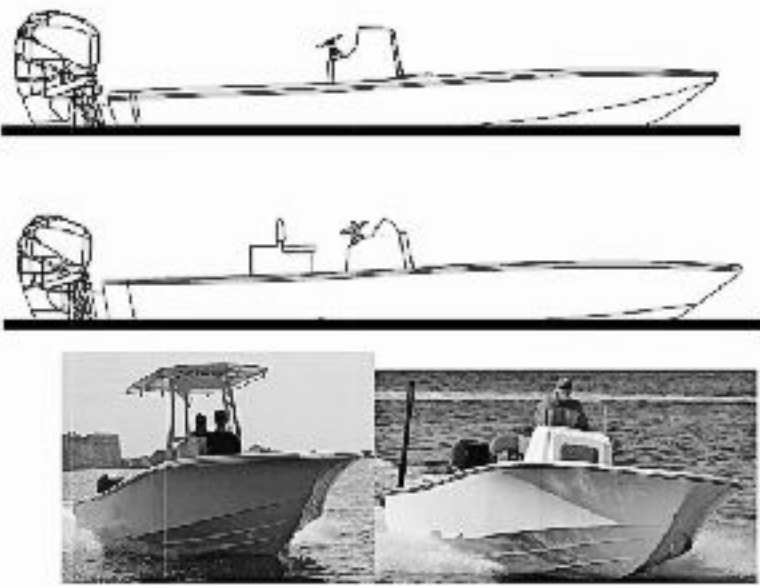
In April 2015, Yellowfin responded by filing suit.

In their complaint, which alleges trade dress infringement, unfair competition and false designation of origin under the Lanham Act, Yellowfin notes that the company began designing a new hull in the late 1990s.

“All of the models share a substantial part of the sheer line, and Yellowfin has expended significant resources, advertising and promoting its line of boats that incorporate this unique trade dress,” the complaint states.

Court documents show that sport fishing magazines have written numerous articles about Yellowfin boats, and that fishermen and boaters

31. A comparison of line drawings of the two boats and the finished boats makes it difficult to know which one is manufactured by Yellowfin and which one is by Defendant.



A page from Yellowfin Yachts' complaint against Barker Boatworks details, in photos and line drawings, what they claim is their uniquely shaped hull and sheer line — which they claim is a “distinctive appearance that creates an overall commercial impression that boaters have come to know and appreciate.”

have “come to identify the distinctive features of the Yellowfin Trade Dress as identifying the manufacturer of the Yellowfin boats, to wit, Yellowfin.”

Barker, court documents claim, launched Barker Boatworks in 2014, and posted a design on his Facebook site of a 25-foot open fisherman-style boat called the “Calibogue Bay,” which Yellowfin alleged violated their trade dress rights because of its similar design.

Barker Boatworks exhibited their first production model at boat shows in Miami Beach and Palm Beach in February and April 2015.

“A comparison of line drawings of the two boats and the finished boats makes it difficult to know which one is manufactured by Yellowfin and which one is by Defendants,” the complaint states.

In addition to treble damages and attorney's fees, Yellowfin is asking the court to block Barker Boatworks from infringing on their trade dress rights, and to force the defendants to recall and “surrender for destruction all products, order forms, price lists, labels, advertisements, brochures, catalogs, packaging materials and other materials incorporating or imitating Plaintiff's trade dress.”

Trade secrets

Yellowfin has asked the court to order Barker Boatworks managers to turn over their cellphones and computers for inspection, because they allege that Barker stole trade secrets before leaving the company.

“As a Vice President, he had access to sensitive company information, information that he knew Yellowfin did not share publicly and would not want shared with a competitor. Among that trade secret information were (1) detailed information about its 550+ customers, and (2) detailed information about Yellowfin's sources for components and materials used in the manufacture of its boats, including pricing,” the complaint states. “A competitor obtaining that information could target Yellowfin's customers and could use the source information to circumvent the work involved in setting up a business, identifying key source companies, negotiating requirements contracts, negotiating pricing for materials, etc.”

