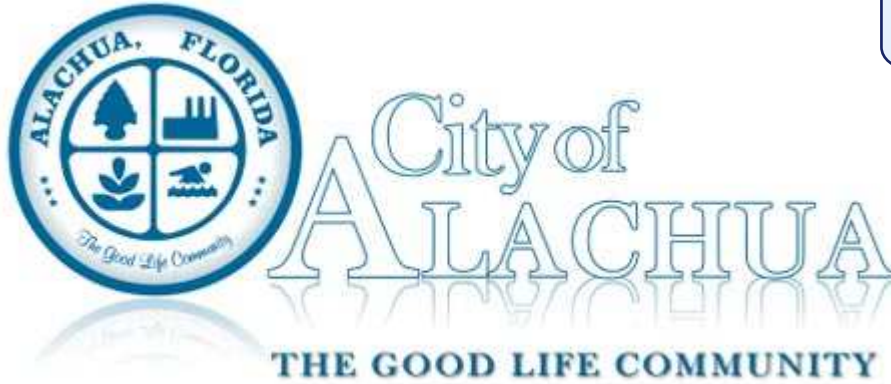


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## **Planning and Zoning Board Minutes March 10, 2015**

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**Chair Virginia Johns**  
Vice Chair Bob Page  
Member Gary Thomas  
Member Dayna Roper-Miller  
Member Anthony B. Wright

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**Planning and Zoning Board  
At 6:30 PM**  
to address the item(s) below.

**Meeting Date:** March 10, 2015

**Meeting Location:** James A. Lewis Commission Chambers

BOARD Present: Virginia Johns, Bob Page, Gary Thomas, Dayna Miller STAFF Present: Traci Cain,  
Adam Boukari, Marian Rush, Kathy Winburn, Brandon Stubbs, Michelle Lightsey

**Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.**

### **PLANNING AND ZONING BOARD MEETING MINUTES**

#### **CALL TO ORDER**

Chair Virginia Johns called the meeting to order.

#### **INVOCATION**

Vice Chair Bob Page led the Invocation.

#### **PLEDGE TO THE FLAG**

The Board led the Pledge of Allegiance.

## APPROVAL OF THE AGENDA

**Vice Chair Page moved to approve the agenda; seconded by Member Gary Thomas. Passed by unanimous consent.**

### I. OLD BUSINESS

None

### II. NEW BUSINESS

#### A. Approval of Minutes from December 9, 2014

**Vice Chair Page motioned to accept the minutes; seconded by Member Thomas. Passed by unanimous consent.**

#### B. REZONING: Alachua Commerce (Quasi-Judicial Hearing)

Planning Assistant Michelle Lightsey swore in all parties entering testimony in the hearing.

City Planner Brandon Stubbs presented the Staff Report.

Vice Chair Page requested clarification concerning the Gateway Overlay District.

Planner Stubbs responded that the Land Development Regulations states that any parcel whether wholly or partially located within the Gateway Overlay District will be subject to the regulations.

City Attorney Marian Rush added that it will depend on what is being brought forward in the future and that the current hearing is at the rezoning stage, not a site plan application.

Chair Johns requested clarification on changing from PUD to Community Commercial, Commercial Intensive, and Governmental Facilities.

City Attorney Rush stated it would be going to straight zoning and the PUD would not apply.

Chair Johns asked what uses would have been allowed in a PUD.

City Attorney Rush clarified that the PUD was not before us. It would be going to straight zoning and the PUD would no longer exist.

Ryan Thompson of Causseaux, Hewett, & Walpole, Inc., agent for the property owners, provided a presentation.

Member Dayna Miller requested to see the map of the proposed zoning district again on the PowerPoint slide.

Ryan Thompson revisited and explained the slide in more detail.

Chair Johns asked for clarification about the proposed zoning map PowerPoint slide.

Ryan Thompson revisited the map and clarified.

Member Danya Miller requested clarification on the difference of straight zoning versus PUD.

Ryan Thompson responded.

Vice Chair Page requested clarification on the reason for which the rezoning has been requested.

Ryan Thompson responded the development process would be cleaner.

Chair Johns asked the Board for additional questions. There were none.

**Vice Chair Page moved that based upon the competent substantial evidence presented at this hearing, the presentation before this Board, and staff's recommendation, this Board finds the application to be consistent with the City of Alachua Comprehensive Plan and in compliance with the Land Development Regulations and transmits the proposed Site Specific Amendment to the Official Zoning Atlas to the City Commission, with a recommendation to approve; seconded by Member Thomas.**

Chair Johns opened the floor for citizen comments.

Lorraine Sherman stated her concerns of the application and cited environmental concerns.

Tamara Robbins stated her concerns of the application and cited environmental concerns.

