



Planning and Zoning Commission Minutes
Tuesday, December 11, 2018 | 4:00 PM
City Hall, 200 Rusk Street, Gainesville TX, Council Chambers

Chairperson Present:

Bill Williams

Commissioners Present:

Gina Dill, Teresa McElreath, Lynn Monden, and Cal Koontz

Commissioners Absent:

Nathan Dempsey and Phil Neelley

Staff Present:

Community Development Director Julie Smith, Gainesville Economic Corporation Director Arleene Loyd, Planning and Permit Technician Nathan Payeur, and Administrative Assistant Claire Barnes

Visitors Present:

Jane Pool, John Fleming, Mary Griffin, Felicia Hull, Linda Lewis, James Lewis, Mitzie Underwood, Joshua Barnwell, Gina Shearer, and Shirley Will

Item 1 – Call to order.

Chair Williams called the meeting to order at 4:01 PM.

Item 2 – Swearing-in of new commissioner, Gina Dill, by City Secretary Caitlyn Huddleston.

City Secretary Caitlyn swore in newly appointed Commissioner Gina Dill. Chair Williams welcomed Commissioner Dill.

Item 3 – Consider approval of September 11, 2018, Minutes.

Commissioner McElreath moved to approve the minutes from the September 11, 2018, meeting as presented. Commissioner Koontz seconded. All present voted AYE, and the motion carried unanimously.

Item 4 – Hold a public hearing to receive comments regarding a request from Thomas and Paula Moore for a special use permit to operate a Short Term Rental (STR) at their property located at 309 South Commerce (PID#11199) (STR7311314)

Chair Williams opened the public hearing at 4:03 PM.

Gina Shearer, a neighbor at 327 South Dixon, addressed the Commission. She stated she had questions about Mr. and Mrs. Moore's request. She clarified that the property would be an AirBnB and asked if the Commission had any

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additional details about the property and duration stay of the guests. She wanted to get an idea of whether stays would be transient in nature.

CDD Smith responded to Ms. Shearer (since the Owners were not present to answer the questions). She explained some of the general requirements of the STR Ordinance and how some of the specifics of the Ordinance applied to the Moore's application. The house is a 3-bedroom home located in the Single-Family Two residential zoning district and meets the bedroom and parking requirements of the STR Ordinance. All STRs must register with the City and are limited to a total of 180 rental days per calendar year. No one tenant may rent for more than 30 consecutive days. If an STR rents for more than 30 days per year, they must also obtain an SUP from the City. She said that Mr. and Mrs. Moore lived within one mile of the residence in question but did not occupy it – this is allowed per the STR Ordinance. Commissioner Koontz added that the ordinance was available online if people wanted to read it. Chair Williams stated that though he doesn't like STRs, some cities have been sued for trying to prohibit them. The City's Ordinance attempts to permit STRs without negatively impacting surrounding neighborhoods.

An unidentified visitor asked for further clarification on the STR Ordinance. She wanted to know if STRs could only operate on weekends. CDD Smith responded that Mr. and Mrs. Moore, to Staff's knowledge, intended to only rent their property for weekend or long weekend stays. However, STR owners can rent for 30 days consecutively, though for no more than 180 days total within a calendar year. The same visitor asked if the STR would affect taxes. CDD Smith stated that STRs paid taxes. The visitor clarified that she wanted to know if the STR would affect her property taxes. CDD Smith stated that she was unsure. Some studies have shown that when the STRs take up entire blocks (such as in San Antonio or Galveston) it may affect taxes because blocks become more commercial in nature. However, this is a single STR and there is not another located nearby.

Ms. Shearer asked if the owners had to acquire insurance or meet additional requirements. Commissioner Koontz affirmed that the owners would have to meet fire code requirements. CDD Smith stated that the owners also had to obtain a Certificate of Occupancy in addition to the SUP.

Chair Williams closed the public hearing at 4:10 PM.

Item 5- Consider and make a recommendation to City Council regarding a request from Thomas and Paula Moore for a Special Use Permit to operate a Short Term Rental (STR) at their property located at 309 South Commerce (PID#11199). (STR7311314)

Commissioner McElreath moved to recommend approval of Thomas and Paula Moore's STR SUP at 309 South Commerce to the City Council. Commissioner Monden seconded. All present voted AYE, and the motion carried unanimously.