When Barker left, Yellowfin began an internal audit of its computer system.

“As set forth in greater detail below, an initial review of some of the information from that laptop computer, together with other information learned by Yellowfin regarding Mr. Barker's activities during the days leading up to his

departure from Yellowfin in May 2014 and even the days after his departure, reveal that Mr. Barker did take sensitive, proprietary and confidential information from Yellowfin,” court documents state. “Because of that, Yellowfin sought leave to amend its complaint, which the

Court granted on August 31, 2015, to add a claim against the Defendants for theft of trade secrets.”

Barker's attorneys have denied the allegations.

Expert analysis

There are three elements to prove a trade dress case: distinctiveness, lack of functionality and consumer confusion, says Jonathan Pollard, of Pollard PLLC, a Fort Lauderdale-based trial lawyer who focuses his practice on competition law.

“Trade dress means the overall look and feel of a product, a design or a tangible good. The bottom line is that consumers associate this look and feel with a given brand,” said Pollard, who has extensive experience litigating competition claims, including non-compete, trade secret and trade dress cases.

“The best example of this is Red Bull. Anyone who thinks of Red Bull immediately associates its thin, silver and blue can.



Kevin Barker is a former Yellowfin Yachts vice president, who left to start his own company, Barker Boatworks. STAFF PHOTO / MIKE LANG

Yellowfin is alleging that Barker violated its trade dress rights by making boats that are very similar in design to theirs. Yellowfin also has accused Barker of stealing trade secrets from the company where he worked for four years, allegations his attorneys have denied.

Red Bull has trade dress protections.”

“Red Bull has distinctiveness — you don't even need to read the words on the can to know what it is,” Pollard said. “The consumer makes an immediate connection.”

The attorney said Yellowfin's suit appears to fall somewhat short in the area of creating customer confusion.

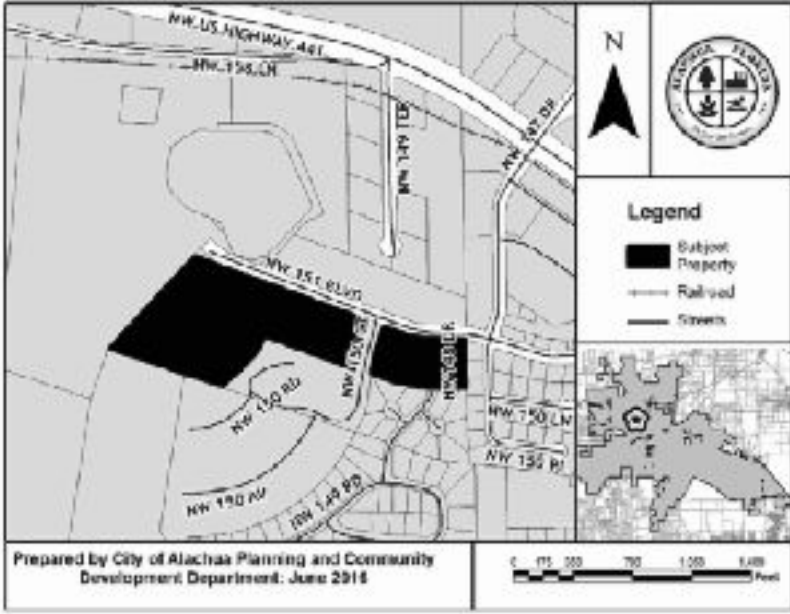
“There's a big difference between buying a can

of Red Bull and purchasing an expensive boat,” he said. “When you get into the real big-ticket luxury items like a boat selling for several hundred thousand dollars, no discerning consumer who has millions of dollars to spend would actually be confused between a Yellowfin and a Barker. Nobody buying a Barker boat is ever going to say, ‘Damn. I thought it was a Yellowfin. I was confused.’”