Lynn Coullias stated her concerns of the application and cited environmental concerns.

Planning Assistant Michelle Lightsey swore in additional parties entering testimony in the hearing.

Barbara Ferguson stated her concerns of the application and cited environmental concerns.

Karen Arrington stated her concerns of the application and cited environmental concerns.

Barbara Brock stated her concerns of the application and cited environmental concerns.

Rudy Rothseiden stated his concerns of the application and cited the small-town nature of the community.

Jeanette Hinsdale stated her concerns of the application and cited environmental concerns.

Greg Palfrey stated her concerns of the application and cited development concerns.

Ryan Thompson of Causseaux, Hewett, & Walpole, Inc. responded to comments made from the public.

Chair Johns asked if the Board had additional questions for the applicant or staff after hearing public comments.

Ryan Thompson responded to additional comments made from the public.

Tamara Robbins made additional comments in reference to PUD expiration.

Planner Stubbs stated Article IV, Table 4.1.1, of the Land Development Regulations lists every use allowed in each zoning district.

Vice Chair Page requested clarification on the Future Land Use Map designation of the rezoning.

Planner Stubbs directed Vice Chair Page to page eight of the staff report to clarify.

Vice Chair Page stated the Board has a duty to listen to evidence and testimony of what is presented. He said staff has presented evidence and testimony showing how the application complies with the plan and the Board must vote on what is consistent with the plan regardless if they like the plan. He asked if the applicant would be opposed to an additional 30 days for more time to review.

Ryan Thompson stated the applicant was not able to be present and he is attempting to contact them regarding a delay.

Chair Johns closed public comments. The Board was asked for any comment or discussions.

Member Thomas asked the staff if this rezoning would provide flexibility to the land.

Planner Stubbs responded that some businesses that would be allowed in the PUD would not be allowed under the proposed zoning.

Ryan Thompson stated the Board is making a recommendation to the City Commission and that the items and concerns that have been heard tonight were not directly related to the rezoning application. He said they are items that would be addressed during site plan and with that understanding the applicant would like to proceed without a delay.

Vice Chair Page questioned, being the maker of the motion, if the motion could be withdrawn or if he could abstain from voting. He expressed a desire to obtain further information concerning the application.

Chair Johns stated Vice Chair Page could withdraw or amend his motion.

**Vice Chair Page amended the motion, to defer the decision until the next Planning and Zoning Board Meeting.**

Planning Director Kathy Winburn commented the next Planning and Zoning Board meeting would be April 21, 2015 due to scheduling issues.

**Member Thomas seconded the amended motion.**

Ryan Thompson requested a decision tonight either for or against the rezoning.

City Attorney Rush stated the applicant has requested a decision this evening and has a right to a decision.

Vice Chair Page asked City Attorney Rush if they asked for a decision, what is the protocol.

City Attorney Rush answered that the applicant has the right to ask for a decision tonight based upon the competent substantial evidence provided by staff. She stated there has not been any expert testimony provided by the public to this Board tonight.

Vice Chair Page stated while understanding the applicant would like an answer, he wanted to give the public the additional time to be able to provide expert evidence.

Chair Johns asked City Attorney Rush if expert testimony would be able to be provided at the City Commission Meeting?

City Attorney Rush responded affirmatively and this application would go before the City Commission for two separate hearings.

Vice Chair Page commented that he would like a better understanding before voting.

City Attorney Rush stated the applicant has the right to ask for a decision from the Board and the Board has a duty to give the applicant a decision.

Vice Chair Page questioned the amount of time the staff has to review the application and the amount of time the Board has to review.

City Attorney Rush provided an overview of the noticing that was issued for the hearing and the opportunity for expert testimony to be presented for or against the application. She stated no expert testimony was provided to counter that of staff or the applicant.

Chair Johns asked if the Board had to give an answer tonight.

City Attorney Rush commented that is her understanding.

Vice Chair Page clarified that the Board must answer with a yes or no.

City Attorney Rush replied to the best of her knowledge that is correct. She has never had to research this issue.

Vice Chair Page stated he believed the Board should allow itself time to get educated before making a decision.

City Attorney Rush reminded the Board that this is a Quasi-Judicial Hearing based on the competent substantial evidence that was presented. City Attorney Rush stated that the Planning & Zoning Board is not the final decision maker and that the final decision maker is the City Commission.

Member Miller asked the City Attorney what would happen if the Board wanted to defer the application.

City Attorney Rush stated she has never had this situation happen.

Member Miller stated she agreed with Mr. Page.

Planning & Community Development Director Winburn asked what additional questions can be answered by staff.

Member Thomas asked about water issues. He said he agreed with Mr. Page that a decision tonight would be against his principals.

