



Planning and Zoning Commission Minutes

Tuesday, March 13, 2018 | 4:00 PM

City Hall, 200 Rusk Street, Gainesville TX, Council Chambers

Chairperson Present:
Commissioners Present:
Commissioners Absent:

Staff Present:

Visitors Present:

Bill Williams

Nathan Dempsey, Cal Koontz, Teresa McElreath, and Phil Neelley
Lynn Monden

Community Development Director Julie Smith and Administrative
Assistant Claire Barnes

Geoff Beach and Dusty Johnson

Item 1 – Call to order.

Chair Williams called the hearing to order at 4:02PM.

Item 2 – Consider approval of February 13, 2018, Minutes.

Commissioner McElreath moved to approve the minutes from the February 13, 2018, hearing. Commissioner Koontz seconded. All present voted AYE, and the motion passed unanimously.

Item 3 – Review and confirm that the proposed ordinance for the operation of Short-Term Rentals (also commonly referred to as Air Bed and Bath, Vacation Rental by Owner, Home Away, etc.) accurately reflects the Planning and Zoning Commission’s recommendation. (SI7892120)

CDD Smith briefed the Commission on the events of the last City Council meeting. The Council performed a first reading of the STR ordinance that the Commission had recommended to them. Mr. Wilson, a local Bed and Breakfast owner, attended the Council meeting. Council was complementary of the Ordinance, as well. Due to the overwhelming nature of the ordinance, Council requested that the Commission review the ordinance to ensure that it accurately reflected Council’s recommendation.

Commissioner McElreath asked if there were differences from the Commission’s recommendation. CDD Smith informed the Commission that City Manager, Barry Sullivan, had recommended that the ordinance also include language requiring all STRs (regardless of rental days) to register with the City annually for tax purposes. There would be a report that would need to be filled out showing how many days in the previous calendar year that the property had been rented. Council agreed with this addition. Council also agreed with permitting one additional street parking allowance for STRs located in SF-2 zoning. In addition, Staff removed the term “Bed and Breakfasts” from the ordinance and replaced it with the term “Short Term Rentals” (STRs).

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Commissioner Koontz asked if the ordinance was open to change. CDD Smith confirmed that the ordinance could be amended by the City Council with a recommendation from the Planning and Zoning Commission in the future, if needed.

Commissioner McElreath stated that she appreciated the contributions of Mr. Schalk, Mr. Wilson, and Mr. Dougherty for helping to construct the ordinance.

Chair Williams asked if there were any restrictions in the owner-not-occupying further than 5 miles-away category. CDD Smith stated that properties in that category must be in specific commercial zones (CA and loft overlay). They cannot use homes in single family zoning districts. Chair Williams remarked that in some areas, people are buying homes with trusts in order to have not-owner-occupied STRs. CDD Smith stated that there will likely be a higher demand for STRs given Gainesville's growth and the new monthly trade days starting Memorial Day weekend. Commissioner McElreath mentioned that the proximity to the Win Star Casino will also affect demand.

Commissioner Koontz moved to support the changes to the ordinance as presented by staff. Commissioner McElreath seconded. All present voted AYE, and the motion carried unanimously.

Item 4 – Hold a public hearing to receive comments regarding a request from Shawn Rockenbaugh for a Special Use Permit (SUP) to install and operate a 185-foot-tall communication tower with a 12-foot lightning rod for a total height of 197 feet and install a 12-foot by 22-foot electrical control structure at the northwest corner of IH-35 and FM 1202 (PID#30763). (SUP6249653)

Chair Williams opened the public hearing at 4:14 PM.

Mr. Geoff Beach of Teague, Nall and Perkins (TNP) spoke on behalf of Shawn Rockenbaugh. He stated that he would be happy to answer the Commission's questions.

Chair Williams asked if the proposed tower, as the tallest structure in that area, was any concern for the airport. CDD Smith stated that the airport had approved the location and height of the structure.

Chair Williams closed the public hearing at 4:15 PM.

Item 5- Consider and make a recommendation to City Council regarding a request from Shawn Rockenbaugh for a Special Use Permit (SUP) to install and operate a 185-foot-tall communication tower with a 12-foot lightning rod for a total height of 197 feet and install a 12-foot by 22-foot electrical control structure at the northwest corner of IH-35 and FM 1202 (PID#30763). (SUP6249653)

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CDD Smith displayed a map showing the location of the tower. The TXDOT expansion in 2023 could affect the overpass and roads adjacent to the site. The current application for the tower fulfills the requirements for an SUP with one caveat: the tower needs FCC approval. CDD Smith submitted proof that TNP is working on obtaining FCC approval.

Chair Williams asked if the tower is freestanding.

Mr. Beach stated that the tower consists of a lattice framework without guide wires. Mr. Dusty Johnson, also of TNP, stated that it is a tri-tower. CDD Smith stated that there is an 18-foot base.

CDD Smith stated that these towers can go in any zoning district so long as they comply with the SUP process. CDD Smith stated that no one had submitted any public comments related to the proposed tower, though the landowner to the north of the site had called to ensure the tower would not be located on her land. No further comments were received by Staff. CDD Smith noted that the tower is located at an important commercial intersection. However, to take advantage of the corner, the large substation would have to be relocated – an expensive proposition. Given that the applicant was locating the tower within the substation property, it would not be using potentially valuable commercial property. By co-locating with existing utility uses, it would be, in staff's opinion, an efficient and effective use of the area.

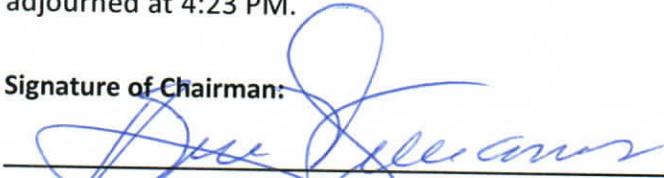
Chair Williams asked if the tower would fall on the service road if it fell, for instance due to high winds. CDD Smith stated that it would fall on the service road if it fell eastward. She then asked the TNP representatives if they knew what the wind resistance is for the tower. Mr. Beach and Mr. Johnson stated that they did not know. CDD Smith mentioned that lattice towers are normally resilient against high winds and any structure constructed in Gainesville had to meet wind load criteria under the building codes. Chair Williams stated that towers fell in Cedar Hill due to tornados.

Commissioner McElreath moved to recommend approval of the SUP application for the communications tower pending FCC approval. Commissioner Dempsey seconded. All present voted AYE, and the motion carried unanimously.

Item 8 – Adjourn.

Commissioner Koontz moved to adjourn the meeting. Commissioner Dempsey seconded. The meeting adjourned at 4:23 PM.

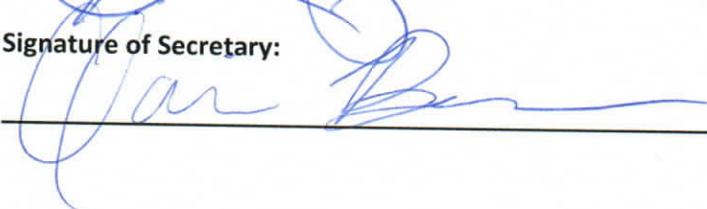
Signature of Chairman:



Date

6-12-18

Signature of Secretary:



Date

6-12-18