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the Planning & Zoning Board of the City of Alachua will hold a public hearing on July 12, 2016 at 6:30 PM. The hearings will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider the following: a request by Ryan Thompson, AICP, of CHW, Inc., applicant and agent for 10.47, LLC and Wyndswept Hills, LLC, property owners, for the consideration of a Site-Specific Amendment to the Official Zoning Atlas (Rezoning) from Planned Development-Commercial (“PD-COMM”) to Community Commercial (“CC”) (±12 ac.) & Residential Multiple Family – 15 (“RMF-15”) (±6.1 ac.) on a ±18.1 acre subject property, located north of One 51 Place Apartments and Wyndswept Hills Subdivision, south of Park Vegetariana, west of the Alachua Professional Plaza, and near the western terminus of NW 151 Boulevard, consisting of Tax Parcel Nos. 03869-006-000, 03869-007-000 and 03869-009-000). Existing FLUM: High Density Residential and Community Commercial; Zoning: PD-COMM.



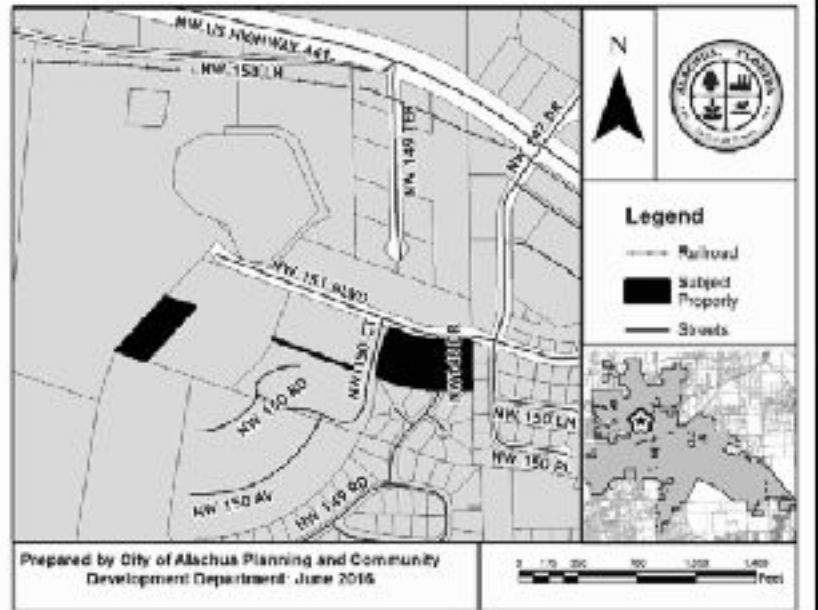
At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

GF-GH031383

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

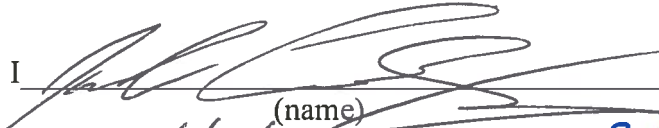
Notice is hereby given that the Planning & Zoning Board of the City of Alachua will hold a public hearing on July 12, 2016 at 6:30 PM. The hearing will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider the following: a request by Ryan Thompson, AICP, of CHW, Inc., agent for 10.47, LLC and Wyndswept Hills, LLC, property owners, for the consideration of a Small Scale Comprehensive Plan Amendment (SSCPA) to the City of Alachua Future Land Use Map (FLUM) from Community Commercial to High Density Residential (±1.8 acres) and from High Density Residential to Community Commercial (±3.87) on an approximate 5.67 acre subject property, located north of One 51 Place Apartments and Wyndswept Hills Subdivision, south of Park Vegetariana, west of the Alachua Professional Plaza, and near the western terminus of NW 151 Boulevard, consisting of Tax Parcel No. 03869-006-000, and portions of Nos. 03869-007-000 & 03869-009-000. Existing FLUM: High Density Residential and Community Commercial; Zoning: PD-COMM.



At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

GF-GH031383

AFFIDAVIT FOR POSTED LAND USE SIGN

I , POSTED THE LAND USE
SIGN ON 6/23/16 FOR THE Rolling Oaks Rezoning
(name) (date) (state type of action and project name)
LAND USE ACTION.