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Item 6 – Hold a public hearing to consider a request from Gainesville Economic Development Corporation on a proposed rezoning of the eastern portion of their 3.26 acres (formerly railroad property) from Brewer Lane to Mill Street from MF-1 (Multi-Family Low Density) to C-2 (General Commercial) and from Mill Street to Culberson Street from MF-1 to C1 (Restricted Commercial). (PID#139055) (ZDC3561229).

CDD Smith provided the background information about the rezone request. An aerial map of the area was displayed. CDD Smith showed how the GEDC property (the former railroad bed and right-of-way) is currently zoned. Rezoning the requested portions to C2 and C1 would allow the property to serve as a transitional zone between the General Commercial and Multi-family zoning districts it abuts. Should the P&Z recommend and City Council approve the GEDC request, then the First United Methodist Church (FUMC) could request to rezone its property to C1 and lease its vacant Church building to VISTO. VISTO, a philanthropic organization, wants to expand to serve more people but such a use would not be permitted in the current Multi-Family Low Density zoned neighborhood. Though the two rezoning requests were separate on the agenda, if the GEDC request was denied by City Council, the FUMC request could not be considered because of spot zoning laws. If the GEDC request was granted, then the FUMC property could be rezoned since it touches the GEDC property and would be considered immediately adjacent.

An unidentified guest stated that the FUMC property is not commercial. It is an empty Church, but now someone wants to use it. CDD Smith clarified that VISTO is the prospective tenant. She further explained that if for any reason VISTO did not choose to move forward after the property was rezoned, the only uses permitted in C-1 were neighborhood uses like cafes, small convenience stores, etc. – all of which would potentially serve the neighborhood well.

The guest asked what VISTO did as a philanthropic organization. Mr. Fleming of FUMC responded that VISTO, currently located on I-35, provides services such as food distribution, cooking classes, and financial counseling. The current location is difficult for clients to access. The proposed property would help VISTO reach more people. He emphasized, however, that the office was only open for limited hours during the week and did not serve very many clients at a single time. Traffic and other concerns related to a larger crowd like you might see at the food pantry would not come into play.

The guest stated that she lives on Star Street along with other single-family homeowners. She did not understand why the GEDC property behind her house was needed for VISTO to use the Church. Another guest pointed out to her that the properties on Star Street, including hers, are not zoned residential but are split between commercial and multi-family. CDD Smith explained that the City underwent a rezone in 2008. CDD Smith explained how legal, nonconforming property works. She also explained that Churches can open in any zoning district. However, VISTO is not a religious Church and, therefore, cannot be in a MF-1 zoning district. But, the Church property is too small to rezone unless adjacent to a compatible zoning.

Chair Williams opened the public hearing at 4:23 PM.

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Mary Griffin, a neighbor on Star Street, stated that she had moved to her house four years prior. She stated that she liked being able to sit in her backyard and look at the trees and listen to the birds. She expressed concerns that if the railroad property becomes commercially zoned, then buildings could be built that would affect the neighborhood such as apartments. CDD Smith stated that no plans were currently being proposed or discussed to develop the GEDC property. CDD Smith explained that under current zoning, any of the neighbors on the north side of Star and west of Brewer Lane could sell their house and build a commercial building. If a home in this area was to be vacant for six months, it would also lose its legal, nonconforming (grandfathered) status for residential use and revert to the commercial zoning. Ms. Griffin stated that many of her neighbors have been there for years since the homes were built and were unaware of the 2008 rezoning. Chair Williams stated that the rezone was based on growth. Every property owner in the City was notified. Ms. Griffin stated that she does not understand why the Church needs this rezoning. CDD Smith explained that the Church does not need the rezone to operate, but that VISTO needs the rezone in order to operate from the Church building. Mr. Fleming stated that FUMC wants to let VISTO use the property. The Church was given the property in August. The Church owns the property and could simply sell it. Ms. Griffin asked if they could decide to make money by building apartments instead, for instance. CDD Smith explained that apartments are not allowed in commercial zoning districts, so a rezone to C-1 would prevent apartments. However, right now the area is zoned multifamily, so apartments could be built without a rezone if FUMC chose to sell.