Member Miller questioned the study that was mentioned several times.

Member Thomas commented, the report states on page 12, there are no sink holes located on the property and he wanted to know if that is accurate.

City Attorney Rush reminded the Board this is a rezoning not a site plan. These questions pertain to a site plan application.

Vice Chair Page commented that he would have to research and understand what is before him. He requested the application be deferred.

Planner Stubbs informed the Board that the staff looks at environmental data for a rezoning or any amendment from National Wetlands Inventory, FEMA flood maps, sink hole data from the county, and multiple sources from state, county and regulatory agencies. There were no sinkholes identified on this property but there may be some near by.

Vice Chair Page questioned adverse effect on local character.

City Attorney Rush clarified.

Vice Chair Page apologized to the applicant but still requested a 30 day deferment.

Walter Jarvis of Causseaux, Hewett, & Walpole, Inc., stated that applicant requests a no vote.

City Attorney Rush clarified the applicants are requesting the Board provide a no vote.

Lynn Coullias provided documentation on articles referencing water.

Barbara Ferguson commented support to defer the application.

Rudy Rothseiden commented support to defer the application.

Tamara Robins commented support to defer the application

Lorraine Sherman commented support to defer the application

Jeanette Hinsdale commented support to defer the application

Ryan Thompson commented the applicant followed the LDR in process for rezoning, that included a neighborhood workshop and sufficient public notice. He said staff has found the application is consistent with the Comprehensive Plan and Land Development Regulations and based on that information brought the item before the Board to look for a recommendation for the City Commission. He said that decision should be based on competent substantial evidence that was presented and the applicant request a no vote in lieu of no decision.

Chair Johns requested that the City Attorney clarify the proper procedure to act on the motion on the floor and if it would be proper to propose a no vote.

City Attorney Rush stated the better process would be to withdraw the motion to defer and put a new motion on the floor.

Member Miller asked Vice Chair Page to consider changing the motion to recommendation of no in light of the applicant request.

Vice Chair Page explained his concerns.

Ryan Thompson stated the applicant respected the Board's opinion, and he elaborated on some of the complexities with this application.

Member Thomas commented he still was in favor of the 30 day deferral.

Vice Chair Page stated the motion was to defer the vote for 30 days and revisit it at the April Planning and Zoning Board Meeting.

Member Miller stated that in light of the applicant asking for a no vote, she thinks the Board should vote for no in respect for the request.

City Attorney Rush recommended the Board take a roll call vote on the motion to continue in 30 days and if that fails then the Board may put the next motion on the floor.

**Motion failed on a 1-3 roll call vote, with Chair Johns, Member Miller and Member Thomas in dissent.**

**Member Miller moved to not accept staff's recommendation and it be sent to the City Commission with a recommendation not to approve.**

City Attorney Rush clarified this would be sent to the City Commission with the recommendation the Board does not approve.

**Member Thomas seconded.**

Chair Johns opened the floor for public comments.

Lorne Sherman voiced opposition to the motion.

Jeanette Hinsdale voiced opposition to the motion.

Tamara Robins voiced concerns about procedure for advertising.

Planning & Community Development Director Winburn commented that the City has advertised in the past for items that go to the City Commission for a decision after the Planning and Zoning Board meeting. She said the applicant is always advised it is at their own risk, and there could be additional costs if new notices must be issued.

Phil Hawley of First Street Group encouraged the Board to look at what has been presented and to support the application and if that could not happen then vote no so it can move forward to the Commission.

Rudy Rothseiden commented the rezoning means more buildings and more taxes.

Gail Lynd welcomed the idea of rezoning and said it should be passed.

Karen Arrington stated concerns regarding the environment.

Chair Johns closed public comments.

Vice Chair Page commented that he feels a no vote is saying the staff is incompetent and I don't feel this way.

Member Miller stated in clarification, she does not feel like staff is incompetent but that the motion is based on information at this time.

Chair Johns requested that it be stated that the Board wanted to defer the application, but that the applicant requested a vote by the Board.

Passed 3 - 1 roll call vote.

### **III. BOARD COMMENTS/DISCUSSION**

None

### **IV. CITIZENS COMMENTS**

Jeanette Hinsdale wanted clarification of the last motion.

Chair Johns clarified this for her.

Tamara Robins requested the city have a larger notification distance of the property larger than the 400 feet minimum requirement. She requested 2,000 feet.

### **ADJOURN**

Board Member Bob Page moved to adjourn; seconded by Board Member Gary Thomas.

Passed by unanimous consent.

ATTEST:

PLANNING AND ZONING BOARD OF THE  
CITY OF ALACHUA, FLORIDA

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Presiding Office

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Staff Liaison