AS PER ARTICLE 2.2.9 D OF THE LAND DEVELOPMENT REGULATIONS.

THIS WILL BE INCLUDED IN THE STAFF REPORT.


(signature)

4
(number of signs)



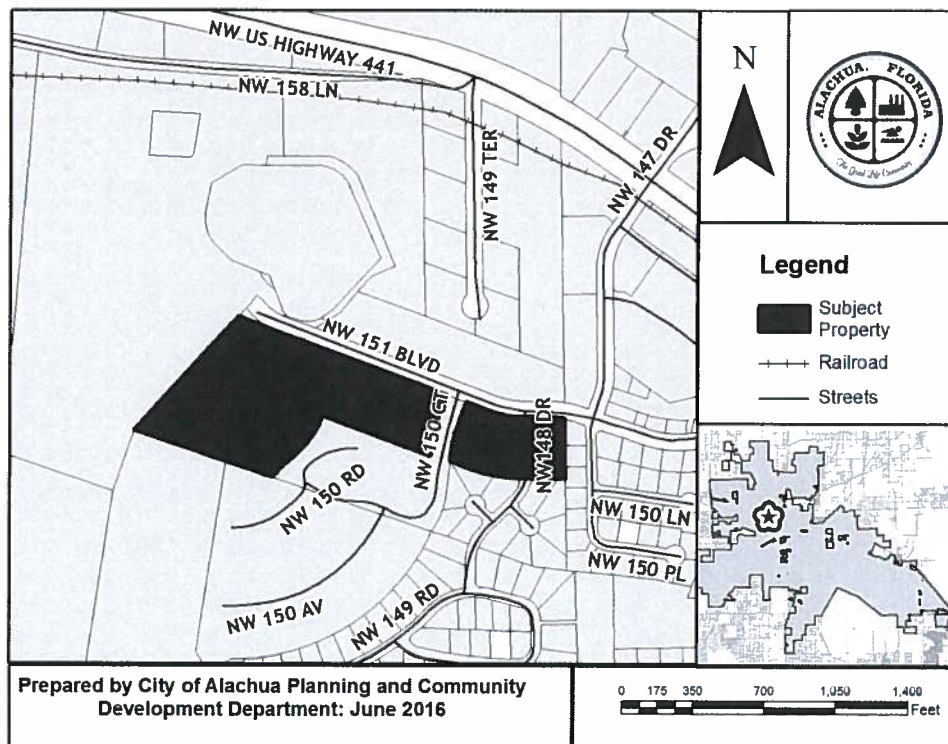
City of
ALACHUA

THE GOOD LIFE COMMUNITY

*Kolling Oaks Rezoning
mailed 6/27/16
amg*

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the Planning & Zoning Board of the City of Alachua will hold a public hearing on July 12, 2016 at 6:30 PM. The hearings will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider the following: a request by Ryan Thompson, AICP, of CHW, Inc., applicant and agent for 10.47, LLC and Wyndswept Hills, LLC, property owners, for the consideration of a Site-Specific Amendment to the Official Zoning Atlas (Rezoning) from Planned Development-Commercial ("PD-COMM") to Community Commercial ("CC") (±12 ac.) & Residential Multiple Family - 15 ("RMF -15") (±6.1 ac.) on a ±18.1 acre subject property, located north of One 51 Place Apartments and Wyndswept Hills Subdivision, south of Park Vegetariana, west of the Alachua Professional Plaza, and near the western terminus of NW 151 Boulevard, consisting of Tax Parcel Nos. 03869-006-000, 03869-007-000 and 03869-009-000). Existing FLUM: High Density Residential and Community Commercial; Zoning: PD-COMM.