GEDC Director Arleene Loyd explained that the GEDC had purchased the old railroad bed in case TXDoT access was needed later on for development. She stated that there is not any access yet. Ms. Griffin stated that her house floods due to the railroad and the City does not do anything because it is too expensive to fix. Chair Williams responded that GEDC, not the City, owns the railroad. It was purchased after the MKT railroad was abandoned. The railroad was built up to prevent flooding, but the City does not own it. Chair Williams stated that the proposed use of the Church would enhance the property since the building would be occupied and maintained rather than vacant. Commissioner McElreath explained that the development of the railroad was done to keep the tracks from flooding. The developers of Ms. Griffin's neighborhood should have designed the drainage to deal with the issue when the area was developed. Mr. James Lewis, a home owner at 1213 Culberson, stated that he has lived in the neighborhood for 40 years. He stated that the area is a quiet community. He had seen the rezone letter but had not realized the area was now partially zoned for commercial and multi-family uses. He was concerned that the area would become commercialized. CDD Smith showed and explained the zoning map and what the designations mean for use. She re-explained the proposed rezoning.

CDD Smith indicated that the site would likely see no more than 8-10 cars per day. Mr. Fleming, the pastor at FUMC, stated that the hours would also be limited. Once the Church ceased to operate from this building, the property could have been sold for multifamily use. Instead, the Church wanted to do something to benefit the City. They have been working with VISTO for a year. If the rezone does not go through, the property will likely be sold.

An unidentified guest asked what kind of people VISTO helps. Mr. Fleming said he it mostly helps residents of Cooke County, but he was not sure. Ms. Griffen asked if it would be open on weekends. Mr. Fleming stated that it would not be open on weekends. Commissioner McElreath stated that VISTO has operated for years without problems.

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Ms. Linda Lewis, a homeowner, stated that she was familiar with VISTO through their work with Abigail's Arms. She said that they are open from 8am-12pm on weekdays. She stated that the location would open up service for more people and she understands the demand for that availability. She asked how this would affect her taxes and ability to build/add onto her home. CDD Smith explained that the current MF-1 zoning prevents Ms. Lewis from expanding her grandfathered property's footprint as a single-family home. Ms. Lewis was glad to hear that the zoning would prevent her ability to increase her family. All participants acknowledged the sentiment.

Chair Williams closed the public hearing closed at 4:47 PM.

Item 7 – Make a recommendation to City Council on a request from Gainesville Economic Development Corporation on a proposed rezoning of the eastern portion of their 3.26 acres (formerly railroad property) from Brewer Lane to Mill Street from MF-1 (Multi-Family Low Density) to C-2 (General Commercial) and from Mill Street to Culberson Street MF-1 to C1 (Restricted Commercial). (PID#139055) (ZDC3561229).

Commissioner Monden moved to recommend approval of the rezone. Commissioner Koontz seconded. All present voted AYE, and the motion carried unanimously.

Item 8 – Hold a public hearing to consider a request from First United Methodist Church of Gainesville on a proposed rezoning of .9606 acres from MF-1 (Multi-Family Low Density District) to C1 (Restricted Commercial District) located at 1305 North Culberson. (PID#6978) (ZDC0904294)

Chair Williams opened the public hearing at 4:48 PM.

No one spoke for or against.

Chair Williams closed the public hearing at 4:49 PM.

Item 9 – Make a recommendation to City Council on a request from First United Methodist Church of Gainesville on a proposed rezoning of .9606 acres from MF-1 (Multi-Family Low Density District) to C1 (Restricted Commercial District) located at 1305 North Culberson. (PID#6978) (ZDC0904294)

Commissioner McElreath moved to recommend approval. Commissioner Monden seconded. All present voted AYE, and the motion carried unanimously.

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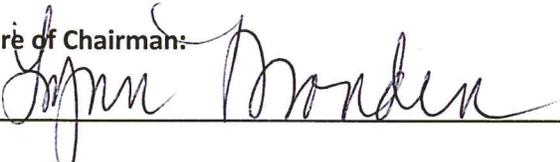
Commissioner McElreath mentioned that along MKT line on Mill Street there is a brass disk for surveying. She suggested that the disk be protected since it is the benchmark for elevation in FEMA surveying for floodplains. The disk provides a true reading and should be preserved.

Item 10- Adjourn

CDD Smith informed all guests that the City Council would meet the following Tuesday on the STR and that City Council would address the rezones at their January 15, 2019, meeting. Chair Williams explained that the P&Z Commissioners, appointed by City Council, provide recommendations to the City Council for zoning change requests. The elected officials would decide whether to approve or deny the requests. Chair Williams stated that they appreciated everyone's input.

Commissioner Koontz moved to adjourn. Commissioner Monden seconded. All present voted AYE, and the motion carried unanimously.

The meeting adjourned at 4:53 PM.

Signature of Chairman:  Date 2/26/19

Signature of Secretary:  Date 2/26/19