At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

P.O. Box 9 ♦ Alachua, Florida 32616-0009
Phone: (386) 418-6121 ♦ Fax: (386) 418-6130

03605-010-001
AVONDA WILLIAM M
14741 NW 151ST BLVD
ALACHUA FL 32615

03605-010-002
SATTES FREDERICK H III
14703 NW 151ST BLVD
ALACHUA FL 32615

03605-010-003
FLEMING DOUGLAS R
14685 NW 151ST BLVD
ALACHUA FL 32615

03605-010-007
EDWARDS ERIN J
14742 NW 150TH LANE
ALACHUA FL 32615

03605-010-008
CARTELL JOHN C
14710 NW 150 LN
ALACHUA FL 32615

03605-010-009
CHESHIRE & LILKENDEY
14688 NW 150TH LN
ALACHUA FL 32615

03605-010-015
VICK PATSY G
14675 NW 150TH LN
ALACHUA FL 32615

03605-010-016
MCLAURIN PATRICIA LIFE ESTATE
14707 NW 150TH LN
ALACHUA FL 32615

03605-010-017
MAURICIO DORIS ANN LIFE ESTATE
14739 NW 150TH LANE
ALACHUA FL 32615

03605-010-019
HODGES & LUNDQUIST SR
15084 NW 147TH DR
ALACHUA FL 32615

03605-010-020
AARNOUDSE JACOBA T
15078 NW 147TH DR
ALACHUA FL 32615-5305

03605-010-021
SPURLIN HENRY J III
15066 NW 147TH DR
ALACHUA FL 32615

03605-020-022
HOWELL ROBERT CHAD
15054 NW 147TH DR
ALACHUA FL 32615

03605-020-023
BROCK MICHAEL J
15042 NW 147TH DR
ALACHUA FL 32615

03605-020-024
FITZGERALD KATHLEEN E
15030 NW 147TH DR
ALACHUA FL 32615-5305

03605-020-025
SMITH ODELL F SR
14755 NW 150TH PL
ALACHUA FL 32615

03605-020-033
HENCIN PATRICK A
14714 NW 150TH PL
ALACHUA FL 32615

03605-020-034
PAYNE JEREMY A
14746 NW 150TH PL
ALACHUA FL 32615-5306

03863-002-000
R & J MCCAULEY LLC
15260 NW 147TH DR
ALACHUA FL 32615

03863-002-001
ALACHUA DEVELOPMENT LLC
5405 CYPRESS CENTER DR STE 320
TAMPA FL 33609

03863-020-001
CALIGIURI NICCOLO G
14880 NW 151ST LN
ALACHUA FL 32615

03863-020-002
VISION CONSTRUCTION INC
20222 NW 94TH AVE
Alachua FL 32615

03863-020-004
PASCALE MICHAEL
14825 NW 151ST LANE
Alachua FL 32615

03863-020-005
FORD & GOODE
14849 NW 151ST LN
ALACHUA FL 32615

03863-020-006
SHAH PARUL
PO BOX 818
ALACHUA ALACHUAFL 32616

03863-020-007
NEWMAN ERIC M
14878 NW 149TH RD
Alachua FL 32615-0246

03863-020-008
CROUCH JOHNNY D
4006 NW 60TH AVE
GAINESVILLE FL 32653

03863-020-045
MCCOLLUM TRUSTEE & MCCOLLUM
TRUSTEE
15028 NW 148TH DR
Alachua FL 32615

03863-020-046
BAKOS THOMAS
8403 SW 46TH RD
Gainesville FL 32608

03863-020-047
WETHERINGTON MARILYN E
3730 SE 14TH TER
GAINESVILLE FL 32641

03863-020-048
BEVILLE RYAN
22103 NW COUNTY RD 235A
ALACHUA FL 32615

03863-020-049
FLORIDA VICENTE C
14974 NW 150TH LN
Alachua FL 32669

03863-020-050
VISION CONSTRUCTION INC
3201 NW 202ND ST
Newberry FL 32669

03868-001-007
KOROSIC CHRISTOPHER ALLAN
15710 NW US HIGHWAY 441
ALACHUA FL 32615

03869-003-000
HITCHCOCK & SONS INC
29220 NW 122ND ST
ALACHUA FL 32615

03869-012-000
ALACHUA PROFESSIONAL PLAZA LLC
15260 NW 147TH DR STE A
ALACHUA FL 32615

03869-017-000
TOMPKINS DARRYL J
PO BOX 519
ALACHUA FL 32616

03869-019-000
WIGGINS ETHEL J TRUSTEE
PO BOX 1857
Alachua FL 32616-1857

03869-020-000
TOMLINSON PROPERTY GROUP LLC
3580 N MAIN ST
GAINESVILLE FL 32609

03869-021-000
TOMLINSON PROPERTY GROUP LLC
3580 N MAIN ST
GAINESVILLE FL 32609

03605-010-018
CHACON MALIKA
13602 NW 146TH AVE
ALACHUA FL 32615-8574

03863-000-000
ALACHUA HOLDINGS LTD
PO BOX 1990
ALACHUA FL 32616

03863-020-000
WYNDWEPT HILLS HOMEOWNERS
ASSOCIATION INC
PO BOX 310
Alachua FL 32616-0310

03863-020-003
VISION CONSTRUCTION INC
20222 NW 94TH AVE
Alachua FL 32615

03868-000-000
KOROSIC CHRISTOPHER ALLAN
15710 NW US HIGHWAY 441
ALACHUA FL 32615

03868-001-008
KOROSIC CHRISTOPHER ALLAN
15710 NW US HIGHWAY 441
ALACHUA FL 32615

03868-002-000
10.47 LLC
14110 NW 21ST LN
GAINESVILLE FL 32606

03868-002-001
CITY OF ALACHUA
P O BOX 9
ALACHUA FL 32616

03869-000-000
FIRST STREET GROUP L C
PO BOX 1990
ALACHUA FL 32616-1990

03869-006-000
WYNDWEPT HILLS LLC
PO BOX 474
STEINHATCHEE FL 32359

03869-007-000
10.47 LLC
15260 NW 147TH DR
ALACHUA FL 32615

03869-007-001
ALACHUA DEVELOPMENT LLC
5405 CYPRESS CENTER DR STE 320
TAMPA FL 33609

03869-008-000
KOROSIC CHRISTOPHER ALLAN
15710 NW US HIGHWAY 441
ALACHUA FL 32615

03869-009-000
10.47 LLC
15260 NW 147TH DR
ALACHUA FL 32615

03869-010-000
10.47 LLC
15260 NW 147TH DR
ALACHUA ALACHUAFL 32615

03869-015-000
ALACHUA FAMILY DENTISTRY
14690 NW 151ST BLVD STE 20
ALACHUA FL 32615

03869-023-000
ALACHUA TOWNE CENTRE
ASSOCIATION INC
13505 NW 88TH PL
ALACHUA FL 32615

Antoinette Endelicato
5562 NW 93rd Avenue
Gainesville, FL 32653

Dan Rhine
288 Turkey Creek
Alachua, FL 32615

Tom Gorman
9210 NW 59th Street
Alachua, FL 32653

Richard Gorman
5716 NW 93rd Avenue
Alachua, FL 32653

Peggy Arnold
410 Turkey Creek
Alachua, FL 32615

David Forest
23 Turkey Creek
Alachua, FL 32615

John Tingue
333 Turkey Creek
Alachua, FL 32615

President
TCMOA
1000 Turkey Creek
Alachua, FL 32615

Linda Dixon, AICP
Assistant Director Planning
PO Box 115050
Gainesville, FL 32611

Craig Parenteau
FDEP
4801 Camp Ranch Road
Gainesville, FL 32641

Laura Williams
12416 NW 148th Avenue
Alachua, FL 32615

Jeannette Hinsdale
PO Box 1156
Alachua, FL 32616

Lynn Coullias
7406 NW 126th Avenue
Alachua, FL 32615

Lynda Coon
7216 NW 126 Avenue
Alachua, FL 32615

Tamara Robbins
PO Box 2317
Alachua, FL 32616

Dr. Lee A. Niblock
Alachua County Manager
12 SE 1st Street
Gainesville, FL 32601